





**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	4 February 2009
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors:Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, K Norman, Smart, Steedman and C Theobald</p> <p>Co-opted Members: Mr J Small (CAG Representative) and Mr R Pennington (Brighton & Hove Federation of Disabled People)</p>
Contact:	<p>Penny Jennings Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk</p>

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AGENDA

173. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

174. MINUTES OF SPECIAL MEETING

1 - 20

Minutes of the Special meeting of the Committee held on 12 December 2008 (copy attached)

175. MINUTES OF THE PREVIOUS MEETING

21 - 44

Minutes of the meeting held on 14 January 2009 (copy attached).

176. CHAIRMAN'S COMMUNICATIONS

177. PETITIONS

No petitions had been received by the date of publication of the agenda.

178. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 28 January 2009)

No public questions received by date of publication.

PLANNING COMMITTEE

179. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 28 January 2009)

No deputations received by date of publication.

180. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

181. LETTERS FROM COUNCILLORS

No letters have been received.

182. NOTICES OF MOTION REFERRED FROM COUNCIL

No Notices of Motion have been referred.

183. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

184. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST DATED 4 FEBRUARY 2009

(copy circulated separately).

185. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

186. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

187. APPEAL DECISIONS

45 - 106

(copy attached).

188. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

**107 -
112**

(copy attached).

189. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

**113 -
116**

(copy attached).

Members are asked to note that officers will be available in the Council Chamber 30 minutes prior to the meeting if Members wish to consult the plans for any applications included in the Plans List.

PLANNING COMMITTEE

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065) or email penny.jennings@brighton-hove.gov.uk or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 27 January 2009

PLANNING COMMITTEE	Agenda Item 174 Brighton & Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 12 DECEMBER 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, Smart, Steedman and C Theobald

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

PART ONE

1. PROCEDURAL BUSINESS

1A. Declarations of Substitutes

1.1 Councillors Cobb and Simson attended as substitute Members for Councillors Barnett and K Norman respectively.

1B. Declarations of Interest

1.2 There were none.

1C. Exclusion of Press and Public

1.3 The Committee considered whether the press and public should be excluded from the meeting during consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present there would be disclosure to them of confidential or exempt information as defined in Section 100A(3) or 100(1) of the Local Government Act 1972.

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

2. CHAIRMAN'S COMMUNICATIONS

2.1 The Chairman explained that following a “soft” launch meetings of the Planning Committee were to be webcast live including that afternoon’s special meeting. Planning Committee meetings were to be filmed as part of a pilot project along with meetings of full Council, Cabinet and the Overview and Scrutiny Committee. The pilot project was set to run until June 2009. Members were reminded to speak directly into their microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and the Public Gallery above. The Chairman also explained that she fully understood that the application to be considered that afternoon was a controversial one and that a number of people present had contrasting views either in terms of opposition or support, however undue disruption of the meeting by any party present would not be tolerated. If such behaviour were to occur the meeting would be adjourned whilst the perpetrators were removed from the building.

2.2 The Clerk to the Committee explained that correspondence sent to those wishing to make representations at the meeting had included information to ensure that they were aware that the meeting was to be web-cast. Guidance had also been given relative to use of equipment available in the meeting room including operating instructions for the microphones.

3. TO RECEIVE ANY PETITIONS IN RESPECT OF PLANNING APPLICATION BH2007/03544, LAND AT BRIGHTON MARINA INCLUDING INNER HARBOUR AND ADJACENT SITES

3.1 Councillor Smith presented a petition in his capacity as one of the Local Ward Councillors. The petition was set out in the following terms:

“We the undersigned object in the strongest possible manner to the Explore Living Application for Brighton Marina (BH2007/03454) the development represents:

gross overdevelopment. It is alien and out of character. It is ugly. The Brighton Marina Act 1968 and height restriction must be observed. Has an unacceptable impact on Conservation Areas and Kemptown. There is an unacceptable loss of important strategic views and cliff views.

The development is not permeable. It is at too high a density. It is an unsustainable development. There is not enough open space, green space and public realm. The Marina is a unique natural environment, surrounded by sea, beach and cliffs, designated a site of special scientific interest. Development will harm the environment and ecology. The development does not respect the character or setting of the Marina site. The infrastructure is unable to cope. There would be an unacceptable loss of parking in the multi-storey car park.

There should be no more development in flood risk areas given rising sea levels and the increasing prevalence of violent storms. This is a missed opportunity for an imaginative and sensitive approach to development to further enhance the Brighton Marina.

We urge the Council to refuse the planning application (2,065 signatures)

3.2 **RESOLVED** - That the contents of the petition be received and noted.

4. **TO CONSIDER AND DETERMINE PLANNING APPLICATION BH2007/03454 LAND AT BRIGHTON MARINA INCLUDING INNER HARBOUR AND ADJACENT SITES (COPY ATTACHED).**
- 4.1 **Application BH2007/O3454, Land at Brighton Marina including inner harbour and adjacent sites-** Demolition of Asda superstore to create 3 – 10 storey building with enlarged store (3112sqm increase) and 2,025 sqm of other Class A1-A5 (retail/restaurant/drinking) uses on ground floor with 779 residential units above and community hall and new pedestrian/cyclist bridge link from cliff to roof of building and associated engineering works. Demolition of petrol filling station to create 28 storey building with 182sqm of Class A uses at ground floor and 148 residential units above. Demolition of McDonalds restaurant to create 5-16 storey building with enlarged drive-thru restaurant (285sqm increase) and 131sqm of other Class A uses and 222 residential units above. Demolition of the estates office to create 3-4 storey building of 35 residential units. The demolition of the western end of the multi storey car park to create 6-11 storey building adjacent to western breakwater of 117 residential units with stair access from the breakwater to Park Square. Demolition of part of the eastern end of multi-storey car park to create single storey petrol filling station, pedestrian footbridge and new lift and stair access. Total 1301 residential units associated car parking spaces (805 residential, 666 commercial), cycle parking (1907 residential, 314 in public realm), servicing, plant, refuse, CHP unit, public and private amenity space, hard and soft landscaping and outdoor recreation areas. Change of use of two A1 retail units (524sqm) within Octagon to medical use (Class D1). Alterations to vehicular, pedestrian and cyclist access and circulation, including new roundabout and transport interchange behind waterfront.
- 4.2 It was noted that the application had formed the subject of a site visit prior to the meeting.
- 4.3 The Assistant Director City Planner gave an introduction to the report setting out the context in which the proposal had been examined and outlining some of the key issues which had been addressed in detail.
- 4.4 The Assistant Director, City Planner also confirmed that the legal advice received in respect of the application had indicated very clearly that the planning process operated independently of the Brighton Marina Act and was not dependent upon that separate legislation. It was important to note that the proposal included buildings which would exceed the height of the cliffs. Accordingly, under the terms of the Brighton Marina Act 1968 if the Committee were minded to approve the application, it would be necessary for the Council to reach a decision on whether the Council acting corporately, would give consent for the scheme to proceed. It was noted that the comments of the legal adviser to the Committee were set out in Section 8 19 of the report.
- 4.5 The Assistant Director, City Planner emphasised that there was a robust planning framework in place to inform the Committee decision. He said that the applicant had responded positively to the challenges set by the Planning Advisory Note PAN04, notably around such aspects as the quality of the public realm and how it related to other parts of the Marina. In testing the infrastructure and many other aspects of the

scheme, the applicant had had to take the cumulative impact of other schemes into account as far as these were known as well as its overall viability. Advice had been sought from the District Valuer in this respect, who had helped inform an understanding of the financial aspects of the application which in turn, had helped inform conclusions on the proposed contributions and benefits to be secured as part of a legal agreement.

- 4.6 The Assistant Director, City Planner commented on a number of other issues such as environmental sustainability; provision of sports and recreation facilities; emergency access; infrastructure and housing. He recognised that the application presented a number of complex challenges and raised many legitimate issues and concerns. He commended the applicant's approach to communication and project management.
- 4.7 The Planning Projects Manager then gave a presentation setting out the policy framework within which the scheme needed to be considered. This included particular reference to the following policy documents and their relevance to Brighton Marina.
- 4.8 The Brighton & Hove Local Plan was part of the adopted development plan for the City. Policy SR5 included part of the Marina as a designated district centre. SPG20, Brighton Marina had been adopted as supplementary planning guidance in January 2003, covering the western commercial area of the marina (including the application site). This document focused on improving built environment and public realm and identified opportunities for new land uses and development including utilisation of underused space in the Merchants Quay (Village Square) area with new buildings, including the introduction of a bridge link from the clifftop; building a replacement Asda store on the site of the existing store and its car park, with housing provided above on a raised platform; improvement of the appearance of the leisure area, utilisation of underused space at the eastern and western ends with new buildings to provide views outwards to the marina and the sea as an important destination and landmark. This included proposals for Black Rock in accordance with the Black Rock SPG; opportunities for new development over the spending beach. In terms of the scale and density of new development, the SPG suggested a layout for future development including the demolition of one of the access ramps to improve both the appearance of the area and access through the site. SPG15 Tall Buildings, had been adopted as supplementary planning guidance in January 2004. This document had identified the Marina as a node suitable for taller development.
- 4.9 Brighton Marina Planning Advice Note (PAN04) had been prepared to take account of the Brunswick outer harbour planning permission; to address the issue of differing land ownership; to avoid the continued risk of incremental piecemeal development; and address the wider Marina area (not just the western commercial area as covered by SPG 20). The document collected together and explained existing planning guidance, policies and SPG's within the context of the marina. It was approved by the Environment Committee in March 2008. Further work was in progress to upgrade the document to a supplementary planning document (SPD). The emerging Local Development Framework had given rise to a preferred options paper which had been the subject of public consultation in the summer of 2008 and had included a preferred option (DA2) in respect of Brighton Marina, with an expectation that the area would yield 2,000 additional units (including the Brunswick permission) over the plan period. The Planning Projects Manager concluded his presentation by clarifying the relative status of the

above documents, with the Local Plan SPG's constituting "adopted" policy, and the PAN and LDF representing "emerging" policies.

- 4.10 The Planning Officer then gave a detailed presentation including a fly through presentation containing 48 slides containing impressions of the site when viewed from key strategic and other locations across the City from the vicinity and in longer views. Besides showing the site as it was currently these perspectives sought to include the proposed development and how it would appear within the context of the "Brunswick" scheme for which planning permission had already been granted.
- 4.11 It was considered that the development would deliver key Local Plan objectives within a phased scheme. The Environmental Statement submitted with the application was robust and complied with the Environmental Impact Assessment regulations. The development would accord with central government advice and Local Plan Policies and the adopted Supplementary Planning Guidance Note for the Marina SPGBH20 and Pan 04 Brighton Marina Master Plan (2008). Elevational treatments, heights and footprints of the buildings had been amended in order to address design concerns, to preserve the setting of views of strategic importance and to help the development relate satisfactorily to existing and the approved Brunswick outer harbour development. The development was considered to be of a good quality design, would use high quality materials and the proposal would generally have an acceptable visual impact on the character and appearance of the locality and views of strategic importance including the setting of Conservation Areas, Listed Buildings and gardens and the Sussex Downs Area of Outstanding Natural Beauty. It would incorporate satisfactory private amenity space to serve residents. It would meet the demand it created for infrastructure, including education, transport, health and community facilities and public art and; would enhance existing community recreation facilities in the Marina. It would not result in significant traffic generation or compromise highway safety. It would significantly enhance sustainable modes of transport and provide highway improvements and provide enhanced pedestrian cycle access. It would make effective and efficient use of land and would be sustainable; being energy efficient, generating renewable energy and incorporating sustainable building practices to a high standard. It would incorporate a public realm of high quality and would not create an adverse micro – climate. It would incorporate landmark architecture, including tall buildings. It would help regenerate the Marina and would provide jobs and training. It would meet a range of housing needs of people with disabilities and would enhance the role of the Marina as a district shopping centre and would not compromise the role of existing shopping centres in the city. The development would not harm sites of ecological importance and would enhance biodiversity and archaeology would not be adversely affected by the development. It would not have an adverse impact on the amenity of existing or present occupiers or compromise security for users of the development or the Marina. It would incorporate refuse and recycling storage. The development would not be at risk of flooding, provided the proposed sea wall upgrades were carried out. The submitted Environmental Statement was considered to be a self -contained document and was considered to be robust. All statutory consultations had been carried out in accordance with the appropriate regulations.
- 4.12 The Marina had been identified as a site which presented opportunities for development, enhancement and regeneration and would meet the key aims of the adopted Local Plan, PAN04 and the adopted Supplementary Planning Guidance Note for Brighton Marina

(SPGBH20), in that it would enhance the Marina environmentally, visually, functionally and commercially.

- 4.13 The proposals were generally considered to have an acceptable visual impact on the character and appearance of the locality and views of strategic importance and would address some of the fundamental deficiencies in the current Marina and would raise its profile. It was considered acceptable in terms of its sustainability and, would create jobs and training opportunities and would support the Marina's role as a District Shopping Centre. The scheme was welcomed by the South East England Development Agency and the Brighton & Hove Economic Partnership, whilst meeting regional planning objectives and Local Plan Policy. A significant increase in the city's housing stock would arise from the development with a commitment to a 40% affordable housing provision.
- 4.14 A package of measures would be secured via the Section 106 Agreement which the applicant would be required to enter into and satisfy, this would meet the demands generated by the development and would serve to mitigate against any potential adverse effects. Legal implications including the Brighton Marina Act were set out in the report and it had been concluded that planning permission should not be withheld on the basis of it.
- 4.15 It was therefore concluded that the proposed development would provide the much needed regeneration of the Marina whilst addressing the current problems with the site identified in the Brighton Marina Supplementary Planning guidance Note on Brighton Marina (SPGBH 20) and the Council's planning advice note PAN04, Brighton Marina Masterplan and within the report itself. The development both private and affordable would also provide a significant increase in housing for the city. The development was considered to be in broad accordance with the provisions of central government advice, policies in the Development Plan, SPG's and PAN 04 and would meet their key objectives. It was therefore recommended that, subject to the measures to be secured by the Section 106 legal agreement and the conditions and informatives detailed in the report that minded to grant planning permission be approved.
- 4.16 Following the Officers presentation Members had the opportunity to see clarification and to ask questions relative to the constituent elements of the scheme. These are set out below and include the responses given by the relevant officers.
- 4.17 Councillor Kennedy requested to see sectional views across the Cliff into and from the site pre and post development from the East and West.
- 4.18 Councillor Davey sought clarification relative to access to the site from Black Rock and details as to how it would integrate with the proposed rapid transport system. The Principal Transport Planning Manager explained that the first line of the proposed rapid transport system would use the knock through from Madeira Drive proposed by the applicants.
- 4.19 Councillor Steedman requested details regarding the breakdown of the various sizes of unit, 1/2/3 bedroom, types of tenure and their location within the proposed development. He also wished to know whether the smallest units whilst not meeting the Council's own recommended standards would comply with housing corporation standards. The Housing Development Manager confirmed that some of the units would be smaller than

the Council's or social housing recommended standards and that all would be located facing towards the cliff. Councillor Simson was shown visuals at her request indicating the location of the affordable units. The Housing Development Manager confirmed that in line with the Council's preferred mix the scheme would provide 40% (208) 1 bed, 50% (260) 2 bed and 10% (55) 3 bed units. Whilst it was accepted that the unit sizes met Housing Corporation minimum requirements a significant number (212) out of 520 i.e. (41%) did not meet the Council's internal space standards as set out in the Council's affordable housing brief; and while it was accepted that the affordable homes were all located on the cliff site they would be evenly distributed across the cliff site. Windows would be located at a distance of between 20 / 40m. from the cliff face. In answer to further questions relative to the mix of 1/2 bedroom units it was explained that these had been provided based on the levels of need indicated by the Council's own research.

- 4.20 Councillor Carden sought details regarding access arrangements for emergency service vehicles. The Development Control Manager explained that emergency service vehicles would obtain access under the flyover into the site; the applicant had worked closely with the emergency services none of whom had raised any objections. The precise arrangements put into place would need to meet building control regulations. Councillor Mrs Theobald sought confirmation as to whether or not a sprinkler system would be fitted and it was confirmed that it would.
- 4.21 Councillor Mrs Theobald also asked whether it was intended to extend the Volks Railway into the site. The Principal Transport Planning Officer explained that it was not, the Volks Railway was a slow moving form of transport and was considered to be primarily a tourist attraction.
- 4.22 Councillor Wells sought information regarding measures intended to be imposed in respect of the park and ride scheme and the location of visitor/short stay parking following loss of part of the existing multi storey car park. The Principal Transport Planning Officer Traffic Manager explained that commensurate with the new arrangements a new car park management plan would need to be approved by the Council and that this would be subject to periodic review. The manner in which car parking spaces would be allocated would also need to be approved by the Council. Councillor Mrs Theobald referred to parking provision for vehicles using the Casino. The Traffic Manager explained that it was intended that all existing parking rights would be respected in drawing up any new arrangements.
- 4.23 Councillor McCaffery referred to potential issues arising from the lack of natural daylight / ventilation to the kitchens and bathrooms of some of the units and it was explained that the applicant intended to revisit the internal layout of those units in order to provide mitigating measures. Councillor Davey referred to the limited amenity space which would be afforded to some units asking whether measures would also be undertaken in that respect. It was explained that in addition to providing as much private amenity space to individual flats as possible that communal areas had been woven into the scheme as well.
- 4.24 Mr Pennington, Brighton & Hove Federation of Disabled People wished to know how the sum of £70,000 requested towards a car club/shop mobility scheme would be split. The Principal Transport Planning Manager explained that the how this sum would be broken down would form the subject of further detailed negotiation. In answer to further

questions by Mr Pennington, it was noted that the recommendation included provision for a small increase in disabled parking to be required by condition. However, dialogue had taken place with the Council's Disabled Access Officer who was satisfied that the disabled parking proposed in the application for wheelchair accessible residential units was satisfactory. It was confirmed that SPG 4 parking standards did not differentiate wheelchair using and ambulant disabled parking requirement. It was noted that at least 52 (10%) of the affordable units would be built for wheelchair users and required to comply with the Council's wheelchair accessible standard.

- 4.25 In answer to questions of Councillor Cobb relative to allocation of Section 106 Agreement monies, the legal adviser explained that these were allocated in accordance with strict guidance approved by Central Government and were required to be set out in any agreed "Heads of Terms". This had to be tied in specifically to the development. In answer to questions about proposed junction improvements, the Principal Transport Planning Officer explained that these were mainly proposed on the public transport links from the application site into the city centre. He also confirmed that the detailed arrangements for the bus interchange formed the subject of negotiations between all relevant parties including the applicants and the bus company.
- 4.26 Councillor Wells sought confirmation regarding measures proposed to ensure the integrity of the cliffs as part of an area of AONB, bearing in mind that measures to underpin them had been required in the past. Councillor Wells also requested details to be taken to ensure run off of surface water and measures to ensure that on site drainage was able to cope with the additional waste water and sewage which would arise from an increase in the number dwellings and businesses proposed by the scheme. In response it was noted that English Nature had removed their objections and that Southern Water had raised no objections to the scheme.
- 4.27 Councillor Smart asked to see photographs of the sports areas which would be provided and details of the areas to be dedicated to different sporting activities. He was mindful that it was intended that the areas under the existing ramps be used for this purpose and that a greater head height would be required for sports such as basketball or football. The Development Manager, Sports and Leisure Projects explained that it was intended that facilities would be provided in order to carry out a range of urban sports. Activities requiring a higher ceiling height would take place in the area to the south where there was a greater head height and the site was more sheltered.
- 4.28 Councillor Smart enquired regarding the new shared access arrangements in respect of the Harbour Square. It was explained that this would operate similarly to the existing scheme in New Road, Brighton, a form which had also been used at locations in London and elsewhere across the country.
- 4.29 Councillor Steedman referred to the fact that although some of the units would be occupied by families there were no schools within the immediate vicinity. He enquired whether as children would need to travel some distance to school by public transport or otherwise placing pressure on the traffic infrastructure, this would be mitigated against as a result of a contribution being made for education. It was explained that the number of children who might occupy the units and their need for primary or secondary education was difficult to quantify and would not of itself constitute grounds to refuse planning permission.

- 4.30 Councillor Simson asked for clarification regarding the cost of the units and level of deposit required in respect of the affordable units where in addition to the mortgage a rental contribution would also be required towards the shared equity element. It was explained that in order to purchase one of the 1 bedroom with a 40% equity share an individual would need to have earnings of £18,000 and above. The salary levels required rose incrementally for the 2 bedroom units where a minimum salary range of between £22,000-£26,000 would be required. It was noted that at the present time the housing market was in a state of flux.
- 4.31 Councillor Smart referred to the fact that it was not proposed that the Octagon would be used as a doctor's surgery because it was too small and enquired regarding its alternative use as a healthy living centre, and as to the facilities which would be available there. It was explained that a series of health professionals would work from the building such as practice nurses, other health workers and nutritionists.

Representations by Objectors

- 4.32 Following the Officers' presentations representatives on behalf of those objecting to the scheme were permitted to speak for 30 minutes in total setting out the nature of their objections. The following individuals spoke on behalf of the various objectors groups.

Mr R Powell -For Marine Gate Action Group

Mr P Martin -Brighton Marina Residents Association

Mr P Phillips -Kempton Society

Mr B Simpson -Save Brighton

- 4.33 Members were afforded the opportunity to ask questions or to seek clarification of any matter from objectors, but no questions were asked.

Mr Powell – Marine Gate Action Group

- 4.34 Mr Powell stated that as an architect he had examined the current proposals in depth. He referred to the original Brunswick scheme which had been refused on the grounds that it had been excessive and had lacked permeability. The same criticisms could be made in respect of the Explore Living scheme which would represent a high rise high density estate which failed to respect or recognise the marine environment into which it would be placed or to recognise the importance of views of the cliff both from within the immediate vicinity and in longer strategic views. This increased number of dwellings would destroy the identity of the Marina as a place primarily for boats and leisure and would create a residential suburb to meet central government targets. Overall the buildings proposed as part of the scheme were unremarkable (the tower building) and poorly designed buildings which would be bulky and out of scale with the cliffs, many of the apartments would be north facing with restricted views of the cliffs. It was considered that the sea wall building would provide a poor relationship to the Kemp Town Conservation Area. The overall sustainability of the scheme was in objectors' view

questionable and the level and quality of amenity space was considered to be unacceptable.

- 4.35 It was considered that the cliff building would create a canyon along the under cliff. Not only did it lack permeability it formed a physical barrier to connections from the under cliff path to the core of the Marina. Location of all of the affordable housing within that element of the scheme ran counter to good planning practice of “pepper potting”. The standard of accommodation to be provided would be very poor and could lead to a ghettoisation of this part of the development. Overall the camera angles chosen in preparing the fly through visuals which accompanied the application indicated that the effect of the proposed development would be benign. They did not accurately reflect the scheme as it would appear from inside the Marina or in its immediate vicinity in his view close examination of the photographs revealed a tendency to gloss over the negative aspects of the development. Having examined the proposals in depth objectors were of the view that the scheme as presented failed to meet more than 20 requirements set out in the Local Plan. In his view for a scheme to be acceptable the height of the tallest blocks needed to be reduced and permeability through the site as a whole needed to be improved.

Mr Martin - Marina Residents Association

- 4.36 Mr Martin spoke on behalf of the Marina Residents Association stating that it was considered that the current proposals represented a missed opportunity. It was recognised that the Marina was in need of redevelopment and development which would enhance the Marina would be welcomed. The scheme threatened to repeat the high rise housing disasters of the 1960's and 1970's by turning the Marina into a sprawling housing estate when primarily it should be retained as a Marina with moorings for boats. This scheme was completely out of keeping and represented over development pure and simple. Concerns had been expressed by the lifeboat service relative to their access arrangements in the event of an emergency and those concerns remained.
- 4.37 The affordable housing was considered to be too small and it was considered that key workers in the City deserved better accommodation than was offered up by this scheme. Over 100 apartments faced north directly onto the cliff face, that area of the scheme could easily become ghettoised and stigmatised. 40 % of the units had a floor area below that recommended in the Council's own guidance, a further 20 % would never receive direct sunlight. These apartments would have a restricted view of the lower part of the cliff face with bathrooms and kitchens which had no daylight and required mechanical ventilation. Many living and dining rooms would have limited views of the sky. It was difficult to see how these could be rated highly in terms of sustainability. The Square-about and bus interchange arrangements proposed would be hazardous, give rise to increased congestion, noise and pollution and would destroy the café culture they were designed to support. The children's play area and other recreation facilities would be placed in dark and sunless areas of the site and would be largely unusable. Overall the scheme represented a failed concept.

Mr Phillips - Kempton Society

- 4.38 Mr Phillips stated that notwithstanding that the application was thorough it had failed on many levels to meet the high standards required. In his view the scheme contravened the Council's own guidance on tall buildings, the objections raised by local residents and conservation groups had been ignored and consultation had only taken place with "fringe" groups until such time as the scheme was well advanced. Sufficient account had not been taken of the effect of the proposals on the setting of the conservation area or of the fact that views through the site to the beach, from the beach towards the cliff and along the cliff from strategic locations should also be conserved. Important views would be blighted or lost altogether should the scheme proceed, and would result in mass obstruction, which was unacceptable.
- 4.39 Setting planning guidelines in respect of the site was insufficient and development of the site should be subject to an SPD rather than a PAN which carried less weight and could impact deleteriously on other development. For instance one of the proposed amenity spaces would restrict access to Black Rock. The western breakwater would become an area crammed with buildings.

Mr Simpson - Save Brighton

- 4.40 Mr Simpson Stated that the scheme in his view sought profit in everything and the value of nothing and would be grotesque. He referred to the views provided by the applicant stating that they were misleading and did not reflect views as they would actually appear to the naked eye or to the sense of enclosure which would result from the proposals. Referring to the northernmost block at the site he reiterated the comments made by earlier speakers that most of this building would be in permanent shadow. Elements of the scheme such as the tower had been manipulated to fit into the scheme and would not sit within the development in the same way that they appeared in the photographs. Importantly existing views through the site from the rear of the site to the beach and sea and back towards the cliff would be obscured or lost. A huge number of letters and e-mails had been sent in setting out detailed objections and it was not considered that the officers' report accurately reflected them in their totality. Any scheme approved for this site would be a legacy for the city for years to come and would impact on its future. Plans for this monstrous and mediocre housing estate should be resisted. The primary function of the Marina and its relationship with the beach, sea and cliffs should be protected.

Submissions on Behalf of the Applicant/Agent

- 4.41 Following submissions by those speaking on behalf of the objectors a further 30 minute period was allowed for those speaking on behalf of the applicant/agent or in support of the scheme:

Rt. Hon John Gummer MP

Mr B Allies / Mr J Dennis - Allies and Morrison

Mr B Stern - Owner of a boat moored at the Marina

Ms K Hogben - Nurse at Royal Sussex Hospital

Mr B Betts - Brighton Marina Car Wash Operator

- 4.42 Members had the opportunity to ask questions or to seek further information from those representing the applicant and where this was the case this is referred to in respect of the relevant individual(s).

Rt. Hon John Gummer MP

- 4.43 The Rt. Hon John Gummer MP spoke explaining that he knew Brighton well having had family ties with the City over a number of years. The scheme was ambitious and he accepted that courage and forward thinking were required in agreeing it. However, courage and foresight had been required too when structures which now formed other landmarks in the city had been erected. This had been the case with the Royal Pavilion and with the original Marina scheme. The comments of the District Valuer were key and flagged up the potential benefits for the city if the scheme were to go ahead. The backdrop to the scheme was that undoubtedly the country was heading into a period of high unemployment. Regeneration which could accrue for the scheme besides providing much needed housing could serve to revitalise the city and act as a catalyst to bring in additional funds at a time when this was sorely needed. The scheme was brave and bold with plans produced by world renowned architectural practice. The scheme was highly sustainable and would achieve a high BREAM rating and would use an innovative combined heat and power (CHP) system.
- 4.44 The applicants had worked with the city planners for over two years in order to seek to overcome objections from a number of interest groups and to develop a comprehensive scheme.
- 4.45 Councillor Mrs Theobald enquired regarding the rationale for the mix of one and two bedroom units within the development. The honourable Mr Gummer explained that the mix of units within the development had been based on the Council's own needs analysis which had been Market Assessment (2008).
- 4.46 In answer to questions of Councillors Davey and Steedman and Mr Small (CAG) regarding measures to combat climate change and to address potential future dangers of potential flooding the honourable Mr Gummer responded that these matters had been addressed to the satisfaction of the Environment Agency who had withdrawn their objections. The CHP system proposed was highly sustainable and would provide heat and power within the scheme at an optimum level.

Mr B Allies-Allies and Morrison

- 4.47 Mr Allies stated that on first visiting the site he had been struck by the level of impoverishment of the public domain and had been struck by the potential offered by the site developer had taken the PAN04 document as their departure point and had sought to use that as the basis for a complex and wide ranging scheme. They had sought to look at the site holistically in seeking to provide much needed additional housing and the infrastructure and facilities needed to support it whilst also seeking to increase the attractiveness of the Marina as a destination location in its own right. Works had been phased in order not to compromise existing uses. For instance the existing Asda supermarket would be retained until its replacement had been built. Additional

recreation areas had been created in currently underutilised areas and the access arrangements to the site had been significantly improved. The scale of the site overall would be lower than that of the Brunswick scheme which had already received planning approval. The scheme had been designed in order to offer a sustainable and healthy future for the Marina.

- 4.48 Councillor Simson referred to the lack of amenity space and natural daylight to some of the affordable units and enquired whether the applicant was intending to implement measures to mitigate against this. Mr Allies stated that this was the case in respect of 6 of the units and that it was intended to redesign their internal layout in order to address these issues. It would also be possible to remove some of balconies but that would further reduce the available amenity space.
- 4.49 Councillor Mrs Theobald queried why solar power/photovoltaic units and wind turbines had not been included in order to improve sustainability of the development and in respect of the levels of car parking charges following removal of the existing free car parking arrangement.
- 4.50 In response it was explained that whilst sustainability issues could be revisited or controlled via the Section 106 Agreement, this had been assessed carefully and it had been considered that in order to be effective wind turbines and solar powered units would need to be of such dimensions that they would be considered visually intrusive. The applicant had sought to reach a balance. Mr Dennis and Mr Markides explained on behalf of the applicants that the levels of car parking provided did reflect current usage. It was not considered that there would be an under provision. Issues relating to levels of charges for those visiting residents had yet to be determined as part of the Section 106 agreement and that this could be form the subject of further detailed negotiation. It was anticipated that residents would be provided with an agreed number of "guest" tokens (10) and that this number could be reviewed subsequently in the light of operational experience and need. The Principal Transport Planning Officer explained that parking arrangements would form the subject of a Car Park Management Plan to be agreed with the Council which would thereafter be subject to periodic review. Mr Dennis and Mr Markides confirmed that a similar approach would be adopted relative to shoppers visiting the new Asda supermarket. It was not intended that they would need to pay to park. The applicant was confident that the required level of flexibility could be built into any on site parking scheme, whilst seeking to stop some of the current misuse for long stay free parking by those not visiting or living at the Marina.
- 4.51 Councillor Davey enquired regarding measures to safeguard security of residents. It was explained that the development had been designed with that aspect in mind and that the scheme would also fall within the remit of the Marina's facilities management.
- 4.52 In answer to questions by Councillors Davey, Kennedy, Steedman and Mr Small (CAG) regarding the rectilinear design of the scheme, proposed materials to be used and how these might be viewed in juxtaposition to the "Brunswick" scheme in those areas where it would be adjacent to the applicants scheme; Mr Allies explained that a subtle approach would be adopted to provide texture and layering to the external surfaces of the buildings which whilst different to the surrounding buildings was not considered to be at variance with them.

- 4.53 In answer to further questions relative to the concerns raised by CABE and the fact that to date these had not been overcome Mr Allies stated that these related to the complexity of the scheme and the fact that the applicant had been unable to address all issues raised relative to the harbour square to their full satisfaction at the present time.
- 4.54 Councillor Smart queried how the figure of a potential income coming into the Marina of £1m per week had been arrived at. He also sought clarification regarding access of those living in the development to medical practices and to local schools. It was explained that this figure had been arrived at based over a 7-year period based on the figures provided independently by the District Valuer. At the present time the Health Authority did not appear to have plans to provide a large group practice at the Marina, although a drop-in facility was proposed at the Octagon. Issues relative to education had been addressed within the report as had provision of the level of recreation/play space included in the scheme.
- 4.55 Councillor McCaffery enquired regarding employment and training opportunities which would accrue from the scheme and it was explained that there was a strong commitment to provide as many apprenticeships as possible and that to that end approaches would be made to City College. Employment opportunities would arise during construction of the scheme and as a result of the new businesses which would be created as an integral part of it. In answer to questions regarding materials and finishes to be used to the walkways it was explained that it was proposed that the walkways would be constructed of grey painted concrete with a metal curtain wall.

Mr B Stern

- 4.56 Mr Stern an existing berth holder at the Marina spoke in support of the scheme. He stated that when created the original Brent Walker development had been innovative and exciting. However, that concept had never been fully realised and the Marina as currently presented did not live up to its image and, indeed was somewhat second rate. The proposals would serve to enhance it for everyone and would make it more attractive to and for visiting yachtsman or those mooring their craft there as well as for residents and visitors. The scheme presented an opportunity to improve the Marina itself and to bring positive benefits for the City as a whole.

Mr S Betts

- 4.57 Mr Betts spoke in support of the scheme from his perspective as the owner of a business currently operating from the Marina. He was proprietor of the hand car wash which had been operating from the Marina for 10 years. The Marina was potentially a beautiful place but could be improved and needed to be improved. Currently it was dated and uninviting and did not live up to visitors expectations. It was in desperate need of regeneration. Parts of the Marina were extremely run down which made it very hard for businesses to survive. That was likely to become increasingly the case with the current economic downturn. The site needed to be cleaner, brighter, safer and more resident /visitor friendly in order to encourage greater footfall.

Ms K Hogben

- 4.58 Ms Hogben spoke as a nurse employed at the Royal Sussex County Hospital. She stated that as a key worker she on a modest salary she was currently unable to purchase property of her own anywhere in the City and was living in shared accommodation which necessitated a daily commute by car to her place of work which lengthened her working day and meant that she also contributed to traffic congestion and pollution in the city. The affordable accommodation proposed as part of the scheme would help to address a chronic shortage of such housing in the City. It was difficult for key workers such as herself to secure accommodation and such issues did have an impact on recruitment and retention of staff. Whilst she would like to settle in the city, the absence of affordable accommodation would be an issue which would determine whether ultimately she continued to live and work there.
- 4.59 Councillor Simson queried whether based on the information given Ms Hogben or others receiving a similar income would be in a financial position to buy into the part rent/part buy equity arrangement required. Councillor Cobb was also sceptical in this regard notwithstanding that Ms Hogben and Mrs Dennis gave assurances with regard to this matter.

Presentation by Ward Councillors - Councillor Smith

- 4.60 Councillor Smith spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. He had received numerous objections from local residents and was in agreement with them that the scheme represented an unacceptable form of overdevelopment which should be refused. He fully concurred with the comments made by those speaking as objectors to the proposal.

Discussion, Decision and Debate

- 4.61 The Development Control Manager clarified that the objections lodged by the RNLI had been withdrawn subsequently, this had been referred to in "Late List."
- 4.62 The Housing Development Manager confirmed that the outcome of that the Housing Needs Survey 2005 and Strategic Housing Market Assessment 2008 had identified a shortfall of around 1,200 affordable homes per annum; 62% of households on the Council's Housing Register needed 1 or 2 bedroom properties so were highest numerically but there was also a very significant pressure on larger family homes and this was being addressed across the City. The proposals in respect of this development, 10% 3 bedroom considered commensurate with the site location.
- 4.63 Councillor Wells stated that he had a number of concerns relative to the proposed development. He had concerns regarding the pressures that would be placed upon the local infrastructure relative to educational provision and also increased demands for water usage and in terms of increased sewage output. He considered that the location of the affordable element within the scheme which would face into the blank wall of the cliff was not acceptable as it would provide a very poor level of amenity for those occupying those units. The fact that a number of the units would fall below the Council's own recommended floor area was unacceptable to him and represented town cramming. There was a need for homes with gardens rather than an over proliferation of small flats.

- 4.64 Councillor Mrs Theobald stated that although a great deal of work had clearly been undertaken in preparing the scheme and notwithstanding that improvements would be effected to the entrance to the Marina she considered that the scheme overall was unacceptable by virtue of its excessive height bulk and density. It represented overdevelopment of the site.
- 4.65 Councillor Mrs Theobald went on to state that she did not consider the height of part of the development, two storeys above the height of the cliff at some points to be acceptable, nor was the lack of 3 bedroom units across the development as a whole. The scheme was characterised by too many small one bedroom units. She was also of the view that the level of amenity space proposed was insufficient for the number of units proposed. A greater level of integration with and funding of improvements to the Volks Railway would have been desirable. A reduction to the existing levels of free parking was also not acceptable. The easy availability at present of free on site parking was one of the considerations which attracted visitors to the Marina. She felt that sufficient weight had not been given to the concerns of objectors to the scheme.
- 4.66 Councillor Steedman stated that the decision in respect of this application was the most important he had been charged with making since being appointed to the Committee. The scheme would if approved effect improvements to the existing public realm whilst providing a significant level of social housing which was desperately needed in the City. The existing multi-storey car park was grim and desolate and the existing Asda building was an ugly pastiche. The elements of the scheme in terms of transport infrastructure and encouragement of sustainable transport coupled with cycling/walking represented a forward looking approach as did those for combined heat and power (CHP). Notwithstanding this there were a number of negative aspects too. Impact of the proposed scheme on views along the cliffs was important and formed part of the City's visual heritage which went beyond the immediate vicinity of the site. The relationship between the land and the sea was very important and could be severely compromised; this could take away the "draw" currently provided by the boats in the Marina itself and their visibility from the cliff top. The size of flats within the development overall was very small, a number fell below the size recommended by the Council. The level of open space on site was small for the number of units proposed and the facilities provided at East Brighton Park were not immediate to the site and could not be accessed other than by crossing the A259, a very busy main road. He did not consider that these issues had been adequately addressed nor had assessments relative to potential flood risk. For these reasons he felt unable to support the scheme.
- 4.67 Councillor Kennedy thanked officers for their comprehensive report and welcomed the positive approach adopted by the developers a positive contribution would be provided by some elements of the scheme. She drew the analogy that the scheme was like the curate's egg "good in parts". She had major concerns however, regarding the quality of the design which was severe and rectilinear and would sit at variance with the curved structures which formed part of the existing development and the earlier Brunswick Development for which permission had already been granted. In addition she considered that the number of units particularly the "affordable" element of the scheme represented gross overdevelopment. It was unacceptable that the only aspect from these units would be directly into the cliff face. The development was too big and too close to the cliff and views between the sea and the cliff would be lost. Once built any scheme would be there for a long time, the site presented the opportunity for innovative

redevelopment, this scheme however was of little architectural merit .If the scheme were to be refused she hoped that the developer would take on board the issues raised and come back with a much improved scheme.

- 4.68 Councillor Simson was in agreement that the Marina was in need of regeneration with a suitable form of development however in her view this was not it. The scheme as presented was too bulky and she remained to be convinced that the percentage of market and affordable housing within the scheme was appropriate and would satisfy an identified need. She had grave concerns regarding the “affordability” of the non–market element of the scheme for the key workers at whom it was aimed bearing in mind that rental payments would also be required in addition to any mortgage arrangement entered into. She concurred with other Members that the number of 2/3 bedroom units were too few and that the site would be dominated by very small one bedroom units. She had concerns regarding how the square-about element of the scheme would work in practice. The scheme would be too dense and its impact on the surrounding area would be overwhelming and detrimental.
- 4.68 Councillor Hamilton referred to the letter received from Des Turner MP requesting the views of all objectors be fully taken account of by the Planning Committee in reaching their decision. In his view some of the points raised and discussions which had taken place were not germane to determining the planning application. H was in agreement that the Marina operated separately from the powers vested with the Planning Committee. It was appropriate for the Committee to consider and determine the application before them that day. Whilst some of the objectors stated on the one hand that the Marina should be an area where boats were moored, by virtue of the fact that there was a residents association they appeared to be indicating that although they did not consider that anyone else should. The area had been clearly identified within the Council’s own policies as one which would benefit from high density re-development It was recognised that businesses at the Marina were struggling to survive, this was increasingly likely to be the case given the current economic down turn and had been borne out by the comments of one of the speakers. Increased numbers of inhabitants and the additional facilities could provide the level of regeneration needed and improved shopping and other facilities would be likely to follow in its wake as well as providing much needed housing .Given the acknowledged need for more housing and for regeneration of key areas of the City , a “refusal” coupled with other recent refusals would send a negative message to developers which would do little to encourage them to come forward with the schemes which were so desperately needed .Whilst acknowledging that the scheme was not perfect he was of the view that any remaining issues could be resolved by imposition of the conditions proposed as part of the Section 106 Agreement. On balance he considered the scheme to be acceptable and would be voting in support.
- 4.70 Councillor Carden echoed the views expressed by Councillor Hamilton referring to the dearth of affordable housing available for young people and key workers. There were also a number of people across the City living in 3 bedroom family houses (in Mile Oak to his certain knowledge), who could relocate to smaller units of the type indicated which would in its turn free up larger family accommodation. He referred to the fact that a several major applications comprising mixed schemes of affordable and family housing had been refused in recent weeks, accommodation which was desperately needed. The young people and young families of Brighton and Hove had been badly let down.

- 4.71 Mr Small (CAG) referred to the earlier comments of the Assistant Director City Planner that virtually all objections raised had been overcome or addressed. He stated that those raised by CAG were significant and had not been overcome as were those put forward by CAG who remained of the view that the scheme was unacceptable. CAG felt that no proactive assessment had been taken in evaluating the capacity of the Marina, the current proposal took away the rationale of a marina for boats. The real "draw" for the site was as a marina for boats. Whilst the visuals provided had been beautifully crafted, they did not in his view reflect the reality of the situation should the development proceed, namely that from the rear of the site neither the boats moored at the Marina, nor the sea itself would be visible.
- 4.72 Councillor Davey stated that he had also experienced difficulty in determining scheme. He recognised the need to provide affordable housing and that from the developers perspective a critical mass was needed in order for the scheme to be viable. The scheme had much to offer in terms of sustainability but he remained concerned regarding its density and scale and had been shocked by the proposed height of buildings adjacent to the cliff.
- 4.73 Councillor Cobb stated that in her view the scheme which was very high and dense was also out dated in its concept. A number of blocks from the 1960's and 1970's had been demolished across the country because high density living was not popular in the United Kingdom. She had been actively involved with a housing exchange scheme, it had been demonstrated that those seeking such moves required lower rise less densely packed accommodation.
- 4.74 Councillor McCaffery stated that whilst she had concerns in respect of some elements of the scheme she considered that these were not insurmountable, the scheme would address an identified housing need and could be controlled by conditions imposed as part of the Section 106.
- 4.75 Mr Pennington (Brighton & Hove Federation of Disabled People) stated that no negative comments had been received relative to disabled access across the site and to the proposed units. Therefore if the scheme were to be refused he hoped that the same consultants would be retained by the applicant for any subsequent scheme.
- 4.76 Councillor Smart stated that he knew the site well and had been familiar with it prior to the original scheme being built. He considered that the current scheme as presented was of a poor design. He also considered that the cascading street scene would present a steep incline when walking back through the site. The level of bus /coach parking proposed was inadequate and he remained to be convinced that the shared cycle/pedestrian/vehicular access proposed by the square about would not be hazardous. He did not feel able to support the current scheme and would therefore be voting against it.
- 4.77 A vote was taken and on a vote of 9 to 3 planning permission was refused in the terms set out below:
- 4.78 **RESOLVED** -That having considered the application before them the Committee refuses planning permission for the following reasons:

1. The proposed development ,by reason of siting layout and height would be overly dominant within the Marina and would fail to preserve the setting and views of strategic importance, in particular views into and out of the Kemp Town Conservation Area, the Sussex Downs Area of Outstanding Natural Beauty and the Cliff which is a Site of Special Scientific Interest. The proposal would therefore fail to comply with policies QD1, QD2, QD3, QD4, HE3, HE6, HE11, and NC8 of the Brighton and Hove Local Plan and policies S1, S6, EN1, EN2, EN3 and EN26 of the East Sussex and Brighton and Hove Structure Plan.
2. The proposed development would cause material nuisance and loss of amenity to residents living opposite and within the Marina and in addition, by reason of north facing views and overshadowing the proposed development would cause loss of amenity to occupiers of the residential units in the Cliff Building. The proposal would therefore be contrary to the requirements of policy QD27 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that the proposed scheme reflects and responds to the current housing need in the City. In particular through the provision of the appropriate housing mix and unit size. The proposal is therefore contrary to policy HO3 of the Brighton and Hove Local Plan.
4. The application has failed to demonstrate that the proposed high density of development would be appropriate for the location. The proposal would therefore be contrary to the objectives of policy HO4 of the Brighton & Hove Local Plan.
5. The applicant has failed to demonstrate that the proposed development would result in a scheme with an inadequate provision of outdoor amenity and recreational space. The proposal is therefore contrary to the requirements of policy HO6 of the Brighton and Hove Local Plan.
6. The applicant has failed to demonstrate that educational facilities would be provided to meet the needs of the residents of the proposed development. The proposal would therefore be contrary to the objectives of policy HO21 of the Brighton and Hove Local Plan.
7. The proposed development would be in a High Probability Flood Zone as defined in PPS25:Development and Flood Risk and does not pass the Exception Test as set out therein.

[Note 1: A vote was taken and on a vote of 9 to 3 planning permission was refused in the terms set out above]

[Note 2: Councillor Wells proposed that planning permission be refused. This was seconded by Councillor Cobb. A recorded vote was then taken Councillors Cobb, Davey, Hyde (Chairman), Kennedy, Simson, Smart, Steedman, Mrs Theobald and Wells voted that planning permission be refused. Councillors Carden, Hamilton and McCaffery voted that planning

permission should be granted subject to the terms of the proposed Section 106 Agreement. Therefore on a vote of 9 to 3 planning permission was refused].

5. SITE VISITS

signed

Chair

Dated this

day of

PLANNING COMMITTEE

Agenda Item 175
Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 14 JANUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, Mrs A Norman, K Norman, Smart and Steedman

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

PART ONE

156. PROCEDURAL BUSINESS

156a Declarations of Substitutes

156.1 Councillor Mrs A Norman attended as a substitute Member for Councillor Mrs C Theobald.

156b Declarations of Interest

156.2 Councillor Kennedy declared a personal but not prejudicial interest in application BH2008/03297, 107 Southover Street as she lived on the same street. She confirmed that she had not predetermined the application and would therefore take part in the discussion and voting.

156.3 Councillor Steedman declared that he had received a copy of a letter from the applicant of application BH2008/03015, Maycroft and Parkside, London Road and 2-8 Carden Avenue which had been sent to an MEP. He confirmed that he had not responded to this letter and had not predetermined the application and would therefore take part in the discussion and voting.

156.4 Councillor Davey declared that he had received a copy of a letter from the applicant of application BH2008/03015, Maycroft and Parkside, London Road and 2-8 Carden

Avenue which had been sent to an MEP. He confirmed that he had not responded to this letter and had not predetermined the application and would therefore take part in the discussion and voting.

- 156.5 Councillor Kennedy declared that she had received a copy of a letter from the applicant of application BH2008/03015, Maycroft and Parkside, London Road and 2-8 Carden Avenue which had been sent to an MEP. She confirmed that she had not responded to this letter and had not predetermined the application and would therefore take part in the discussion and voting.
- 156.6 Councillor K Norman declared that he was the Cabinet Member for Adult Social Care & Health but confirmed that he had not predetermined the application for BH2008/03015, Maycroft and Parkside, London Road and 2-8 Carden Avenue and would therefore take part in the debate and voting.
- 156.7 Councillor Mrs A Norman declared that she sat on the South Downs Joint Committee, which had recently examined the application for BH2008/02499, 27 Roedean Crescent She confirmed that she had not predetermined the application and would therefore take part in the debate and voting.

156c Exclusion of the Press and Public

- 156.8 The Committee considered whether the press and public should be excluded from the meeting during consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present there would be disclosure to them of confidential or exempt information as defined in Section 100A (3) or 100 (1) of the Local Government Act 1972.
- 156.9 **RESOLVED** – that the press and public be not excluded from the meeting during consideration of any items on the agenda.

157. MINUTES OF THE PREVIOUS MEETING

- 157.1 Minute 150.11 – He considered that it was ill conceived and that the existing frontage *and some existing buildings* should be maintained.

Minute 150.13 – It is [delete not] considered that the development by virtue of its siting...of the West Hill Conservation Area.

Minute 150.30 – In his view [delete sedum roofs of] downland grass would be appropriate to the buildings surroundings.

RESOLVED – that the minutes of the previous meeting held on 3 December 2008 be approved and signed by the Chairman with the above amendments.

158. MINUTES OF SPECIAL MEETING

158.1 It was explained by the Senior Democratic Services Officer that the minutes for the Special Meeting held on 12 December 2008 were currently out for review and the Committee could expect to receive them at the next ordinary meeting on 4 February 2009.

159. CHAIRMAN'S COMMUNICATIONS

Web-casting of Planning Committee Meetings

159.1 The Chairman explained that afternoon's meeting of the Planning Committee was to be web-cast as part of a pilot study which would run until June 2009. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and the Public Gallery above.

159.2 The Senior Democratic Services Officer explained that correspondence sent to those wishing to make representations at meetings included information to ensure that they were aware that meetings were to be web-cast and guidance was given relative to use of equipment available in the meeting room including operating instructions for the microphones.

160. PETITIONS

160.1 The Senior Democratic Services Officer referred to a petition relative to Starbucks Coffee House in St James Street, Brighton, which had been received. Currently the premises was the subject of an appeal to the Planning Inspectorate and enforcement action was also being considered. This petition would be referred to the Planning Committee when this matter was resolved.

161. PUBLIC QUESTIONS

161.1 There were none.

162. DEPUTATIONS

162.1 There were none.

163. WRITTEN QUESTIONS FROM COUNCILLORS

163.1 There were none.

164. LETTERS FROM COUNCILLORS

164.1 There were none.

165. NOTICES OF MOTION REFERRED FROM COUNCIL

165.1 There were none.

166. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

166.1 **RESOLVED** – that the following site visits be undertaken by the Committee prior to determination:

*BH2008/02732, Falmer Community Stadium
Development Control Manager

*BH2008/02303, Elmhurst, Warren Road
Development Control Manager

*BH2007/04452, BH2008/04446, 7 Brunswick Street, Hove
Development Control Manager

BH2008/02761, 49 Hill Drive, Hove
Councillor Mrs A Norman

BH2008/02499, 27 Roedean Crescent, Brighton
Councillor Hyde (Chairman)

BH2008/02531, The Meadows, 18 Roedean Way, Brighton
Councillor Hyde (Chairman)

BH2008/02641, Balfour Junior School, Balfour Road, Brighton
Councillor McCaffrey

*Anticipated as applications to be determined at the next scheduled meeting of the Committee.

167. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST DATED 14 JANUARY 2009

(i) TREES

167.1 There were none.

(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY: 14 JANUARY 2009

167.2 **Application BH2008/03248, 18 Wellington Road, Brighton** – Part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 26 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities.

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

167.4 The Area Planning Manager (East) gave a detailed presentation setting out the details of the scheme including elements of the design and issues surrounding the

contents of the Section 106 Agreement. It was highlighted that policy HO20 of the Brighton & Hove Local Plan was relevant in this instance, and if not included in the Section 106 Agreement, other relevant policies would then apply to the application site, which would have implications for the Officer's recommendation. It was noted that the Legal Agreement needed to be completed before 29 January 2009 in order for the application to proceed. It was recommended that relevant proposed conditions were deleted or amended following the completion of a satisfactory Bats and Swifts survey.

- 167.5 Councillor Kennedy asked where the green wall planting referred to in proposed condition 29 was situated and the Area Planning Manager (East) stated that the wall would form part of the back boundary and was proposed for screening purposes.
- 167.6 Councillor K Norman asked whether the application was predominantly for people with learning, mental or physical disabilities and the Area Planning Manager (East) confirmed that the Planning Statement said that the application was for learning and/or physical disabilities and a mix was intended.
- 167.7 Mr Pennington, Brighton & Hove Federation of Disabled People, asked whether the lack of storage space referred to in the report by the Access Officer had been dealt with. The Area Planning Manager (East) stated that the department was still seeking to resolve this issue and some others that would form part of the amended plans that had been requested.
- 167.8 Councillor Smart asked for confirmation of staffing numbers and when they would be available. The Area Planning Manager (East) confirmed that there would be four to six Full Time Equivalent members of staff and 24 hour cover would be provided. A room was provided within the design for the use of at least one member of staff when working over the night-time period.
- 167.9 Mr Barling spoke on behalf of the applicant and stated that this was an excellent scheme worthy of merit. He noted that there had been full and complete discussions with the Council and the applicant had worked hard to incorporate all of the requirements the Authority had asked for. Mr Barling went on to highlight a potential problem with securing a mortgage for the scheme due to the restrictive nature of the Section 106 Agreement. He noted that these legal agreements could not be varied for a period of five years and as such a bank might find this an unacceptable risk when considering a loan.

Mr Barling did not want the scheme to fail to secure funding merely because of legal terminology within the Section 106 Agreement. As such he requested that the Committee agree to alter a paragraph within the agreement to allow for greater flexibility in terms of negotiating a variation to the Section 106 Agreement.

- 167.10 Councillor Wells queried how the proposed paragraph should be altered. Mr Barling handed out copies of a draft Section 106 Agreement that he had drawn up to demonstrate the type of wording he would like to see included.

- 167.11 Councillor Kennedy asked Mr Barling if he was asking for the Legal Agreement to be redrafted to allow for a variation of use to be requested before the five year moratorium, which legally bound such agreements, expired. Mr Barling confirmed this. Councillor Kennedy stated that if a variation of use was allowed on this site, at any time, it would then be subject to planning policies that applied to development in this area, which would make it likely that subsequent planning permission would fail.
- 167.12 The Solicitor to the Committee asked Mr Barling to confirm that he understood that if a variation of use was requested it would have to come back to the Planning Committee for consideration before consent could be granted or refused. Mr Barling agreed that he understood the process and stated that the applicant had no intention of changing the use of the site, but that rewording of the Section 106 Agreement would simply make it easier for the applicant to apply for a mortgage to build the scheme.
- 167.13 Councillor Mrs A Norman asked if the units provided could be used by both mentally and physically disabled people, and Mr Barling confirmed that the arrangement of units was in accordance with Housing Department requirements for this type of scheme.
- 167.14 Councillor Wells began the debate by stating that the design was well thought out and he welcomed the use that was proposed here.
- 167.15 Councillor Kennedy was pleased to see that the design was sympathetic to the original and also welcomed the proposed use. She felt that it was not necessary to alter the terms of the Section 106 Agreement however. Councillors McCaffrey and K Norman agreed with this statement and added that placing people back in the centre of the city made it easier for family and friends to visit them.
- 167.16 Councillor Hamilton praised the scheme and wanted to ensure it was viable. He felt that the Section 106 Agreement should be altered to make it easier for the applicant to complete the scheme and noted that ideas in how to treat people with learning and physical disabilities changed over time and he did not want the scheme tied into a particular use that then became redundant for this type of enterprise.
- 167.17 The Development Control Manager addressed the Committee and stated that a head of term for the Section 106 Agreement was recommended. She noted that the redraft of the agreement that had been put before Councillors today was unclear and Officers needed more time to consider its ramifications properly. She stated that she was happy to work with Mr Barling to achieve the best possible result for the Council and the applicant regarding this issue.
- 167.18 A vote was taken and Members voted unanimously that Minded to Grant planning permission was granted for the reasons set out below.

167.19 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation as set out in paragraph 10 of the report and is Minded to Grant the application subject to:

1. The redrafting of the Section 106 Agreement to allow for greater flexibility in requesting a variation of use whilst maintaining the Council’s position in terms of policy HO20. This authority to be delegated to the Development Control Manager in consultation with the Council’s Legal Advisor, Chairman, Deputy Chairman and Opposition Spokesperson.
REASON: To ensure provision of housing for those with learning and physical disabilities is maintained.

And with amendments to the following conditions:

26. Scrub and tree clearance and demolition shall not be undertaken between 1 March and 31 July.
REASON: To ensure conformity with the Wildlife and Countryside Act 1981 and to protect nesting birds in accordance with policy QD18 of the Brighton & Hove Local Plan.
27. Deleted condition.
28. Deleted condition.
29. No development shall commence until a nature conservation enhancement scheme is prepared as a part of the site landscaping scheme and had been submitted to and approved in writing by the Local Planning Authority. This shall include the number and locations of bird nest boxes to be erected (no less that 5 boxes woodcrete shall be used) and the details of the proposed green wall planting and artificial external lighting.
REASON: To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

And with the following informatives:

1. The applicant’s attention is drawn to the provisions of the Wildlife and Countryside Act 1981 and is advised that it is a criminal offence to knowingly remove or destroy the habitats of protected species which may be found on the site. The applicant is advised that the granting of this planning permission does not authorise the loss or destruction of a protected species habitat. Should such a habitat be discovered during the construction works the applicant is advised to contact Natural England.

2. If the legal agreement is not completed by 29 January 2009 the Development Control Manager has delegated authority to refuse planning permission.

- 167.20 **Application 2008/03140, Delphi House, English Close, Hove** – Erection of 2 new units for B1 (Light Industrial) and/or B2 (General Industrial) with ancillary B8 (Storage & Distribution) use.
- 167.21 The Area Planning Manager (East) gave a detailed presentation setting out the details of the scheme including elements of the mix of usage on site and details of the design and materials to be used. He went on to highlight issues surrounding the Supplementary Planning Document of Sustainable Building Design requirements and noted that on this scheme it would be technically difficult to achieve an excellent rating for some elements of the requirements
- 167.22 Councillor Steedman asked why the BREEAM standards were not achievable on this application and the Area Planning Manager (East) replied that they were technically very difficult given the size of the application. He noted that the applicants had achieved an ‘excellent’ rating in two areas but only ‘very good’ in others, but had been working closely with planning officers to resolve as many issues as they could, and had made gestures towards achieving in part some of the requirements. It was noted that achieving the sustainable energy requirements would be particularly difficult however.
- 167.23 Councillor K Norman asked if there was an issue regarding Fire Brigade access to the site, and the Area Planning Manager (East) acknowledged that there had been a problem in the past, but the applicant was providing a specified loading and unloading bay on site, and therefore East Sussex Fire and Rescue Service did not have any objections to the application.
- 167.24 A vote was taken and Members voted unanimously that minded to grant planning permission was granted in the terms as set out in the report for the following reasons.
- 167.25 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation as set out in paragraph 10 of the report and is Minded to Grant the application subject to the conditions and informatives recommended in the report and additional conditions as follows:
- 1) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until
 - a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of ‘Very Good’ for all non-residential development have been submitted to the Local Planning Authority; and

- b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

- 2) 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 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.
- REASON: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 3) Before development commences, a location plan identifying the location for the 2 x 200 litre water harvesting butts, as confirmed in the agents email dated 13th January 2009, shall be submitted to and approved by the Local Planning Authority in writing.
- 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.

- 167.26 **Application 2008/03015, Maycroft and Parkside, London Road and 2-8 Carden Avenue, Brighton** – Demolition of existing buildings and development of residential care home for the frail elderly (C2). Resubmission of planning application BH2008/00925.
- 167.27 It was noted that this application had formed the subject of a site on the previous occasion an application in respect of this site had been considered.
- 167.28 The Area Planning Manager (East) gave a detailed presentation setting out the main elements of the scheme, including the previous reasons for refusal and the details of the Section 106 Agreement that related to contributions to highways works. It was noted that the applicant had requested to complete these works themselves and so the contribution had been reduced. The Area Planning Manager (East) referred to

additional conditions on the late list and requested that the Committee accept these as part of the recommendation.

- 167.29 Councillor K Norman asked what schemes could be considered for the money from the public works of art contribution. He stated that Withdean Park currently held a National Lilac Collection that had deteriorated due to lack of funding. Their national status had been removed recently and it was expected that a donation of £50,000 would be needed to rejuvenate the collection. The public works of art contribution from this application would go some way to helping restore this collection.
- 167.30 The Development Control Manager explained that expenditure decisions for public works of art monies were taken by a panel of Councillors and interested parties. This was to ensure that a proper framework and tendering process was carried out. Ward Councillors were always invited to sit on the panel and other members could also request to sit on any particular panel. The Development Control Manager stated that there was not an exhaustive list for what could be considered public works of art, but she would make sure this proposal was added to the list when the Panel sat to consider the contribution grant.
- 167.31 Councillor Hamilton asked why there was no contribution towards improving recreation facilities in the area, given the lack of green space on the application site. The Area Planning Manager (East) stated that as this application was predominantly for the frail elderly it was not expected that they would be mobile enough to use a large amount of outdoor space, therefore extra money in this area was not requested.
- 167.32 Councillor Steedman was concerned by the lack of open space on site and felt that amenity space should be provided to current standards on every application, despite who might be using it. The Area Planning Manager (East) confirmed that in this instance, substantial outdoor space was simply not required.
- 167.33 Councillor Mrs A Norman asserted that this was an improved application on the last one. The access and egress had not changed however, and this was her main point of concern. She was surprised that only six accidents had been reported in this area since last year and felt that the entrance to the site was inappropriate and would adversely affect pedestrian and vehicular safety. She was also concerned for nearby residents as the new road would run extremely close to their boundary, and asked what was being done to reduce the impact of this.
- 167.34 The Area Planning Manager (East) confirmed that the access and the car park were in the same locations as the previous application. He acknowledged there would be some impact to neighbouring properties that could not be helped, but there were contributions towards highways works within the Section 106 Agreement that would mitigate any impact the development might have on the surrounding road network. It was also important to remember that the Highways Department had not objected to the application.

167.35 The Traffic Manager stated that only accidents that were recorded at the junction between the A23 and the roundabout were taken into consideration. He accepted that there may be many more incidental shunts that were not taken into account when assessing the safety of the access. He stated that the minimum distance that an access could be from a junction was 25 meters and the access for this application was 60 meters away.

167.36 Mr Radmall spoke on behalf of objectors to the application and stated that the proposals were over-development, there was a considerable lack of green space provided and the architecture was inappropriate. He noted that there had been 200 objections from local people and highlighted that family homes would have to be demolished to make way for this application.

Mr Radmall referred to a recent appeal decision in Chichester which supported the Local Authority's right to retain housing stock and suggested that social care companies should compete with other developers on the open market to secure land for their developments. There were 12 other suitable sites in the city that could be used which were far more appropriate. Mr Radmall felt that this application would result in increased congestion, pollution, noise and traffic movement. Its bulk, scale and massing would render neighbouring properties out of place and it would drastically change the overall character of the area.

167.37 Mr Webster, spoke on behalf of the applicant, stating that Sunrise Living provided a high quality alternative to care home provision. He stated that the applicants had won awards for their innovative and excellent designs and that they catered for physically and mentally disabled residents, as well as those with memory loss problems.

Mr Webster noted that although some housing provision would be lost to build the development, there would be a net gain due to the houses that were freed up by those moving into the scheme. A survey of residents revealed that around 90 per cent sold their family home on the open market once they had moved into Sunrise Living accommodation. The site had been carefully chosen to ensure excellent access both into and out of Brighton and Hove, and the scheme would create between 70 and 80 Full Time Equivalent jobs.

Mr Webster noted the predominance of this type of building already on London Road and highlighted that the applicants had worked hard to submit an altered application that took into consideration all of the reasons for refusal given at the last Committee. The building had been reduced to two storeys, the design had been changed and there were more environmentally sustainable elements to the application. It was noted that the BREEAM rating for this scheme was very good.

167.38 Councillor Barnett asked how many rooms were given over to those with Alzheimer's and similar conditions as there was a significant lack of provision across the country. Mr Webster confirmed that there were 25 rooms within the scheme provided for this.

- 167.39 Councillors Davey and Smart raised concerns over the provision of outdoor space and asked why the gardens were situated mainly on the perimeter of the site, which would be near the road and subject to greater pollution. Mr Webster replied that the applicant had won awards for their garden designs and they had found from experience of running 21 similar schemes that their residents did not require large amounts of outdoor space.
- 167.40 Mr Pennington, Brighton & Hove Federation of Disabled People, asked if two disabled bays were considered adequate given the high probability that a number of their residents would be disabled in some way and asked if spaces for disability scooters had been considered. Mr Webster replied that the average age of residents would be between 85 and 90 and very few would have their own cars. From experience, mobility scooters had not been used in previous schemes, but if there was a desire for such provision from residents at Parkside and Maycroft then the applicants would likely make the necessary arrangements. Mr Webster noted there was also a minibus provided by the company that would transport residents for social events.
- 167.41 Councillor Pidgeon spoke in his capacity as a Ward Councillor setting out his objections to the application. He felt that this scheme was largely the same as the previous scheme that had been rejected and that key reasons for refusal had still not been addressed adequately.

The bulk, footprint and design of the scheme related poorly to surrounding buildings and the scheme was overdeveloped and out of character for the area. Increased traffic movements would adversely affect residents in the neighbourhood due to the proximity to London Road. The only green space available within the scheme was facing the road and the loss of six residential houses was unacceptable.

Councillor Pidgeon noted that there was a history of flooding in Patcham that this scheme would make worse and the design would detrimentally affect aspects into and out of the Patcham Conservation Area.

- 167.42 Councillor Hamilton stated that the scheme was very similar to Elwyn Jones Court, which was situated opposite, and he accepted the argument that this scheme would free up other housing stock within the city once residents moved in. He felt that given that there were already other similar buildings along the length of London Road, this scheme would not look out of place and would provide an essential service to the community. Councillor Wells concurred with this view and stated that the applicants had worked to resolve the issues that the Committee had raised on the first submission.
- 167.43 Councillor Davey raised concerns over the overall design of the scheme, especially in terms of lack of green space, the loss of fourteen trees that were not being replaced with anything of significant height, that the only amenity space was next to a busy road and the loss of six residential units with no guarantees that the new units would be filled with residents from the Brighton and Hove area.

- 167.44 Councillor K Norman felt that there was sufficient provision of this type of care home within the city, with several new schemes coming on stream soon, although acknowledged that future need could not be known. He cautioned that there was a trend in social care provision to keep people in their own homes, as this was where most were happiest, and queried whether more of this type of accommodation was needed at present.
- 167.45 The Development Control Manager highlighted that the issue of need was dealt with in the report and that Adult Social Care had been consulted. Their view was that there was a shortage of provision for 24 hour nursing support which this application would provide for. She stated that the issue of need was clearly a material planning consideration for this application, but Members needed to consider the weight they gave this when deciding whether to grant or refuse the application.
- 167.46 A vote was taken and on a vote of six to four, with two abstentions, minded to grant planning permission was granted in the terms as set out in the report.
- 167.47 **RESOLVED** – that the Committee has taken into consideration and agrees with the reasons for the recommendation as set out in paragraph 9 and is Minded to Grant the application subject to a Section 106 Agreement to secure the conditions set out in the report and the following additional conditions:
1. Notwithstanding the Ecological Assessment Document submitted as part of the application and the letter from Aspect Ecology dated the 8th January 2009 immediately prior to the commencement of the demolition works a further check for bats within all the buildings to be demolished shall be carried out by an experienced ecologist, including a re-inspection of the loft voids. If bats are found then work may not commence and advice must be sought from Natural England.
REASON: In the interest of maintaining the biodiversity and ecological interest of the site and to comply with policy QD27 of the Brighton and Hove Local Plan.
 2. The compost heaps located on the site are to be carefully dismantled by hand between the period of the 1st April and the 31st October. Any reptiles found are to be translocated to suitable off-site receptor sites which have been agreed in writing with the Local Planning Authority prior to translocation.
REASON: In the interest of maintaining the biodiversity and ecological interest of the site and to comply with policy QD27 of the Brighton and Hove Local Plan.
 3. Notwithstanding information submitted as part of the application a detailed, quantified landscape plan, designed to maximise the biodiversity value of the site shall be submitted to be approved in writing by the Local Planning Authority. The plan shall incorporate suitable nest and roost boxes for

bats, birds and hedgehogs, berry bearing shrubs and a pond designed to attract wildlife, with a species list of all plants used.

REASON: In the interest of maintaining the biodiversity and ecological interest of the site and to comply with policy QD27 of the Brighton and Hove Local Plan.

4. Prior to the commencement of the development a timetable of works to relocate the bus stop with Carden Avenue adjacent to the site, carry out the widening of the road adjacent to the relocated bus stop, the provision of raised kerbs and the provision of relevant road markings, as shown in drawing no. 2076.10 received on the 13th January 2009, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the agreed timetable. REASON: To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance with Brighton and Hove Local Plan policies SU15, TR1, TR19 and QD28.

Revised informative:

This decision is based on drawing nos. 5073-AL-0001revA, 5073-PL-011, 5073-PL-012, 222/53-01revE, unnumbered Colour Illustrations (Site Plans, Floor Plans and Door Canopy) Site Constraints Plan, Appendices of the Design and Access Statement, Planning Statement, Affordable Housing Policy Report, BRREAM Multi-Residential Report, Transport Statement, Interim Travel Plan, Energy Strategy Statement and Sustainability Checklist, Great Crested Newt Survey Report, Arboricultural Impact Assessment, Ecological Assessment Public Consultation Document and Pinders Needs Assessment Report submitted on the 16th September 2008, drawing nos. 5073-PL-032revH, 5073-PL033revG, 5073-PL-034revG, 5073-PL-035revG, 5073-PL-036revF, 5073-PL-037revE, 5073-L-038revE, 5073-PL-039revD, 5073-PL-040, pages 1 to 27 of the Design and Access Statement, Site Waste Management Plan Data Sheet and Biodiversity First Impression List submitted on the 30th September 2008, Drawing nos. 5073-PL-041revA, 5073-PL-042revA and 5073-PL-043revA submitted on the 23rd October 2008, drawing labelled appendix A7 and associated e-mail submitted on the 13th November 2008, an e-mail from Peter Dines received on the 11th December 2008, drawing no. 2076.10 submitted on the 15th December 2008, a Townscape Analysis submitted on the 17th December 2008 and a letter from Aspect Ecology dated the 8th January 2009.

[The Committee took a short break concluding discussion of this application from 16:30 to 16.40.]

(iii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 14 JANUARY 2009

- 167.48 **Application BH2008/03297, 107 Southover Street, Brighton** – Change of use from Retail (A1) with living accommodation above into a single dwelling unit incorporating alterations and renovation works.
- 167.49 The Planning Officer gave a detailed presentation setting out the main elements of the scheme, including details of policy implications for this application. It was noted that detailed market information to demonstrate that A1 use was not viable on this site was not available for the requisite 12-18 month period.
- 167.50 Councillor Davey asked when the premises was last used as an A1 unit and it was confirmed that it had been used as a coffee shop until April 2006. Councillor Kennedy stated that she lived very close to the shop and felt that it had last operated as a successful business in 2004.
- 167.51 Councillor Wells asked for policy SR8 to be explained and the Planning Officer stated that this policy is contained in the Local Plan and protects individual local shops. The policy states that market information is needed for a 12-18 month period demonstrating that the premises is not viable for A1 use before a change of use can be applied for.
- 167.52 Mrs Linturn, the applicant, addressed the Committee and stated that she had recently advertised the property for A1 use but it needed considerable modernisation and there had been no interest. Mrs Linturn had seen the potential for the premises to be converted into a family home and so had applied to the Council for a change of use. She noted that neither her agent nor Council Officers had mentioned the need for market information at that time.
- Mrs Linturn highlighted that several properties in the Hanover area had a history of similar conversions and noted that the most prominent conversion had been the old Post Office. She considered that an A1 use was not viable at this location and the previous tenants of the premises had sent a letter of support to Mrs Linturn supporting this view. Mrs Linturn felt that the design was sympathetic to the original and the change of use for this shop would not be detrimental to the area.
- 167.53 Councillor Kennedy stated that whilst it was important to protect local shops in the city, in this instance she felt certain that there was plenty of informal evidence to suggest that A1 use was not viable here. She noted that her house had previously been a cobbler's shop and accepted the argument that there were several similar conversions in the area. As such she felt this application was reasonable.
- 167.54 Councillor Wells also agreed that a shop was not viable in this location, but felt that the design needed to match the houses next door and requested that the shop window be altered to incorporate the original design.

- 167.55 Councillor Steedman felt that the policy was important to defend and the Council needed to maintain their position. He noted that local shops were needed in Brighton and Hove and felt that exceptions could not be made.
- 167.56 A recorded vote was taken, proposed by Councillor Kennedy and seconded by Councillor Barnet and on a vote of 9 to 2 with 1 abstention full planning permission was granted for the reasons as set out below.
- 167.57 **RESOLVED** - that the Committee has taken into consideration the reasons for the recommendation as set out in paragraph 8 but resolves to grant the application for the reasons that it is considered that the details submitted as part of the application demonstrate that the viability test set out in policy SR8 of the Brighton & Hove Local Plan has been met.
- [**Note 1:** A vote was taken and on a vote of 9 to 2 with 1 abstention full planning permission was granted for the reasons set out above.]
- [**Note 2:** Councillor Kennedy proposed that planning permission be granted be agreed. This was seconded by Councillor Barnett. A recorded vote was taken. Councillors Barnett, Carden, Davey, Hamilton, Kennedy, McCaffrey, Smart, Mrs A Norman and Wells voted that planning permission be granted. Councillors K Norman and Steedman voted against granting planning permission. Councillor Hyde (Chairman) abstained from voting. Therefore on a vote of 9 to 2 with 1 abstention, planning permission was granted.]
- 167.58 **Application BH2008/03057, 64 St James Street, Brighton** – Demolition of façade and infill between pub and beauticians forming a maisonette and A1 unit.
- 167.59 The Planning Officer gave a detailed presentation setting out the main elements of the scheme, including reasons for objection from local resident's letters. It was noted that there was an impact on neighbouring properties, but this was deemed acceptable given the built-up nature of the area.
- 167.60 Councillor Wells, Councillor K Norman and Councillor Smart asked for further details on the design of the application and how it related to neighbouring properties.
- 167.61 Mr Pennington noted that detailed drawings from the Conservation Officer were not available and the plans that were available for this application were not adequate to make an informed decision.
- 167.62 Mr Carter spoke on behalf of local objectors and stated that the impact of this application on the existing properties was unacceptable and would result in the new development being only six feet away from the kitchen window of their neighbour. He felt that the living conditions for future occupants of this property would not be adequate. There was no outside space provided, the outlook was onto a pub garden and there would be a significant loss of daylight for the existing properties and lack of light for the new property.

- 167.63 Mr Lower, the applicant, addressed the Committee and stated that he had been refurbishing property in the Brighton and Hove area for 20 years. He stated that he always developed properties to a very high standard using good materials and period architecture as a basis for design. The site had been derelict since 2001 and there was a notable lack of investment in the area. The scheme was small but bold, and Mr Lower hoped it would kick start the revitalisation of the area. He noted that any loss of light would be minimal and that he had worked closely with Officers to ensure planning compliance.
- 167.64 Councillor McCaffrey asked how much light would be lost to neighbouring properties and Mr Lower replied that there was currently not a lot of light, so that any additional light loss would be minimal.
- 167.65 The Planning Officer stated that the existing structure had a southerly outlook with a building to the east. Therefore a building on the west side would not obstruct any light as the main windows were already in shade. She noted that the view would be obstructed, but there was no right to a view in planning legislation. There were also other main aspects at the front of the building that would not be affected.
- 167.66 Councillor K Norman stated that he knew the area well and felt that this was not merely a refurbishment but building something entirely new. He felt that the points made by the objectors were relevant and that this application was inappropriate for the area.
- 167.67 Councillor Steedman stated that he was the Ward Councillor for the area and so knew it well. He noted that the public house was iconic and would be a sad loss for the area.
- 167.68 Councillor McCaffrey stated that she felt the loss of light was a great concern for the application and that the plans were not detailed enough to get a true representation of the design.
- 167.69 A recorded vote was taken, proposed by Councillor McCaffrey and seconded by Councillor K Norman, and on a vote of 5 to 4 with 3 abstentions planning permission was refused for the reasons given below.
- 167.70 **RESOLVED** – that the Committee has taken into consideration the reasons for the recommendation set out in the report but refuses planning permission on the grounds that the proposed development would have an adverse impact on the amenity of the neighbouring property through loss of light and the proposed design, by virtue of insufficient detailing and quality, fails to demonstrate that the proposal would preserve or enhance the character and appearance of the East Cliff Conservation Area, and so would be contrary to QD27 and HE6 of the Brighton & Hove Local Plan.

[**Note 1:** A vote was taken and on a vote of 5 to 4 with 3 abstentions full planning permission was granted for the reasons set out above.]

[**Note 2:** Councillor McCaffrey proposed that planning permission be refused. This was seconded by Councillor K Norman. A recorded vote was taken. Councillors Barnett, Davey, McCaffrey, K Norman, and Mrs A Norman voted that planning permission be refused. Councillors Carden, Hamilton, Smart and Wells voted against refusing planning permission. Councillors Hyde (Chairman), Kennedy and Steedman abstained from voting. Therefore on a vote of 5 to 4 with 3 abstentions, planning permission was refused.]

- 167.71 **Application BH2008/03688, Mill View Hospital, Nevill Avenue, Hove** – The proposed installation comprises a tri-sector antenna pole attached to the existing building giving an overall height of 13.19 meters, along with equipment cabinets on a flat roof section of the building approximately 15 meters to the North-West of the antenna pole.
- 167.72 The Area Planning Manager (West) gave a detailed presentation setting out the main elements of the scheme, including stating that the application had a valid ICNIRP certificate and would improve coverage for the hospital area.
- 167.73 Councillor Smart asked questions about the positioning and necessity of the mast and the Area Planning Manager (West) replied that the mast was positioned about 75 metres away from the local crèche and that the coverage would cover a gap in the local network.
- 167.74 The Solicitor to the Committee highlighted that due to the General Permitted Development Order 1995, Schedule 2, Part 24, arguments of necessity could not be taken into account for this application, and the only considerations that were valid were on the grounds of siting and appearance.
- 167.75 Mr Robertson spoke on behalf of the Sussex Partnership NHS Foundation Trust and stated that they had approached Vodaphone for 2G and 3G coverage as it was vital for the continued operation of the Trust. He noted that at present, employees could not use some equipment within the building due to lack of coverage, and this was becoming more and more of an issue as technology moved towards this type of network usage.
- 167.76 Councillor Janio spoke as Ward Councillor and asked the Committee to refuse the application. He stated that a previous application on this site had been refused on grounds on siting, which were valid, and that this current application had been resubmitted over the Christmas period, making it difficult for local people to make objections. Councillor Janio felt that health was a valid issue and 3G transmissions had a much shorter, more intensive range. The health risks for this were still unknown. He asked the Committee to be sure of the health risks before agreeing to site a mast only 30 metres away from resident's homes.

- 167.77 Councillor Mrs A Norman stated that she agreed with Councillor Janio's comments about the unknown health risks, and asked to see World Health Organisation guidelines regarding phone masts at some point in the future. The Development Control Manager agreed to prepare a briefing note for Councillors regarding this.
- 167.78 The Solicitor to the Committee stated that the Authority had 56 days to make a determination on the application, which ran out on 16 January 2009. If a decision had not been made by this date then the applicants would have deemed approval.
- 167.79 Councillor Smart, Councillor Wells and Councillor Barnett felt that the health risks were still unknown and the siting of the mast was too close to both young and elderly people. They noted that there were two nurseries, a play area, a school and a hospital in close proximity to the mast.
- 167.80 Councillor Hamilton noted that the hospital was the applicant in this instance and had no objections to the mast on health grounds. It would therefore seem illogical to turn down the application on these grounds.
- 167.81 A recorded vote was taken, proposed by Councillor Wells and seconded by Councillor Smart and on a vote of 5 to 2 with 4 abstentions, planning permission was refused on the grounds as set out below. 11 Members were present when the vote was taken.
- 167.82 **RESOLVED** – that the Committee has taken into consideration the reasons for the recommendation as set out in paragraph 8 of the report but resolves that prior approval is required and that approval is refused for the reason that the proposed mast design is unsightly and visually intrusive by virtue of height and scale and is contrary to policies QD23 and QD27 of the Brighton & Hove Local Plan.

[**Note 1:** A vote was taken and on a vote of 5 to 2 with 4 abstentions prior approval was refused for the reasons set out above.]

[**Note 2:** Councillor Wells proposed that prior approval be refused. This was seconded by Councillor Smart. A recorded vote was taken. Councillors Barnett, K Norman, Smart, Mrs A Norman and Wells voted that prior approval be refused. Councillors Hamilton and McCaffrey voted against refusing prior approval. Councillors Hyde (Chairman), Davey, Kennedy and Steedman abstained from voting. Therefore on a vote of 5 to 2 with 4 abstentions, planning permission was refused. 11 Members were present when the vote was taken.]

(iv) **OTHER APPLICATIONS**

- 167.83 **Application BH2008/03096, 102 Marine Parade, Brighton** – Conversion of existing four-storey house into five self-contained flats.

- 167.84 A vote was taken and Members voted unanimously that planning permission was refused for the reasons as set out below.
- 167.85 **RESOLVED** – that the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves to refuse planning permission for the following reasons:
1. The proposed refuse and cycle storage enclosure, by reason of its siting, height, design and materials results in a bulky and incongruous addition, would be detrimental to the character and appearance of the open formal garden area, and East Cliff Conservation Area and to the setting of the listed building. As such the proposal is contrary to policies QD1, QD2, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.
 2. The proposed development fails to provide adequate provision for secure cycle parking at ground floor level in accordance with the Council's standard, and is therefore considered to be inconsistent with the aim to encourage alternative means of travel, contrary to policies TR1 and TR14 of the Brighton & Hove Local Plan.
 3. The proposed development fails to demonstrate that it will meet the travel demands from the site or contribute to improving sustainable transport methods. As such the proposal is contrary to policies TR1, HO7 and SU15 of the Brighton & Hove Local Plan.
 4. The applicant has failed to demonstrate that the proposal would incorporate adequate measures to reduce the use of raw materials, water and energy and as such would be likely to result in excessive use of these limited resources. This would be contrary to policy SU2 of the Brighton & Hove Local Plan.
 5. The application fails to provide adequate provision for the storage of recyclables, contrary to policies QD27 and SU2 of the Brighton & Hove Local Plan and PAN05 Design Guidance for the Storage and Collection of Recyclable Materials and Waste.
- Informative:
1. This decision is based on drawing nos 477/01, 477/02 Rev A, 477/04, Design and Access Statement, Heritage Statement and Waste Minimisation & Management Statement submitted on 18 September 2008 and unnumbered plan window detail and Biodiversity Checklist submitted on 5 November 2008.
- 167.86 **Application BH2008/03083, 102 Marine Parade, Brighton** – Internal and external alterations, to enable conversion of house into 5 flats. Construction of bin/cycle store on front amenity area.

- 167.87 A vote was taken and Members voted unanimously that listed building consent was refused for the reasons as listed below.
- 167.88 **RESOLVED** - that the Committee has taken into consideration and agrees with the recommendation set out in paragraph 8 of the report and resolves to refuse planning permission for the following reasons:
1. The proposed development would harm the historical and architectural form and character of the Listed Building by removing original internal features and altering the historic building form and layout contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11 Listed Building Interiors and Supplementary Planning Guidance Note 13 Listed Building General Advice.
 2. The proposed refuse and cycle storage enclosure, by reason of its siting, height, design and materials results in a bulky and incongruous addition, would be detrimental to the open appearance of the formal garden area and to the setting of the listed building, contrary to Brighton & Hove Local Plan policy HE3.
- Informative:
1. This decision is based on drawing nos. 447/02 Rev A, 447/04, Design and Access Statement, Heritage Statement and Waste Minimisation & Management Statement submitted on 18 September 2008 and drawing nos. 477/01 rev A and 477/07, and unnumbered plan window detail, submitted on 5 November 2008, and Structural Report received 14 November 2008.
- 167.89 **Application BH2008/03605, 43 Chichester Drive, West Saltdean** – First floor extension over existing garage including moving of garage forward (resubmission of BH2008/00750).
- 167.90 A vote was taken and on a vote of 11 to 0 the Committee resolved to Grant planning permission for the reasons set out below.
- 167.91 **RESOLVED** – that the Committee has taken into consideration and agrees with the reasons for the recommendation as set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.
1. Informative to be amended
This decision is based on un-numbered block and site plan and drawings nos. Block Plan and drawing numbered 01A submitted on 26 November 2008 and drawing numbered 02B submitted on 7 January 2009.

[**Note1:** There were 11 Members present when voting took place.]

- 167.92 **Application BH2008/02499, 27 Roedean Crescent, Brighton** – Demolition of existing dwelling and replacement with 6 bedroom house.
- 167.93 Members considered that it would be appropriate to carry out a site visit prior to determining the application.
- 167.94 **RESOLVED** – That consideration of the above application be deferred pending a site visit.
- 167.95 **Application BH2008/02531, The Meadows, 18 Roedean Way, Brighton** – Demolition of existing house and erection of new dwelling.
- 167.96 Members considered that it would be appropriate to carry out a site visit prior to determining the application.
- 167.97 **RESOLVED** – That consideration of the above application be deferred pending a site visit.
- 167.98 **Application BH2007/03943, 30-33 Bath Street, Brighton** – Demolition of existing buildings, to be replaced with proposed development of 2 storey building to the rear with B1 office space on the ground floor and 2x1 bedroom apartments above and 3 storey building to the front with B1 office space on the ground floor and 5x2 bedroom apartments above, with refuse, cycle storage and amenity spaces.
- 167.99 A vote was taken and on a vote of 10 to 0 the Committee resolved to grant planning permission for the reasons set out below. 10 Members were present when the vote was taken.
- 167.100 **RESOLVED** – that the Committee has taken into consideration and agrees with the reasons for the recommendation as set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.
- [**Note1:** 10 Members were present when the vote took place.]
- 167.101 **Application BH2007/03942, 30-33 Bath Street, Brighton** – Demolition of existing buildings.
- 167.102 A vote was taken and on a vote of 10 to 0 the Committee resolved to grant demolition consent for the reasons set out below. 10 Members were present when the vote was taken
- 167.103 **RESOLVED** – that the Committee has taken into consideration and agrees with the reasons for the recommendation as set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

[**Note1:** 10 Members were present when the vote took place.]

167.104 **Application BH2008/02190, Queensbury House, 103-109 Queens Road, Brighton** – Single storey roof top extension and alterations to existing rear elevation.

167.105 A vote was taken and on a vote of 10 to 0 the Committee resolved to grant planning permission.

167.106 **RESOLVED** – that the Committee has taken into consideration and agrees with the reasons for the recommendation as set out in paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

[**Note 1:** 10 Members were present when the vote took place.]

167.107 **Application BH2008/02761, 49 Hill Drive, Hove** – Roof extension.

167.108 Members considered that it would be appropriate to carry out a site visit prior to determining the application.

167.109 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

167.110 **Application BH2008/02641, Balfour Junior School, Balfour Road, Brighton** – Demolition of 3 existing single storey classrooms and replacement with a new 2 storey extension comprising 4 classrooms, ICT room, group room and administration areas. Extension to existing school hall and new single storey staff room/kitchen facilities. Adaptations to existing entrance footpaths. Conversion of existing lower ground floor store room into classroom and new windows and door. Formation of new disabled access ramp and external door from school to sports field on north elevation. New solar panels to existing school roof.

167.111 Members considered that it would be appropriate to carry out a site visit prior to determining the application.

167.112 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

168. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

168.1 There were none.

169. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

169.1 The Committee noted those applications determined by the Officers during the period covered by the report.

170. APPEAL DECISIONS

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

171. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

172. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

The meeting concluded at 6.50pm

Signed

Chair

Dated this

day of

**BRIGHTON & HOVE CITY COUNCIL
ENVIRONMENT**

**PLANS LIST
PLANNING COMMITTEE
Date: 4th February 2009**

TREES - Recommendations

Page 7

TREES

Delegated Powers or implementation

of a previous Committee Decision

Page 11

SUBSTANTIAL OR CONTROVERSIAL DEVELOPMENT OR DEPARTURES FROM POLICY

45

	Application Number	Area	Ward	Address	Proposal	Recommendation	Page
A	BH2008/02732	East	Moulsecoomb & Bevendean	Falmer Community Stadium, Land North and South of Village Way, Falmer	a) A community stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food. Revision to stadium permitted under reference BH2001/02418/FP including the following alterations; Change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace. b) Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium (as above).	Minded to Grant	17
B	BH2008/02479	West	South Portslade	Former Flexer Sacks Building, Wellington Rd	To agree S106 Obligations & conditions	To agree S106 Obligations & conditions	To Follow

MINOR APPLICATIONS

	Application Number	Area	Ward	Address	Proposal	Recommendation	Page
C	BH2008/02641	West	Withdean	Balfour Junior School, Balfour Road	Demolition of 3 existing single storey classrooms and replacement with a new 2 storey extension comprising 4 classrooms, ICT room, group room and administration areas. Extension to existing school hall and new single storey staff room/kitchen facilities. Adaptations to existing entrance footpaths. Conversion of existing lower ground floor store room into classroom and new windows and door. Formation of new disabled access ramp and external door from school to sports field on north elevation. New solar panels to existing school roof.	Minded to Grant	106
D	BH2008/02499	East	Rottingdean Coastal	27 Roedean Crescent	Demolition of existing dwelling and replacement with 6 bedroom house.	Refuse	123
E	BH2008/02531	East	Rottingdean Coastal	The Meadows, 18 Roedean Way	Demolition of existing house and erection of new dwelling.	Refuse	135
F	BH2007/ 04452	West	Brunswick & Adelaide	7 Brunswick Street West	Insertion of new windows to front and rear ground floor (part retrospective). Amended scheme.	Grant	145
G	BH2008/04446	West	Brunswick & Adelaide	7 Brunswick Street West	Insertion of new windows to front and rear ground floor (part retrospective). Amended scheme.	Minded to Grant	153
H	BH2008/02787	West	Brunswick & Adelaide	64 Brunswick Street West	Change of use from Snooker Hall (D2) to Music School (D1) and associated rear external alterations.	Grant	160
I	BH2008/02788	West	Brunswick & Adelaide	64 Brunswick Street West	Internal and rear external alterations in association with change of use from snooker hall (D2) to music	Grant	173

					school (D1).		
J	BH2006/04058	West	Brunswick & Adelaide	28-29 Western Road, Hove	Conversion of offices to 8 apartments and a mews house	Minded to Grant	179
K	BH2008/03442	West	Hangleton & Knoll	107 Boundary Road	Demolition of existing house and construction of 2-storey building with hipped roof and lightwell to form 7 flats.	Refuse	190
L	BH2008/03449	West	Hangleton & Knoll	Land to rear of 107 Boundary Road	Construction of new partially sunken 3 bedroom single storey dwelling with flat roof and rooflights.	Refuse	202
M	BH2008/03117	West	North Portslade	323-325 Mile Oak Road	Construction of 3 storey block to create nine flats following demolition of existing building.	Refuse	212
N	BH2008/02761	West	Stanford	49 Hill Drive	Addition of second storey to form 4 bedrooms including formation of balcony to rear elevation. (resubmission of BH2008/01385).	Refuse	227
O	BH2008/03384	West	Stanford	42 Tongdean Avenue	Proposed demolition of existing bungalow and erection of a pair of semi-detached dwellings with garages and cycle store (Resubmission of BH2008/00596).	Grant	233
P	BH2008/03481	West	Stanford	42 Tongdean Avenue	Conservation Area Consent for demolition of existing bungalow.	Grant	246
Q	BH2007/03485	East	Queen's Park	159 Edward Street	Change of use from shop to sui generis mixed use incorporating coffee/sandwich bar, jazz club, bar, music editing suite and ancillary accommodation. Formation of new first floor level accommodation, including insertion of dormer windows and rooflights, rear extension to basement level and construction of rear emergency stairway. (Amended Description).	Grant	251
R	BH2008/03129	East	Queen's Park	100 St James's Street	Use of rear garden for A3 Café – ancillary to existing sandwich bar	Refuse	267

					(A1). Formation of new window opening to ground floor rear elevation.		
S	BH2008/02436	East	Woodingdean	Land at and rear of 3 The Ridgeway	Construction of 7 houses comprising a mix of three and four bedroom units, with ground, first and roof space accommodation. 3 houses with integral garages and provision of parking spaces. New access to The Ridgeway and Balsdean Road	Grant	276
T	BH2008/03380	East	Preston Park	Wellend Villas, Springfield Road	Installation of 2 no. illuminated sculptures on the communal terraces to rear of the residential development.	Grant	286
U	BH2008/02169	West	Goldsmid	Davigdor Infants School, Somerhill Road	Installation of mobile classroom unit for a temporary period of 2 years (retrospective).	Grant	291

Determined Applications:

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

Application Number: BH2008/03933 **Ward:** Brunswick and Adelaide

Address: Sandringham Lodge
Palmeira Avenue

Proposal: To fell 1 x Leylandii, Tree Number T.16
On Tree Preservation Order (No. 14) 1998

Officer: Di Morgan, tel. 01273 292186

Date Received: 15 December 2008

Applicant: Duncan Armstrong, Aspen Tree Care

1 Introduction

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

2 Recommendation

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

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

3 Description of the Application Site

- 3.1 Sandringham Lodge is a block of flats on the corner of Lansdowne Road and Palmeira Avenue. There are 15 other trees on the site that are covered by this Preservation Order.

4 Proposal

- 4.1 The applicant wishes to fell this specimen due to excessive shading and replant with native tree.

5 Relevant Planning History

- 5.1 None

6 Considerations

- 6.1 This Leylandii is approximately 14 – 15 metres in height with an unbalanced crown spread of 7 – 8 metres. It is situated in a small soil border at the side of the property, about one quarter of a metre from the boundary wall.
- 6.2 In the past it has been pruned to allow the Lime tree next to it (also protected) to flourish. This has led to a misshapen crown.
- 6.3 Its remaining crown is now spreading towards both Sandringham Lodge and its neighbouring building. Pruning to keep the tree back from the buildings will lead to the tree becoming misshapen even further.
- 6.4 No loss or damage is likely to occur if felling of the above tree is refused at this time.

7 Conclusion

- 7.1 This spreading specimen is an inappropriate species for this confined location and this opportunity should be taken to allow its removal and replacement with a specimen more in keeping with this location.

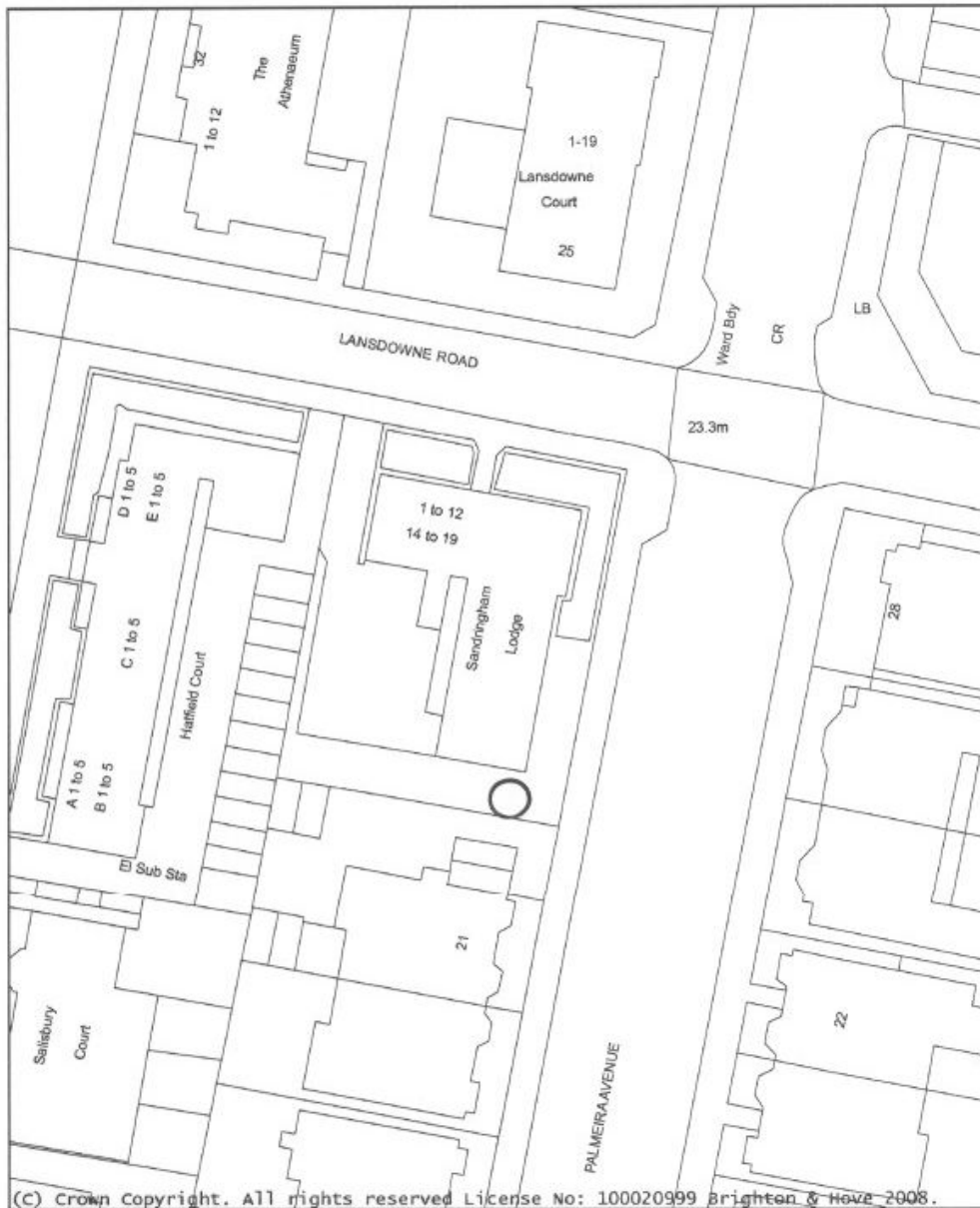
BH2008/03933: Sandringham Lodge, Palmeira Avenue



The tree the subject of this application.



BH2008/03933: Sandringham Lodge, Palmeira Avenue



Date: 21/01/2009 11:26:58

Scale 1:500



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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

PRESTON PARK

Application No: BH2008/03891
61 Havelock Road, Brighton

English Elm - crown reduce by 30%

Applicant: Carlos Daly
Approved on 15 Jan 2009

REGENCY

Application No: BH2008/03697
12 Montpelier Villas

1 x Sycamore - Reduce height of old cuts 15%. 1 x Sycamore - Reuce slightly harder, below old cuts 20%.

Applicant: J Hatch
Approved on 17 Dec 2008

Application No: BH2008/03748
18 Clifton terrace

1 x Lime - reduction of secondary growth, retain shape.

Applicant: Mrs De-Wergifosse
Approved on 17 Dec 2008

Application No: BH2008/03756
Heather Court, Montpelier Terrace

1 x Norway Maple - Reduce & reshape by 25%. 1 x Thorn - Lightly crown lift & 20% reshape.

Applicant: R W Green
Approved on 17 Dec 2008

Application No: BH2008/03758
Montpelier Hall, Montpelier Terrace

1 x Judas Tree - Lightly reshape by 20%. 1 x Mulberry - 30% Reduction. 1 x Fig - Trim face side back from garden. 1 x Elm - Trim shape. 1 x Red Horse Chestnut - reduce and reshape by 10%. 1 x White Horse Chestnut - reduce and reshape by 25% - 30%.

Applicant: R W Green
Approved on 17 Dec 2008

WITHDEAN

Application No: **BH2008/03608**
Stamford Lodge, Cumberland Road

1 x Birch - reduce crown by 30%. 1 x Yew - reduce crown by 30%. 1 x Chestnut - remove epicormic growth, 30% crown reduction, 30% crown thin, or, if climbing inspection dictates, repollard. 1 x Lime - remove epicormic growth, reduce crown by 20%, lift crown to 5m. Thin crown by 20%. 1 x Pink Chestnut - deadwood, 30% crown reduction to balance. 1 x Lime - remove epicormic growth, reduce crown 30%, thin crown by 30%. 1 x Norway Maple - remove epicormic growth. Reduce crown by 25%, thin crown by 20%. 1 x Purple leaf Plum - thin crown by 25%, reduce crown by 25%, remove 1 x 2" dia branch. 1 x Laburnum - remove 1 branch, max 20% crown reduction. 1 x Purple leaf plum - reduce crown by 25%. 1 x Copper Beech - reduce crown by 20%, thin crown by 20%, 1 x Chestnut - crown lift to 5m, reduce crown by 20%, thin crown by 20%. 1 x Lime - remove epicormic growth. Thin crown by 20%, reduce crown by 20%. 1 x Chestnut - remove epicormic growth, reduce crown by 20%, thin crown by 20%.

Applicant: Mr D Westgate
Approved on 19 Dec 2008

Application No: **BH2008/03698**
37 Surrenden Park

1 x Horse Chestnut - Max 30% crown reduction, remove branch over garage.

Applicant: Mr John Dimmock
Approved on 19 Dec 2008

Application No: **BH2008/03749**
225 Preston Drove

1 x Prunus (Plum) - Reduce height by 6ft & reshape, thin out by 20%. 1 x Conifer - reduce height by 9ft and shape the rest of the tree into a conical shape.

Applicant: Mr Nyall Thompson
Approved on 19 Dec 2008

Application No: **BH2008/03751**
Varndean Park Estate

T95 - Lime - Crown thin by 20%. T22 - Elm - 30% Crown reduction & 20% crown thin. T21 - Sycamore - 30% Crown reduction. T5 - Willow - Reduce 2 low limbs, thin out crossing branches. T188 - Chestnut - 1 low limb over neighbours garage, reduce size by 50%. T186 - Chestnut - 30% Crown reduction, 30% crown thin, crown lift light growth.

Applicant: Nyall Thompson
Approved on 17 Dec 2008

Application No: **BH2008/03935**
The Deans, 7 Station Road

Row of Leylandii - 6ft down in height and trim back both sides.

Applicant: Mr Nyall Thompson
Approved on 15 Jan 2009

Application No: BH2008/03945
225 Preston Drove

Fell - 1 x Conifer - misshapen specimen, no amenity value.

Applicant: Mr Nyall Thompson
Approved on 19 Dec 2008

HANOVER & ELM GROVE

Application No: BH2008/03696
Hanover Crescent

4 x Mature Elms - Reduce by 25%, thin by 20%. 2 x Cherry - Formative Prune. 1 x Lime - Take out top 6ft. 1 x Acer - Reduce 25%, thin 20%. 1 x Lime - Formative Prune & thin 20%.

Applicant: J Hatch
Approved on 19 Dec 2008

QUEEN'S PARK

Application No: BH2008/03511
Hamilton Lodge School for Deaf Children, Walpole Road

Line of Sycamores (no15 driveway) - remove epicormic growth. 1 x Sycamore (no15 west) - To reduce by 30-40%, thin by 10-15% & reshape. 1 x Maple (astro pitch) - to lift by approx 1 metre. 1 x Sycamore (tree garden) - To reduce by approx 30% & thin by 10-15%. 2 groups of Sycamores (tree garden) - To reduce by 30%, thin out by 10-15%. 1 x Sycamore (tree garden) - To reduce from path by approx 20%. 1 x Sycamore (No1) - To reduce by approx 60%, thin by 10-15%. 1 x Sycamore (No1, near corner) - To reduce by approx 30%, thin by 10-15%.

Applicant: Beechwood Tree Specialists
Approved on 19 Dec 2008

Application No: BH2008/03563
Danny Shelodn House, 124-126 Eastern Road, BN2 1JQ

T1 - Ash - Reduce & reshape crown by 20%. T2 - Sycamore x 6 - Reduce & reshape crowns by 20%.

Applicant: Connick Tree Care
Approved on 17 Dec 2008

Application No: BH2008/03828
Unit 9, 85 Marine Parade

Fell - 1 x Leylandii

Applicant: Ms Trish Thompson
Approved on 16 Jan 2009

Application No: BH2008/03941
2 Parochial Mews, Prince's Street

Fell - 1 x Willow - causing actual damage, no public amenity value.

Applicant: Mr Edward Smith
Approved on 15 Jan 2009

ROTTINGDEAN COASTAL

Application No: BH2008/03243
136A Longhill Road, Ovingdean, Brighton

Ash - reduce and reshape by 40 - 50% to internal growth points.

Applicant: Paul Solis
Approved on 19 Dec 2008

Application No: BH2008/03946
1 Vicarage Lane

1 x Ash - Reduce by 30%, thin by 10 - 20%. 1 x Cherry - reduce by 6 - 8 ft, and prune to shape.

Applicant: Beechwood Tree Specialists
Approved on 19 Dec 2008

Application No: BH2008/03988
136A Longhill Road, Ovingdean, Brighton

Ash in rear garden - reduce and re-shape by 40-50% to internal growth points - tree has a declining crown.

Applicant: Mr R Green
Approved on 15 Jan 2009

WOODINGDEAN

Application No: BH2008/03656
52 Balsdean Road

1 x Beech (rear garden) - Reduce and reshape by 25%, thin crown by 10%, remove lowest limb growing towards neighbour's house.

Applicant: Connick Tree Care
Approved on 17 Dec 2008

CENTRAL HOVE

Application No: BH2008/03693
53 Tisbury Road

2 x Elm Trees - REPOLLARD

Applicant: Mr Dennis Shefford
Approved on 19 Dec 2008

Application No: BH2008/03932
7 Second Avenue

1 x Sycamore - 30% crown reduction & 10% crown thin. 1 x Elder - Cut to 2 ft high and allow to regenerate.

Applicant: Mr Nyall Thompson
Approved on 19 Jan 2009

GOLDSMID

Application No: BH2008/03695
Eaton Gate, Eaton Gardens

Sycamore (T1), Hybrid Black Poplar (T2, T3, T4) - Reduce to level lower than view from top floor apartment.

Applicant: Duncan Armstrong
Approved on 17 Dec 2008

Application No: BH2008/03750
Champions Row, Wilbury Avenue

5 x Elm Trees - Reduce by 30% and crown thin by 20%.

Applicant: Mr Nyall Thompson
Approved on 17 Dec 2008

Application No: BH2008/03827
28 The Drive

Row of Elms - 30% Thin.

Applicant: Mr Philip Else
Approved on 15 Jan 2009

STANFORD

Application No: BH2008/03421
25 Chalfont Drive, BN3 6QR

T1 - Deodar Cedar (front garden) - Reduce and reshape crown by 20%. Lift to 4 metres.

Applicant: Connick Tree Care
Approved on 19 Dec 2008

Application No: BH2008/03759
12B Woodlands

1 x Oak - 30% Reduction.

Applicant: Mr Mark Haddock
Approved on 17 Dec 2008

Application No: BH2009/00032
BHASVIC, 205 Dyke Road, BN3 6EG

1 x English Elm - Prune growth on east side of crown back to suitable growth points, approximately 3 metres further back from existing pruning points. 30% crown reduction. 2 x Elm - Prune on east side to old pruning points, 30% crown reduction. 1 x Beech - Crown lift to 4 metres above ground level on east side of crown, reduce remaining branches to provide 2m clearance. 1 x Lime - Tip pruning to east side of crown. 1 x Elm - Crown reduce by 4 metres on north-east side of crown, minor formative pruning, crown lift to 4 metres above ground level. 1 x English Elm - Reduce to approximately 5 metres above ground level.

Applicant: Mr Richard Harris
Approved on 15 Jan 2009

WESTBOURNE

Application No: BH2008/03659

57 Pembroke Crescent

2 Fruit Trees and 3 Sycamore Trees to be felled, stumps to be removed on ones in middle of garden, not visible from road and does not affect privacy but allows use and sunlight to entire garden (Poor specimens, no public amenity value).

Applicant: Miss Marie Collins

Approved on 19 Dec 2008

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

<u>No:</u>	BH2008/02732	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Falmer Community Stadium Land North of Village Way Falmer Brighton		
<u>Proposal:</u>	<p>a) A community stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food. Revision to stadium permitted under reference BH2001/02418/FP including the following alterations: change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace.</p> <p>b) Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium (as above).</p>		
<u>Officer:</u>	Mick Anson, Tel: 292354	<u>Received Date:</u>	19 August 2008
<u>Con Area:</u>		<u>Expiry Date:</u>	09 February 2009
<u>Agent:</u>	DMH Stallard, 100 Queens Road, Brighton		
<u>Applicant:</u>	Mr Martin Perry, Brighton & Hove Albion Football Club Ltd, North West Suite, Tower Point, 44 North Road, Brighton		

1 SUMMARY

This report considers a revised application for a Community Stadium which comprises two distinct parts. The first part of the application proposes revisions to the approved Community Stadium whilst the second part proposes re-contouring the land south of Village Way using the chalk spoil from the excavations for the stadium.

The proposed revisions to the Stadium comprise modifications to the roof and to the arch on the West and East Stands and elevational amendments. The proposal will increase the floorspace in the Stadium by 9607 sq metres of which 3316 sq metres is useable internal floorspace and the rest concourses. The most significant changes in the occupation of the stadium are that the approved B1 offices will be removed and there will be floorspace in the East Stand for City College. The hospitality/community education floorspace will increase from 1429 to 4418 sq metres. There will be no increase in the capacity of the stadium of 22,500 spectators.

The main considerations are the principle of development, design and visual impact, increase in floorspace and footprint, partial change to the nature of ancillary uses within the stadium, traffic and transport, amenity, sustainability, ecology and nature conservation.

An Environmental Statement (E.S.) has been submitted with the application,

in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The E.S. and the findings contained therein are considered to be complete and identify the environmental impacts from the proposed development. This is subject to compliance with the mitigation measures set out in the E.S., the conditions recommended to be imposed on the grant of consent and the requirements of the S106 agreement.

The report recommends that planning permission be granted subject to majority of the extant conditions (with some amended and additional ones) and the requirements of the existing S106 agreements (with appropriate deeds of variation) that were applied to the Secretary of State's approval. Additional conditions and minor variations to the S106 agreements will be required to take account of the changes in the proposal and changes in policy and guidance since the grant of the extant consent.

2 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation in Section 10 of this report and that it is **Minded to Grant** planning permission subject to a deed of variation of the S.106 obligations dated 13 June 2003 known as Brighton 1 and Brighton 2 to incorporate additional items under the appropriate Head of Term, and the following Conditions and Informatives:

Additional Items:

The applicant shall submit to the City Council further details of sustainability measures to be incorporated into the development including:

1. Measures to achieve 70% in the energy and water section of the bespoke BREEAM assessment with an overall score of excellent or a lower figure to be agreed by BHCC.
2. Details of composting facilities for waste.
3. Details of waste separation and storage on site (site waste management plan for construction and operational phases)
4. Zero net C02 from energy (or a maximum reduction in C02 from energy to be agreed by the Council) to include measures to improve building fabric beyond the requirements of building regulations.
5. Developers to sign up to Considerate Constructors scheme.
6. Feasibility study of rainwater harvesting and grey water recycling for football related activities and/or the accommodation within the stadium as well as provision of areas of green roof/walls.
7. Details of the energy demand of the stadium broken down by energy

demand for space heating, water heating, and electricity for lighting, appliances, cooling and cooking throughout the year and a feasibility study of how this demand will be met by low and zero carbon technologies.

8. A day lighting assessment to ensure artificial lighting is kept to a minimum in all areas of the building throughout the year.
9. An assessment to establish if any overheating occurs over the year in the building and details of passive measures that will be built in to reduce overheating.

The scope and nature of these measures is to be agreed by the council and thereafter implemented in a manner to be agreed by the Council to their written satisfaction, and maintained thereafter.

Conditions

1. The development for which permission is hereby granted must be commenced within 3 years from the date of permission. **Reason:** To ensure that the Local planning Authority retains the right to review unimplemented consents.
2. The Stadium shall not be brought into use until the Transport Interchange as proposed in the application to Lewes District Council ref: LW/02/1595, the development proposed in Applications C & D (ref: BH2003/02499 & LW/03/1618) and other means of access and parking for vehicles and cyclists and pedestrian facilities which form part of this permission have been laid out, constructed and provided, such Interchange, access, parking and other facilities shall be retained as such at all times. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in compliance with policies TR1, TR2, TR4, TR6, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
3. No development shall take place (with the exception of archaeological and other preliminary site investigations) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include hard surfacing, means of lighting to the car parks and all circulation areas including the concourse, pedestrian and cycle ways, means of enclosure, planting of development including a management plan, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The scheme shall also include a full specification for the construction of car parking at Falmer High School. **Reason:** To enhance the appearance of the development in the interests of the amenity of the area in compliance with policies QD1 and QD15 of the Brighton & Hove Local Plan.
4. 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 sooner: and any trees or plants which within 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. **Reason:** To enhance the appearance of the development in the interests of the amenity of the area in compliance with policies QD1 and QD15 of the Brighton & Hove Local Plan.

5. All hard landscaping, means of lighting and means of enclosure shall be completed before the development is occupied. **Reason:** To ensure high quality of design and in order that activities at the development can be carried out safely for occupiers and visitors in compliance with policies QD1, QD15 and QD25 of the Brighton & Hove Local Plan.
6. The development shall not be commenced until fences for the protection of trees to be retained have been erected to a written specification and in positions to be agreed in writing by the Local Planning Authority. These 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 maintain the existing landscaping in order to enhance the appearance of the development in the interests of the amenity of the area in compliance with policies QD1 and QD15 of the Brighton & Hove Local Plan .
7. The Stadium shall not be brought into use unless and until a scheme for the integrated provision of suitable secure bicycle parking facilities has been submitted to and approved in writing by the Local Planning Authority and the approved scheme has been fully implemented. **Reason:** To ensure that satisfactory facilities are provided for the parking of bicycles and to encourage travel by means other than private motor vehicle in compliance with policy TR14 of the Brighton & Hove Local Plan.
8. The Stadium shall not be brought into use unless and until details of any external lighting, pitch floodlighting, security fencing and CCTV cameras have been submitted to and approved in writing by the Local Planning Authority and the said works have been fully implemented in accordance with the approved details. **Reason:** In order to ensure that the stadium operates in a safe manner and that crime prevention measures are incorporated in compliance with policy QD7 of the Brighton & Hove Local Plan.
9. The pitch floodlighting shall not be used other than for an Outdoor Event and shall be turned off after each Outdoor Event no later than 11.00 pm. **Reason:** In order to minimise light pollution and avoid any harmful impact on the amenity of occupiers of adjoining properties in compliance with policies QD26 and QD27 of the Brighton & Hove Local Plan.
10. No events involving motor vehicles (including static vehicles) shall take place within the Stadium. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in the countryside in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
11. There shall be no laser and/or firework displays at the Stadium. **Reason:**

In order to protect the amenity of adjoining occupiers and to minimise noise pollution in the countryside in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.

12. All external lighting, including pitch floodlighting and lighting for the Falmer High School car park, shall be of a nature and design having a zero upward lighting requirement so as to eliminate upward glare. **Reason:** In order to minimise light pollution and avoid any harmful amenity impact on occupiers of adjoining properties in compliance with policies QD26 and QD27 of the Brighton & Hove Local Plan.
13. No development shall be commenced (with the exception of archaeological and other preliminary site investigations) until a scheme for the disposal of foul and surface waters has been submitted and approved in writing by the Local Planning Authority and the Stadium shall not be brought into use until all works have been carried out in accordance with the approved scheme. **Reason:** In order to ensure that there is adequate infrastructure on site to deal with foul and surface water in compliance with policies SU5 and SU15 of the Brighton & Hove Local Plan.
14. Only clean uncontaminated roof water shall discharge direct to soakaway via a sealed drainage system (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway without passing through either trapped gulleys or interceptors, other than that from existing roads and car parks within the application site. 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 should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents gauges and sights 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 pipework should be located above ground and protected from accidental damage. All filling points and tank overflow outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with the plans approved by the Local Planning Authority. **Reason:** In order to avoid polluted substances or liquids entering the water infrastructure or the natural environment in compliance with policies SU3, SU4 and SU9 of the Brighton & Hove Local Plan.
15. No development shall take place until a scheme to deal with any contamination of the site (excluding existing roads and car parks) has been submitted to and approved in writing by the Local Planning Authority and thereafter implemented. Such a scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the public, buildings and the environment when the site is developed. **Reason:** In order to ensure that contaminated material and substances are dealt with safely and do not enter the ecological system and harm the environment in compliance with condition SU9 of the Brighton & Hove Local Plan.
16. A sample of all materials to be used on the exterior of the development hereby permitted shall be submitted to and approved in writing by the

Local Planning Authority before development commences. **Reason:** To ensure a satisfactory appearance to the development in compliance with policy QD1 of the Brighton & Hove Local Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or amendments or re-enactment thereof) the elevations of the building(s) hereby permitted shall not be painted other than in such colours as shall be agreed in writing by the Local Planning Authority prior to the occupation of the buildings. **Reason:** The Local Planning Authority considers that any changes in the colours of the materials hereby approved could cause harm to the character and amenity of the area and would wish to control future changes in compliance with policies QD1, QD27 and NC6 of the Brighton & Hove Local Plan.
18. A minimum of 14 days notice of the commencement date of the development shall be given in writing to the Local Planning Authority. **Reason:** In order to avoid dispute over the timing of development construction and the subsequent discharging of conditions related to the commencement of development.
19. No use of the Stadium shall take place for Outdoor Events unless and until park and ride facilities with a total minimum capacity of 1300 car parking spaces are available for use by persons attending Outdoor Events at the Stadium and such spaces shall be maintained for such use in accordance with the Travel Management Plan. **Reason:** In order that the park and ride transport arrangements in respect of the use of the Stadium are implemented to meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
20. Amplified sound from outdoor concerts within the Stadium shall be controlled in accordance with the guidance provided by the Code of Practice on Environmental Noise Control at Concerts, The Noise Council 1995, such that noise levels do not exceed 75 dB LAeq 15 min, 1 metre from the façade of any noise sensitive premises, which for the avoidance of doubt shall include all the University of Brighton's Falmer Campus, residential dwellings at Falmer Village and the University of Sussex's academic and residential buildings. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
21. At least 28 days prior to any outdoor music concert a detailed feasibility study examining the likely propagation of music noise from the proposed event shall be submitted in writing for the approval of the Local Planning Authority. The study shall have reference to the guidance of The Noise Council's Code of Practice on Environmental Noise Control at Concerts (1995) or any subsequent alternative guidance and shall include, though not necessarily be restricted to, information on timing, programme and duration of the music entertainment and sound checks the proposed maximum music noise levels within the Stadium bowl audience area and at any front of house mixing desks; the likely music noise levels at LAeq

and Leq, 15 min at the 63 Hz and 125 Hz octave bands, 1 metre from the façade of the nearest noise sensitive property, which for the avoidance of doubt shall include all the University of Brighton's academic and residential buildings at the University of Brighton's Falmer Campus, residential dwellings at Falmer Village and the University of Sussex's academic and residential buildings; the location, type and directionality of all sound systems associated with the event; the measures and steps that will be in place to manage music noise levels to ensure that the music noise level criterion of 75 dB LAeq, 15 min is unlikely to be exceeded 1 metre from the façade of the nearest noise sensitive property. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.

22. All Outdoor Events within the Stadium shall only take place between 9.00 am and 11.00 pm Monday to Saturday, and between 9.00 am and 10.30 pm on Sundays and Bank Holidays. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
23. The total number of Outdoor Events within the Stadium in any period of 12 months shall not exceed 50 of which not more than two shall be music concerts. Any proposed events in addition to these shall be subject to the prior written approval of the Local Planning Authority. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution and disturbance in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
24. All events within indoor bars and indoor function areas shall only take place between 8am and midnight Monday to Saturday and 8am and 11pm on Sundays, unless otherwise agreed in writing by the Local Planning Authority. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
25. No use of the Stadium for Outdoor Events shall take place unless and until a scheme for the design specification and operation of the Public Address (PA) system (both internally and externally) has been submitted to and approved in writing by the Local Planning Authority and the said scheme shall thereafter be implemented in accordance with the approved scheme. The Rating Level, measured or calculated at 1m from the façade of the nearest noise sensitive property, which for the avoidance of doubt shall include all the University of Brighton's academic and residential buildings at the University of Brighton's Falmer Campus, residential dwellings at Falmer Village and the University of Sussex's academic and residential buildings, shall not exceed the existing LA90 background noise level. The Rating Level, including a +5 dB character correction of the PA noise and existing background noise levels shall be determined as per the guidance provided in BS 4142: 1997. The PA system shall not be used (other than for testing and commissioning purposes) until the Local Planning Authority has approved the PA system and its operational noise

levels in writing. This condition shall not preclude the use of a PA system at such level as may be required for ensuring crowd safety during an emergency incident either inside or immediately outside the Stadium.

Reason: In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.

26. No development shall commence until there has been submitted to and approved by the Local Planning Authority a scheme of noise attenuation measures which will control the break out of noise from the entertainment, banqueting and conferencing facilities and other such enclosed areas within the stadium such that its rating level, measured or calculated at 1m from the façade of the nearest noise sensitive property, shall not exceed the existing LA90 background noise level. The scheme shall thereafter be implemented in accordance with the approved details. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
27. No car park to the west of the stadium shall be used for events finishing after 11.00 pm. **Reason:** In order to protect the amenity of nearby residents and to minimise noise pollution in compliance with policy QD27 of the Brighton & Hove Local Plan.
28. The use of the PA system shall be limited to between 9.00am and 11.00pm Monday to Saturday and 9.00am and 10.30pm Sundays and Bank Holidays, and the use of the external PA system (outside the stadium) shall be restricted to public safety announcements and shall not be used for general crowd entertainment. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
29. Noise associated with plant and machinery used at the development shall be controlled such that the Rating Level , measured or calculated at 1m from the façade of the nearest existing noise sensitive premises, shall not exceed 5 dB (A) below the existing LA90 background noise level. Rating Level and existing background noise levels shall be determined as per the guidance provided in BS4142: 1997. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
30. Refuse collection and deliveries shall only take place between specified hours, details of which shall be first submitted to and approved in writing by the Local Planning Authority except at those parts of the application site forming part of the campus of the University of Sussex and Falmer School. **Reason:** In order to protect the amenity of adjoining occupiers and to avoid vehicle congestion at peak hours in compliance with policies NC6 and QD27 and TR7 of the Brighton & Hove Local Plan.
31. The Stadium shall not be brought into use unless and until:
 - 1) The Link Road between Stanmer Park Road and the University of Sussex as shown on Plan No. HED/307. VWN.PP.002.REV B has

been constructed in accordance with the said plan and brought into use.

- 2) The Link Road shall thereafter be available at all times to provide vehicular access and egress to the University of Sussex;
- 3) The existing access to the University of Sussex from the A27 to Falmer House Road shall thereafter be closed to all vehicular traffic except emergency vehicles, in the manner detailed at (iv).
- 4) Vehicular access to the development and the University of Brighton from the westbound A27 on slip shall be restricted to emergency vehicles by a locked gate or demountable bollards.
- 5) Prior to the commencement of works on the link road detailed plans/drawings showing the proposed construction details of the proposed link road, closure of Falmer House Road and all associated works including surfacing materials shall be submitted and approved in writing by the Local Planning Authority and the Highways Agency.

Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4 and TR6 of the Brighton & Hove Local Plan.

32. The Stadium shall not be brought into use unless and until the new traffic signal controlled junction (including A27/A270 eastbound flyover) at the access to Falmer High School and Stanmer Park has been laid out, constructed and provided to the satisfaction of the Local Planning Authority and the Highways Agency. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4 and TR19 of the Brighton & Hove Local Plan.
33. Prior to occupation plans shall be submitted to and approved by the Local Planning Authority showing the detailed layout of the taxi/drop off facility adjacent to Falmer High School and the Stadium shall not be brought into use until the taxi/drop off facility has been laid out in accordance with such approved plans, constructed and brought into use. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
34. The stadium shall not be brought into use unless and until the new footbridge across the railway line at Falmer Station, the detailed design (including materials) of which shall have been submitted to and approved in writing by the Local Planning Authority has been laid out, constructed and brought into use. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR14, TR18 of the Brighton & Hove Local Plan.
35. The Stadium shall not be brought into use unless and until the new pedestrian footway/cycleway from Falmer High School (from the new

junction on the A270) to the Stadium, the detailed design (including materials) of which shall have been submitted to and approved in writing by the Local Planning Authority, has been laid out, constructed and brought into use. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR11, TR12, TR14 and TR15 of the Brighton & Hove Local Plan.

36. The Stadium shall not be brought into use unless and until details of the arrangements for car parking for a minimum of 2000 and a maximum of 2200 cars at Sussex University and Falmer High School or at alternative locations within 1.5km of the Stadium have been submitted to and approved by the Local Planning Authority and the said car parking provided. No Outdoor Event for which these parking spaces are required in accordance with the travel Management Plan shall take place unless such parking spaces are available for use by persons attending the said Outdoor Event. The total number of car parking spaces to be provided for Outdoor Event traffic shall not exceed 2350 within 1.5km of the Stadium. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR18 and TR19 of the Brighton & Hove Local Plan.
37. All buildings and trees scheduled for removal or surgery shall be surveyed for bats by a suitably licensed bat ecologist immediately prior to commencement of works and in case of occupancy being identified, removal works suspended and English Nature contacted and its advice followed. Ivy clad trees in any event shall be left for two days before clearing to allow any bats to leave. Details of the design and siting of bat boxes to be installed on mature trees in Westlain Plantation shall be submitted to the local planning Authority for approval and shall be implanted in accordance with the scheme. **Reason:** In the interests of nature conservation and to accord with policy NC2 of the Brighton & Hove Local Plan.
38. At least ten weeks prior to commencement of works, a dust control plan, including details of control particulate levels, shall be submitted to the Local Planning Authority for its written approval. No works shall commence until the control plan has been approved, and the works shall be carried out in accordance with the control plan. **Reason:** In order to protect the amenity of adjoining occupiers and to minimise noise pollution in compliance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
39. No outdoor event shall take place at the Community Stadium with an attendance in excess of 22,500 people. **Reason:** In the interests of public safety and to avoid excessive noise and disturbance in accordance with policies NC6 and QD27 of the Brighton & Hove Local Plan.
40. The maximum attendance at an indoor event in the conference/banqueting facilities hereby approved shall not exceed 2510. **Reason:** In order to avoid excessive noise and disturbance in accordance

with policies NC6 and QD27 of the Brighton & Hove Local Plan.

41. No part of the Stadium building shall be occupied or used unless and until a Green Travel Plan relating to the occupiers of the accommodation within the Stadium has been submitted to and approved in writing by the Local Planning Authority. All occupiers of the accommodation in the Stadium building shall be required to comply with the requirements of the approved Green Travel Plan. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
42. No development shall be commenced (with the exception of archaeological or other preliminary site investigations) until a Travel Management Group has been established in accordance with the terms of reference submitted to and approved in writing by the Local Planning Authority for the purpose of consultation with interested parties as to arrangements for travel management associated with the use of the Stadium and the preparation of the Travel Management Plan as required by Condition 43.

The parties to be invited to become members of the Travel Management Group shall include:

- The Contractors (during Construction Period)
- The Company
- Brighton and Hove Council
- The University of Brighton
- The University of Sussex
- Sussex Police
- British Transport Police
- East Sussex Fire Service
- East Sussex Ambulance Service
- East Sussex Highway Authority
- The Highways Agency
- Brighton and Hove Bus and Coach Company
- Southern Railway
- Lewes District Council
- Falmer Parish Council

Or any successor body to the said groups, organisations or Councils.

Reason: In order to ensure that there is sufficient consultation with interested parties to ensure that the Travel Management Plan achieves the efficient and effective transportation of users of the Stadium whilst meeting sustainable transportation objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.

43. The Stadium shall not be brought into use unless and until a Travel Management Plan prepared in consultation with the Travel Management Group has been submitted to and approved in writing by the Local Planning Authority. The Travel Management Plan shall include details of:
- 1) Match ticket sales points;

- 2) Provision of Transport Voucher or equivalent and journeys/modes to be covered by the same;
 - 3) Capacity location management and operational arrangements of Park and Ride sites and the Bus and Coach Park;
 - 4) Provision of Signage directing vehicles, pedestrians and cyclists to Stadium and Parking;
 - 5) Public Transport arrangements to be provided including (but not limited to) additional public transport capacity for indoor and outdoor events;
 - 6) A Parking Management Strategy for the Controlled Parking Zone as defined in Condition 48 below;
 - 7) Methodology for assessment of additional traffic impacts;
 - 8) Publicity arrangements in respect of parking restrictions within the Stadium complex and in the vicinity of the Stadium including (but not limited to) restrictions on parking on the Falmer Campus of the University of Brighton in Falmer Village and in the Stanmer Park and the use of non-car travel modes (to include away supporters);
 - 9) Pedestrian routing to and from the Stadium;
 - 10) Management of Pedestrian Routes.
 - 11) An Information Strategy for publicity of travel details and advice of spectator behaviour.
 - 12) Mechanism for monitoring and review of the Travel Management Plan; No indoor or outdoor event(s) (which for the avoidance of doubt will include conferences and banquets) with an anticipated individual or cumulative attendance at any time of 250 or more shall take place at the Stadium other than in accordance with the Travel Management Plan or such separate Travel Management Plan as shall have been submitted to and approved in writing by the Local Planning Authority specific to that Event. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
44. The Stadium shall not be brought into use unless and until a Stewarding Plan (which for the avoidance of doubt shall not apply to the area of the Stadium or adjoining concourse) shall be submitted to and approved in writing by the Local Planning Authority. The Stewarding Plan shall include details of:
- 1) Stewarding arrangements for the Match Day Parking Zone before, during and after Outdoor Events;
 - 2) Stewarding arrangements for the Bus and Coach Park before, during and after Outdoor Events
 - 3) Stewarding arrangements for pedestrian and cycle access routes in the vicinity of the Stadium;
 - 4) Stewarding arrangements for the Park and Ride sites before, during and after Outdoor Events.
 - 5) Stewarding arrangements for train station and routes to Falmer Station before, during and after Outdoor Events.

- 6) The provision of situation response stewards to respond as necessary to local problems arising as a result of Outdoor Events held at the Stadium;
- 7) Stewarding arrangements for preserving Campus security and amenity and free flows of traffic (to include pedestrian, vehicular and cyclists) to and from the Campus before, during and after Outdoor Events (subject to such arrangement as may be agreed for the checking of passes or other authorisation);
- 8) Stewarding arrangements for the supervision of bus queues outside the Bus and Coach Park in the vicinity of the site before, during and after Outdoor Events;
- 9) Post-event litter collection;
- 10) A mechanism for stewards, the University and local people to advise of breaches of the Stewarding Plan, or parking restrictions or of disorderly behaviour;
- 11) Equipment to be supplied to Stewards;
- 12) Arrangements for placement of temporary signs;

No event with an anticipated attendance of 500 or more shall place at the Stadium other than in accordance with the Stewarding Plan or such separate Stewarding Plan as shall have been submitted to and approved in writing by the Local Planning Authority specific to that Event. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.

45. The Stadium shall not be occupied by City College until a Travel Management Plan detailing means of travel for staff and students to the Stadium has been submitted to and been approved in writing by the Local Planning Authority. **Reason:** In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.
46. The car parking hereby approved within the stadium itself shall only be available for use by occupiers and users of the stadium. **Reason:** In order to prevent increasing the general availability of car parking spaces in the area and to meet sustainable transport objectives in compliance with policies TR1, TR2, TR19 of the Brighton & Hove Local Plan.
47. No use of the Stadium for Outdoor Events shall take place unless and until Outdoor Event day Controlled Parking Zone is brought into operation for the duration of each Outdoor Event and for three hours either side of the start and finish times of each Outdoor Event. The area covered by the Controlled Parking Zone is identified in inquiry documents BHA 251/253 and 252 at Plans 3 and 2 respectively, but for the avoidance of doubt shall include the village of Falmer, The Controlled Parking Zone will in every case operate to prevent visitors to the Outdoor Event from parking their vehicles within the area controlled by the Controlled Parking Zone.

Reason: In order that the transport arrangements in respect of the use of the Stadium are capable of operating effectively and safely and meet sustainable transport objectives in accordance with policies TR1, TR2, TR4, TR6, TR8, TR14, TR18 and TR19 of the Brighton & Hove Local Plan.

48. Within 6 months of the first opening of the Stadium, the Artistic Component, details (including the location) of which shall have first been submitted to and approved by the Local Planning Authority, shall be installed in the location so approved. **Reason:** In order to comply with policy QD6 of the Brighton & Hove Local Plan.
49. The Stadium shall not be brought into use until accommodation is made available within the Stadium building for the following:
- 1) A study support centre to be operated jointly with the Learning and Skills Council or with any such other agency or agencies as may be agreed in writing with the Local Planning Authority of not less than 81 square metres.
 - 2) A Skills Training Centre which may be operated in conjunction with such commercial or educational agencies as may wish to participate to provide such range of courses as may be agreed in writing with the Local Planning Authority of not less than 1224 square metres.
 - 3) Such internal space as may be reasonably required and subject to the prior needs of the Company's football and other commercial activities to be provided on a not for profit basis for the agreed periods of use by the local residents and other groups to be agreed in writing by the Local Planning Authority.
- Reason:** In order to ensure the delivery of the community educational benefits by the club which partly enabled the tests to be met for allowing an exception to policy to be made under PPS7.
50. The chalk reprofiling proposed shall be carried out in strict accordance with the Soil Handling and Agricultural Land Restoration Method Statement set out in Appendix 7.3 of the Environmental Statement (including after care measures contained therein) unless any variation is agreed in writing by the Local Planning Authority. **Reason:** In order to ensure the satisfactory handling of soils and restoration of agricultural land in accordance with PPS7 and policies NC6 and NC7 of the Brighton & Hove Local Plan.
51. The chalk reprofiling and soil restoration shall be completed to the written satisfaction of the Local Planning Authority no later than two months from the date of the first use or occupation of the Stadium. The 5 year aftercare programme set out in the Agricultural Method Statement shall begin on the date 2 months following the first use or occupation of the stadium, unless any variation is agreed in writing by the Local Planning Authority. **Reason:** In order to ensure the satisfactory handling of soils and restoration of agricultural land in accordance with PPS7 and policies NC6 and NC7 of the Brighton & Hove Local Plan.
52. Prior to the commencement of development, details of the proposed water infrastructure plans shall be submitted to the Local Planning Authority for approval in consultation with Southern Water. **Reason:** In order to ensure

that there is an adequate water supply to the site and that the development does not have a harmful impact on existing supplies.

53. No development shall take place until the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority. **Reason:** In order to ensure that any items or sites of archaeological and historic value are preserved or retained in situ in accordance with policy HE12 of the Brighton and Hove Local Plan.

iii) Informatives:

1. This decision is based on drawing nos. 05099-100A; 101D; 103D; 104A; 108; 110F; 111F; 112E; 113E; 114E; 115E; 116E; 119C; 150G; 151G; 159G; 204H; 214G; 215F; 300I; 301H; 303E; 304H; 305H; 306H; 307H; HED.307.100.001 Rev A; 005. Rev E; 009 Rev C; 021 Rev B. submitted on 20/10/08
2. This decision to grant Planning Permission has been taken having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan and Brighton & Hove Local Plan set out below, and to Supplementary Planning Guidance and Supplementary planning Documents and Government Guidance as set out below:

Planning Policy Statements

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS6 – Planning for Town Centres

PPS7 – Sustainable Development in Rural Areas

PPS9 - Biodiversity and geological conservation

PPS10 – Planning for Sustainable Waste Management

PPS22 - Renewable energy

PPS23 – Planning and Pollution control

PPS25 – Development and flood risk

Planning Policy Guidance Notes

PPG4 – Industrial and Commercial Development and Small Firms;

PPG13 – Transport;

PPG15 – Planning and the Historic Environment;

PPG16 – Archaeology and Planning;

PPG17 – Planning for Open Space, Sport and Recreation;

PPG24 – Planning and Noise

Regional Planning Guidance for the South East

RPG9 – Regional Planning Guidance for the South East 2001

Q1 – Urban areas – prime focus for new development;

Q6 – Health, education and other social considerations and infrastructure requirements

Q7 – Multi purpose countryside

E1 – Nature Conservation, Landscape Quality and Cultural Importance

E2 – Biodiversity
E5 – Woodland habitats
E7 – Pollution control and air pollution;
RE1 – Regional Economy
RE2 – Job Opportunities
RE4 – Business and Sustainable Development
RE5 – Employment land resources;
RE7 – Support for PAERs (Priority Areas for Economic Regeneration) of which is Brighton and Hove;
RE11 – Tourism, Arts and Culture
H4 – Dwelling types and sizes and affordable housing;
H5 – Increasing housing development in urban areas;
T1 – Minimising the distance people need to travel;
T2 – Travel awareness and travel plans;
T3 – Parking standards;
T4 – Walking and cycling;
T5 – Public Transport
INF1 – Flood risk
INF4 – Energy conservation and renewable energy.

Draft South East Plan Core Document

CC1 – Sustainable Development
CC2 – Climate Change
CC3 – Resource Use
CC4 – Sustainable Construction
CC12 – Character of the Environment and Quality of Life
RE1 – Supporting Regionally Important Sectors and Clusters
C1b – The South Downs
C2 – Areas of Outstanding Natural Beauty
TSR3 – Regionally Significant Sports Facilities

East Sussex and Brighton and Hove Structure Plan 1991-2011

S1 – Twenty One Criteria for the 21st Century.
S5 – Definition of development boundaries
E14 – Academic Corridor
TR1 – Integrated Transport and Environment Strategy
TR3 – Accessibility TR16 – Parking standards for development.
SH5 – Outside Urban Areas
EN1 – Environment General
EN2 – AONB
EN3 – AONB
EN28 – Renewable Energy Generation.
LT1 – Leisure and Tourism
LT2 – Leisure and Tourism
LT11 – Sports Facilities and Activities
LT14 – Major Sporting Venues

Brighton and 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
- TR8 – Pedestrian routes
- TR14 – Cycle access and parking
- TR18 – Parking for people with a mobility related disability.
- TR19 – Parking standards
- SU2 – Efficiency of development in the use of energy, water and materials
- SU3 – Water resources and their quality
- SU4 – Surface water run-off and flood risk
- SU5 – Surface water and foul sewage disposal infrastructure
- SU8 – Unstable land
- SU9 – Pollution and nuisance control
- SU10- Noise nuisance
- 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.
- QD6 – Public art
- QD7 – Crime prevention through environmental design.
- QD15 – Landscape Design
- QD16 – Trees and hedgerows
- QD17 – Protection and integration of nature conservation features.
- QD18 – Species protection
- QD19 – Greenways
- QD25 – External lighting
- QD26- Floodlighting
- QD27 – Protection of amenity
- QD28 – Planning obligations
- HO8 – Retaining housing
- HO19 – New community facilities
- EM2 – Sites identified for high-tech and office uses
- EM18 – University of Brighton
- EM19 – University of Sussex
- SR2 – New retail development beyond the edge of existing established shopping centres.
- SR16 – Major sporting and recreational facilities
- SR23 – Community Stadium
- NC4 – Sites of Nature Conservation Importance and Regionally Important Geological Sites.
- NC5 – Urban fringe
- NC6 – Development in the countryside/downland
- NC7 – Sussex Downs Area of Outstanding Natural Beauty

HE3 – Development affecting the setting of a listed building.

HE6 – Development within or affecting the setting of conservation areas.

HE11 – Historic parks and gardens

HE12– Scheduled ancient monuments and other important archaeological sites.

Supplementary Planning Documents

SPD 03 – Construction and Demolition Waste

SPD 06 - Trees and Development Sites

SPD 08 – Sustainable Building Design

SPD 09 – Nature Conservation and Development (Draft)

Supplementary Planning Guidance Notes

SPG BH4 – Parking Standards

3. A formal application to Southern Water for connection to the public water supply is required in order to service this development.
4. If bat surveys of existing buildings reveal that further surveys are needed, then a European Protected Species licence will be needed before buildings can be demolished.
5. This decision to grant Planning Permission has been taken for the following reasons:

The proposal complies with policy SR23 of the adopted local plan which proposes a Community Stadium. The Secretary of State granted permission for a similar stadium in 2007 together with car parking on site, as well as at Sussex University, Falmer High School and a new link road from Stanmer Park and Sussex University as well as junction improvements to the A27 and Falmer Station. The current application site is confined to the stadium itself as well as land south of Village Way. It is considered that the revised stadium will still deliver a much needed major sporting facility for the City and will also deliver economic, regeneration and educational benefits in close proximity to a deprived Ward which the Secretary of State considered to be in the national interest and therefore met the tests set out in PPS7 for permitting development in the AONB.

The modifications to the design of the stadium are not considered to make a significant difference in the quality of the design when considering the stadium as a whole and would meet the requirements of policies QD1 and QD4.

It will still be possible to ensure that the non-match day activities within the stadium without generating significant volumes of traffic and parking with appropriate use of conditions requiring Travel Management Plan and a Green Travel Plan in accordance with policy TR1 and PPG13.

Re-contouring land south of Village Way offers significant benefits over alternative methods of disposal as it would keep the material on the site and therefore significantly reduce vehicle movements associated with the project. The benefits of reduction in vehicle movements and improvement in soil quality outweigh any potential short term visual and environmental impacts, for which satisfactory mitigation measures can be secured through planning conditions and S106. The impact on the landscape character of the Downs is minimised by the limited views of this field and the variety in character of the Downland landscape. This part of the proposal is therefore in accordance with PPS7 (Sustainable Development in Rural Areas) Structure Plan Policies EN2 and EN3 and Local Plan Policies QD4, QD15, NC3 and NC5, NC6 and NC7.

3 THE SITE

The application site as defined by the red line boundary comprises agricultural land north and south of Village Way extending east to the City boundary with Lewes District Council. The site also includes University of Brighton buildings namely Uckfield, Alfriston and Telscombe Houses and the Gymnasium which are located on the eastern edge of the campus. The western boundary of the site is formed by the remainder of the University of Brighton campus and the Westlain Plantation, an area of woodland which borders the field south of Village Way. The northern boundary of the site is formed by the north edge of the field adjacent to the Brighton – Lewes railway line on its northern edge. The A27 Trunk Road runs parallel on the north side of the railway. Village Way is the access road divides the site and runs east-west into the University of Brighton from the B2173 (The Drove). The land immediately east of the application site is part of the same farming field. On the north side of Village Way, part of the field within Lewes District has consent for a Transport Interchange to serve the Stadium.

Further to the west of the site is the remainder of the Brighton University campus, the Brighton Health and Racket Club and Falmer High School. Beyond the B2123 to the east is the village of Falmer, a designated Conservation Area; and to the south is open downland which falls within the Sussex Downs Area Of Outstanding Natural Beauty and the proposed South Downs National Park. The land north of Village Way has been excluded from the proposed National Park. To the north of the A27 is the Sussex University campus, containing one Grade I and eleven Grade II* listed buildings.

Stanmer Park, to the west of Sussex University, itself is a Historic Park of Grade II listed status. It contains the Grade I listed Stanmer House and several other listed (Grade II* and II) listed buildings, including the Grade II Lower Lodges at the entrance to the Park, and is within the Stanmer Conservation Area and proposed Local Nature Reserve.

The current application site, as described above, has an area of approximately 14.26ha.

The current application site does not include other land which formed part of the approved Stadium consent such as the Transport Interchange, part of Falmer High School (car parking), Sussex University (car parking areas), the junction of the A27/A270 at the eastern end of Woollards Field (road improvements) and land immediately to the north of the stadium site (players' etc car parking, emergency vehicle access), the new footbridge over the railway line and at the southern end of Stanmer Park (new access road to car parks at Sussex University). All of these infrastructure works have consent and do not form part of the considerations of this application. However if this application is approved, then all of the aforementioned works would be implemented as part of the new stadium.

4 RELEVANT HISTORY

Full planning consent was granted in July 2007 by the Secretary of State for Communities and Local Government for a Community Stadium together with junction alterations to the A27/A270, a link road between Stanmer Park and the University of Sussex, parking at Falmer School and improvements to Falmer Station (Application A; Ref: BH2001/02418/FP)). Planning consent was also granted for a transport interchange on the land south of Village Way which falls under Lewes District Council (Application B Ref: LW/02/1595). Two further approvals (Applications C & D) were granted for the widening of Village Way itself and junction improvements with the A270 Droveaway (Ref: BH2003/02449/FP & LW/03/1618). These two applications straddled both authorities. Works to widen Village Way have commenced. Appendix B attached to this report illustrates the extent of these consents on a location plan. The applications were the subject of three S.106 obligations between the Local Planning Authority, the football club, the stadium company and the Universities of Brighton and Sussex. These agreements covered the following:

- Transport arrangements including ticketing, park and ride, car parks and a Stewarding Plan. Traffic monitoring. Travel management Plan. Green Transport Plan.
- Construction of the Stanmer Park Link Road, A27 junction improvements,
- Management of the construction
- Public art,
- Liaison with interested parties,
- Provision of study support centre,
- Sustainability benefits.
- Campus Management Plan
- Submission of a Business Plan

5 THE APPLICATION

This revised application comprises two distinct parts (See Appendix A). The first part of the application proposes revisions to the approved Community Stadium whilst the second element proposes re-contouring the land south of Village Way using the chalk spoil from the excavations for the stadium.

Revisions to the stadium have become necessary for a number of reasons. Firstly, since the stadium was first designed in 1998, a series of new legislation and guidance governing stadium design, security and safety has been brought into effect. It has become necessary therefore to provide wider concourses for the circulation of spectators, improved facilities for control rooms and improved facilities for spectators with disabilities. There will be no increase in the capacity of the stadium which will still hold 22,500 spectators.

Secondly, due to the exceptional world wide increase in the cost of building materials and in particular steel, construction costs have risen significantly and it has proven necessary to consider design modifications to the roof and to the external materials of the stadium. These alterations are considered to be a material alteration which warranted a revised planning application to be made.

The third aspect of the changes relate to uses within stadium. The approved stadium included a sports hall and sports science facilities which were to be used by the University of Brighton. The University now has plans to provide these facilities within its own campus so they are no longer needed in the stadium. Another significant change is that the approved Class B1 office floorspace within the stadium is now proposed to be occupied by Brighton College of Technology (BCT) for education purposes. There would still be 1100 sq m of offices in the revised scheme which would be occupied by the club for its administration purposes. The College will take up 2000 sq m of floorspace in the East Stand. The College also has aspirations to build further accommodation in a separate building opposite the East Stand known as the “bund building” but this would need to be subject of a separate planning application.

The revised plans also propose an increase in the amount of conferencing and hospitality facilities from 1400 sq m to 4400 sq m provided within 6 function rooms of varying size. These rooms will also be used to provide the club’s community education programmes on non-match days. Finally the proposed crèche under the approved scheme will not be provided as it has not been possible to provide the required external play space.

Overall, there would be an increase in floorspace within the stadium of 3316 sq m. This does not include the larger concourses. Including the increase in concourse areas, there would be an increase of over 9000 sq m so that the revised stadium would have 27000 sq m.

Modifications to the Stadium Design.

Floor level

North of Village Way the site slopes down hill towards the railway and to the east. The highest point of the site is in the south west corner where Village Way enters the University itself. Datum levels are 92.0m at their highest falling to 74.0m adjacent to the railway.

The proposed playing pitch level and the concourse outside the West Stand

would be at 76.0m. The West Stand would be adjacent to Village Way at the entrance to the University currently at 92.0m thus the excavation would reduce the lowest ground level to some 16m lower than the top of the field at its highest point.

In comparison to the approved scheme, the pitch level would be 1.4m lower and the lower ground floor level in the West Stand would be excavated to 2m lower than as approved. The East Stand perimeter concourse and ground floor will be at the same level as approved at 78.4m. The North Stand internal concourse will be 1.3m lower than approved whilst the bund which previously screened the stand will now house the Energy centre and offices with a ground floor at 73.6m. The South Stand which also was screened by a bund which will be replaced by a concourse at 81.2m

Roof

The roof of the approved scheme had a 1.5m diameter tubular steel arch on top which curved around the front edges of the West and East stands. In order to reduce steel costs associated with the development by 50%, this arch will now be a trussed arch of 500mm diameter, set well back from the edge of these roofs and will curve around the front edge of the roof nearer the pitch.

The set back is 32m on the West Stand and 20m on the East Stand. The pitch of the roof would also be amended from 5 degrees to 4 degrees. This has been done to reduce the depth of the concourse to improve wheelchair access and will also reduce the excavation required. The top of the proposed arch on the West Stand will be the same height as before at datum level 119m. The top of the arch on the East Stand will be 4m higher than that approved at datum level 109.4m thus still 10m lower than the West Stand. The front edge of the roof of the West Stand itself will be the same height as that approved at datum level 110.5m whilst that of the East Stand will be 3 metres higher than that approved at 97.9m.

The North and South Stands under the proposed scheme were concealed by bunds faced with chalk gabions and grass roofs. The most significant changes affect the roofs with the grass being replaced with metallic roofs. The North Stand will have a monopitch roof at datum level 97m at its highest and 82.1m at eaves height. The approved bund was at 93m at its highest. The South Stand will at datum level 96.3m at its highest and 87.1m at eaves level. This would be 4m higher than the top of the bund as approved.

West Stand

The external concourse will be excavated down from datum level 82.3m to 80.2m whilst the parapet of the stand will be lowered from 102.8m to 101.75m. The amount of floorspace in the stand will increase from 11,568 to 14,556 sq metres. This increase is mainly due to the expansion in hospitality areas as well as players facilities and larger concourses. Hospitality areas will increase from 1429 sq m to 4418 sq m which will increase their capacity from 1040 to 2846 persons notwithstanding fire regulations.

East Stand

The commercial B1 office space will be omitted and space at first floor level

for City College provided instead. The overall amount of floorspace will increase from 3550 to 5280sq m mainly due to change from 1200 sq m of commercial offices to 2000 sq m of College space.

North Stand

The size of the proposed Energy Centre would be increased from the approved scheme from 292 sq m to 1200 sq m. This is required in order to comply with condition 42 of the existing consent requiring the applicants to implement CO2 reduction measures. The energy centre will take the place of the chalk bund under the approved scheme. The club shop will also be relocated to the North Stand as this is the most convenient location for fans arriving by train and the club offices will also relocate here to be near the shop. The area of the shop will increase from 200 to 370 sq m. Overall there would be an increase from 1531 sq m to 5582 sq m. This is again mainly due to larger concourses, the larger Energy Store and an increase in the area for the club's offices.

South Stand

The concourse level will be raised from datum level of 77.5m to 81.2m which will reduce the amount of excavated material by 4350 cu. metres. The chalk bund which was under the stand will now be omitted and the concourse which was under the stand re-sited above and behind the stand with a roof over. The amount of floorspace would be increased from 1,540 to 2,378 sq m. Most of this relates to the need to increase the concourses together with additional storage areas.

Elevations

West Stand

One of the main changes is that the two large pedestrian bridges across to the concourses at first floor level have been omitted although there will still be a small footbridge serving as a players entrance at second floor level. In addition due to the need to provide a better acoustic performance, the fabric sails which screened views of the pitch have been omitted and replaced with a colour coated acoustic screen at the edges of the stand. The central area of glass curtain wall has been reduced and the area of aluminium curtain walling increased. There will though be an increase in the areas of glazing compared with the approved scheme serving the hospitality areas on the first, second and third floors.

East Stand

The ground floor which will serve as the entrance to the College will have double glazed curtain wall and the area of blockwork at ground level will reduce compared to the approved scheme. The area of aluminium curtain walling to the upper floors will be increased as proposed. As with the West Stand, the fabric sails will be replaced with aluminium acoustic screens.

North Stand

The walls of the stand as approved were chalk faced gabions which contained

spoil from the excavation works. The walls of the stand will now be faced with a rustic blockwork cladding. The walls will now be punctuated with glazing and aluminium windows for the club shop and coated aluminium louvres and masonry wall for the Energy Centre.

South Stand

The elevation of this stand will have a similar appearance to the North Stand with blockwork cladding. The only punctuations in the elevation will be at ground floor with small doorways and shutters to access the turnstiles and some storage rooms. This elevation will be screened by the embankment rising up to the transport interchange. The top of the embankment would be at the same level as the eaves level of the house.

Re-contouring of Village Way South

The applicants propose to deposit inert chalk spoil from the excavation of the stadium site onto the land to the south of Village Way. This would partially fill an existing dry valley in the field, reducing the maximum depth of the valley from 15m to 10m. Following the deposition of spoil the field would be restored to agricultural use. Under the approved scheme this chalk spoil would have been transported off site to Beddingham.

The land that would be subject to chalk re-profiling sits immediately to the south of Village Way and is currently an open field in agricultural use. The land slopes down from south to north and there is a dry valley running through the site which runs roughly north to south. The sides of the valley are gently sloping and typical of the topography of the South Downs. The lowest part of the site is in the middle of the northern boundary with Village Way. The part of the application site that is proposed to be re-contoured is outside of the Boundary of the Built up Area as defined in the BHL P Adopted Proposals Map and is within the South Downs AONB. It is also within the Proposed South Downs National Park. The entire site is within Brighton and Hove but is immediately adjacent to the boundary with Lewes District which lies to the east and north east of the site. The Local Nature Reserve of Westlain Plantation lies immediately to the west of the site but would remain unaffected by the re-profiling proposal.

Re-contouring operation methodology

The re-contouring of the farm land to the south of Village Way would consist of stripping and stockpiling the topsoil from the affected area, partially filling the dry valley which runs south/north across the site with excavated spoil (from the stadium excavation) and then re-spreading the original topsoil plus the topsoil taken from the stadium site.

The application plans and Environmental Statement (app.7.3) submitted includes contour plans and sections of the existing and proposed levels across the field.

The maximum depth of fill would raise the ground level by 5m in the centre of

the dry valley, this depth of fill tapers out towards the edges of the area to be raised. The end result of this process will be to retain the dry valley within the field, but to a shallower depth than it is at present. The applicant calculates that a total of 158,500 cubic metres of spoil will be used in the re-contouring operation. This includes a contingency allowance of 15%.

Following the re-contouring operation the field would be returned to agricultural use. A detailed Soil Handling and Agricultural Land Restoration method statement has been submitted as appendix 7.3 of the Environmental Statement.

Environmental Statement

An Environmental Statement (E.S.) has been submitted with the application in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. A formal scoping opinion on the content of the ES was issued by the LPA in July 2008.

The ES provides a description of the scheme and alternatives, and an assessment of the likely environmental impacts of the development. A Non Technical Summary was also submitted as required by the regulations.

6 CONSULTATIONS

External:

Neighbours: See Appendix C for list of addresses.

799 letters of support received.

Summary of comments:

- The original application was considered very carefully at two Public Inquiries and the Government came to the conclusion that the stadium should be permitted.
- The key principles permitted by the Secretary of State included:
 - The iconic design
 - The siting, location and orientation of the stadium
 - Agreed capacity of the Stadium (22,500)
 - Agreed roof height at the main roof level and the top of the arch
 - The sustainable transport strategy
 - Acceptable environmental impactNone of these principles have been changed in the new application.
- The proposals to place the chalk on the adjoining field eliminates 22,000 lorry movements on the local road network
- Placing the chalk on the adjoining field recycles this material rather than transporting it to landfill
- The reduction in lorry movements substantially reduces the carbon emissions from the proposed development (saving over 1,000 tonnes)
- The agricultural grading and value of the adjoining field will be increased when the chalk re-profiling is completed

- The introduction of the Educational use under the East Stand in place of Commercial Office development increases the social and economic benefits that the stadium will deliver including creating greater opportunities for education, skills training and job creation.
- The revised bowl design has been reconfigured to improve the access for disabled supporters and gives them more comfortable and much better viewing positions
- The stadium development is very important because it is not just a new home for Brighton & Hove Albion. The Secretary of State in her letter when she gave consent for the development, said that “there is a considerable local need for the proposed development and that it would bring significant regeneration and socio- economic benefits to one of the most deprived areas of the country, which she found to be in the national interest”.
- The changes to the stadium design have been made necessary by the large amount of new legislation that has been enacted since the original plans were submitted but in themselves do not change the overall principles of the development.

Request that the Planning Committee approve these changes.

14 letters of objection received.

Summary of comments:

- Football club’s financial constraints are not a valid reason for downgrading the design of the stadium and despoiling the land south of Village Way.
- Accommodation within the bunding is enabling development which was agreed would never be part of this development.
- Application should be called in.
- The Disability Act was on the statute books in 1997 but was not law until 2004 so there is no excuse for not allowing for it. Consequence is losing the green bund at the south stand.
- Proposed loss of bund at north end is appalling. Materials look ghastly. Will not blend into the surrounding Downs area. Massive departure from grassed topped bunding.
- Accommodating the College is for monetary gain only.
- Proposed dumping of soil is not acceptable. Will prevent agricultural use for at least 5 years and is a surreptitious way of attaining further building land. The excuse of reducing CO2 is not acceptable. The Secretary of State had already accepted the transporting of spoil off site. This is just to save money.
- Will make the stadium far larger than submitted to the Inquiry.
- Dumping of chalk create more dust and CO2 emissions in the local area. Hazard to human health. Disposal of spoil takes advantage of their permission and would not have been allowed at the Inquiry. It will make the field virtually flat.
- Secretary of State allowed stadium as its design moderated the harm to the AONB. This is no longer the case.

- The club are trying to take advantage of the situation and avoid their obligations and promises to make the stadium blend in. A belt of deciduous trees on the north side will be bare for 6 months of the year.
- The new hospitality lounges would increase from two to eight. The number of diners would increase from 750 to 1905 people. A 150% increase. No mention of how people will travel to the stadium for hospitality events. There are only 150 car parking spaces on site. The current transport plan is activated for outdoor events of 500 and more but in midweek the off site car parks at Sussex University and Falmer School would not be available and there would be no Park and Ride. It is feasible that all of the hospitality rooms could all be occupied at once.
- Metallic roofing in place of bunds will be far more visible from nearby.
- Club committed at the Inquiry to take the spoil off site and would leave Village Way South untouched. More of the South Downs landscape will have been destroyed.
- The natural high escarpment of Village Way South was probably created in the last retreating ice age. It is in the AONB and the National Park. Man made unnatural contouring would be an obscenity and destroy the natural contouring of Village Way South.
- Would have a destructive effect on the water shed and water table below.
- Need to know if taxpayers are funding this stadium. If so it should be 'sport for all'.
- Will increase the carbon footprint. More rubbish
- Harm to wildlife

Lewes District Council: Raises no objection to the changes however City Council are requested to ensure that potential use of the increased number of hospitality areas, particularly when used on non-match days are governed by the Travel Plan to limit car travel to the site. Also seek to ensure that roofing with non-glare finish is used over North and South Stands. Proposal for spreading chalk spoil is preferable in principle to disposal off site. City Council are requested to ensure that controls are in place regulating a) hours of operation, b) phasing of work across the land, c) appropriate restoration (including a properly designed programme of compaction of the deposited chalk to reduce its permeability) and after use of the land with contours to reflect the Downland location, d) adequate land drainage, e) implementation of a dust and operational management plan.

Highways Agency : No objection

EDF Energy : No objection

Southern Water: Currently inadequate capacity in the local network to provide foul sewage disposal. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the developer can request that the appropriate infrastructure be provided. Should the application receive approval please include an informative that the developer should enter a formal agreement with Southern Water to this effect.

“Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.”

There are no public surface water sewers in the area to serve this development. Request condition as follows:

“Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to and approved by the local planning authority in consultation with Southern Water.”

Request an informative that:

“A formal application for connection to the public water supply is required in order to service this development.”

Further conditions requested requesting the applicant to advise the local authority of measures to be undertaken to protect existing public sewers and public water supply mains, prior to the commencement of development.

Revised comments

Further to previous letter dated 6/11/08, confirm that there is currently inadequate capacity in the local network to provide a water supply to the proposed development. Additional off-site mains or improvements to existing mains will be required. Request an informative regarding requisitioning of additional water supplies. Also request a condition requesting details of proposed water infrastructure plans shall be submitted to the Local Planning Authority.

Environment Agency: We have no objection, in principle, to the proposal as submitted provided the following Planning Conditions are imposed on any planning permission granted:

1. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. Roads and car park drainage shall only go to sewer. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
The scheme shall also include details of how the scheme shall be maintained and managed after completion. **Reason:** To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system.
2. Details of the proposed construction phase (Construction Environmental Management Plan as discussed in Ch. 16 of the Environmental Statement) of the development shall be submitted to and approved by the Local Planning Authority. **Reason:** The site lies within groundwater protection zone 1(inner) for the Falmer Public Water Supply. Potable supplies are therefore at risk from activities at the site and all precautions

should be taken to avoid discharges and spillages to the ground both during construction and subsequent operation. The surface water created during the development phase needs to be controlled so that is minimal risk to the groundwater environment.

This site lies on Upper Chalk classified as a Major Aquifer under our "Policy and Practice for the Protection of Groundwater" and also lies within a Source Protection Zone 1(inner) & 2(outer) for Falmer Public Water Supply. Therefore the site is particularly sensitive with respect to groundwater issues and this groundwater resource must be protected from pollution. Care should be taken during site works to ensure that all fuels, lubrication oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. Only clean uncontaminated roof water shall discharge direct to soakaway via a sealed drainage system (capable of preventing accidental/unauthorised discharge of contaminated liquid into the soakaway) without passing through either trapped gulleys or interceptors. 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 should 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. I can confirm that this application will not constitute a waste application. As long as chalk or other clean soils from the reprofiling operations are re-used within the application site boundary (red line), any waste related regulations are not applicable.

Natural England: No objections. Enhancement opportunities could be gained by extending the woodland feature into the new tree lined buffer along Village Way. If bat surveys of existing buildings reveals further surveys are needed, then a European Protected Species licence will be needed before building scan be demolished.

CABE: Unable to respond. Responded by letter to previous scheme (27/02/02).

Fire Safety Officer: No further observations or recommendations at this stage.

SEEDA: Support. Regional Economic Strategy (RES) identifies Brighton and Hove as a Diamond for Growth with potential to become an economic catalyst for the Region. The application will deliver 3 key regeneration benefits to the deprived area of East Brighton. Provision of major flagship development of

economic and community benefit. Provision of significant educational and training facilities linking with other educational establishments. Improved transport links between universities and Brighton City Centre. Application is well aligned to the RES by raising educational attainment and aspirations and improving access to workplace learning for low-skilled, low paid, low status workers and to work with employers to bring the economically inactive back into work and training. SEEDA therefore supports the application.

Council for Protection of Rural England (Sussex) – Object as part of the application lies in within the area of the proposed new National Park. New plans will increase the size of the site, will increase traffic problems due to almost daily use of the college buildings, hospitality and office buildings. The arguments put forward previously that the stadium will not intrude into local views will now be completely obsolete and no longer applicable. Request to be heard at Planning Committee.

South Downs Joint Committee – Object: Remains of the view that this development will cause severe harm to the Sussex Downs AONB. Acknowledges the Secretary of State's decision as a material consideration. Proposed arch whilst saving CO2 as a result of reduced steel, would be less elegant and less indicative of the downland contours than that approved. The changes to the West Stand elevation and the removal of the chalk bunds will detract from the approved scheme. Opposed to the proposed use of blocks for the facades of the North and South Stands instead of locally distinctive material. Supports the principle of extending the Energy Centre and the use of the East Stand for the College instead of offices. Also supports the screening of Village Way (*This does not form part of this application*). The Committee notes that the re-contouring of the land South of Village Way will save over 12,500 lorry movements and whilst not normally supportive of the disposal of waste by land raising, in this instance this solution is considered to be preferable. Overall however, the Committee objects to the application and in the event of approval requests that all of the conditions attached to the extant consent and additional conditions relating to restoration of the land following the re-contouring.

South Downs Society – Maintains the view that the development would constitute major damage to the AONB and designated National Park. Recognises the Secretary of State's decision and would comment on the amendments to the scheme. Society has an interest in the visual impact on the Downs landscape. No objections to changes related to health and safety and disability access nor for the increase in the size of the Energy Centre. Question how the change from offices to education will impact on the economic benefits identified by the Secretary of State. The development of a major new conference centre must be weighed against the major environmental and neighbour issues identified at the Inquiry. The authority must balance the need for such facilities with the unsustainable travel issues and the likely effects on existing facilities at the Universities. New travel plan as part of the S.106 agreement will need to include transport arrangements

for indoor and outdoor events on both match days and non-match days. Any increased use of facilities is likely to lead to increased disturbance for local people, increased light and noise pollution. The reduced impact on the environment from chalk spreading must be countered against the increase in vehicle movements from the additional activities at the stadium.

Proposed new arch has an unfortunate “angular” appearance compared with the approved scheme which would have blended better with the rolling Downs landscape. The Society objects to this aspect. Concern about the replacement of grass topped bunds with metal roofs. The Secretary of State considered that the bunding mitigated the adverse landscape impact however, it is accepted that the bunding might constitute isolated areas of green in a hard landscape. It may be possible to achieve mitigation through substantial and a well maintained planting scheme. The proposed planting and mounding on the north side of Village Way is welcomed as it reduces the impact of the stadium. Urge that landscaping includes mass planting of whips as well as mature specimens for immediate effect. Replacement of the vertical retaining wall with a sloped planted structure is also welcomed. Concern about the re-contouring and the long term effect on the landscape but are re-assured by the applicants commitment to full restoration of the agricultural land which should be stringently required through conditions and monitoring. Society does not object in principle to the disposal of chalk on the land South of Village Way.

Sussex Police: At this stage no specifications related to physical security are detailed however counter terrorist measures should be considered at the application stage. Request a condition that measures are agreed with the Sussex Police Counter Terrorism Adviser before construction is commenced. Sussex Police will be making an application for planning gain in respect of police resources.

Revised comments

Refer to previous comments seeking a condition that the applicants should agree measures with Sussex Police on counter terrorism. Following a meeting between Sussex Police and the Club, Sussex Police are now satisfied that the club will instigate measures on vehicle access on match day, CCTV, use of laminated glazing, luggage storage and access control systems to restricted areas. Sussex Police now withdraw their request for a planning condition on Counter Terrorism.

Falmer Parish Council: Objects to the following changes:

Removal of the bunds no longer moderates the setting and the stadium will appear more visible from circulated viewpoints. Planting of the belt of trees on Village Way will not mitigate this (*This does not form part of this application*). The metallised roofs useable buildings of the North and South stands are a complete departure from grass topped bunding. Block walls instead of chalk faced gabions will not be as attractive. Stadium’s appearance will be dramatically altered. New roof arch replacing the butterfly arch is much less graceful and will look like a series of triangular blocks. Object to proposed

dumping of chalk in the AONB which is far too sensitive a setting. The transport plan for taking spoil off site was accepted by the Secretary of State. The Sussex Downland is naturally sculpted not flat and the farmland will be damaged by the disturbance and will become more permeable and prone to leaching. The amount of run off water will increase and will affect Village Way North and the railway. Removing the spoil off site will create less dust than spreading it on Village Way South. We have no concerns about the few extra vehicles which will be a minimal addition to the traffic currently on Village Way. Reduction in CO2 is a poor argument compared to the CO2 that will be generated by the Stadium in years to come. Objects to the loss of employment opportunities that were part of the original application. The approved scheme provided 750 dining covers in the hospitality lounges. The new scheme provides 1905 covers or 2510 buffet style. This is a huge increase and alters the nature of the stadium. One of the conditions of the approval was no event with an anticipated attendance of over 500 shall take place other than in accordance with the Travel Management Plan. Would this be triggered by a series of conferences? Would Sussex University and Falmer School be available for parking if it was midweek? How will parking be controlled? People attending functions will not wish to use public transport but there is only 150 car parking spaces at the stadium alongside the A27.

The Regency Society: Objects that the resulting stadium would be more intrusive in the landscape and more disruptive to the local area than the permissions granted. The approved arches were designed to mirror the curves of the Downs. In contrast the proposed arches lack any grace and look like an engineer's interpretation of the original scheme that would cut costs. Grass bunds in the approved scheme would camouflage the stadium from many viewpoints thus mitigating the urbanising effect of the stadium. More redesign work is needed to create the grass bunds. It is not satisfactory to omit the green bunds having strongly advocated at the inquiry that they were a practical solution. The development now proposes a major conference facility. Design and Access statement does not address the large conference facility. Conference facilities would contravene local plan policy and would not be sustainable. A sustainable travel arrangements management plan is essential covering all indoor activities within the stadium. Such a plan must be in place before permission is granted. There is no obvious sustainable travel management that could be invoked.

Council for Protection of Rural England (Brighton and Hove): Queries whether any new consent will be subject to the same conditions as the original application. The changes of use in the stadium will increase the number of cars parked and traffic along Village Way. This is contrary to the stipulations about parking at the site. The changes to the bunding at the ends of the stadium will make the appearance much less attractive in an area that is predominantly green countryside. The building would be much more intrusive on the landscape and would increase the impact of the stadium. The additional area of the site lies within the proposed National Park. Highly unlikely that the Secretary of State would agree to this. The Business Plan is

still awaited for which approval must be given before work can be started. The plan must be subject of the most rigorous scrutiny.

Internal:

Head of Transport Strategy and Projects: The Highway Authority has no objection to the principle of the amended football stadium proposal. As noted in the Transport Assessment, (TA August 2008) there is an extant permission in place and provided all of the relevant conditions that relate to that extant permission are applied to this new Application the Highway Authority would not have an objection. The reason the extant conditions should be applied to this new proposal is to ensure that all the interests of the affected parties are implemented if this new application is approved.

One area of concern relates to the use of the hospitality areas as conferencing facilities. The data presented in table 6.2 of the TA August 2008 suggest that only 23% (162/700) delegates would drive to the site during the traditional morning week day peak hour. When securing the extant permission the Applicant used the same data. However, this figure does seem relatively low given the location of the site and the potential catchment area for delegates. Experience would suggest that as the conference facilities at the stadium would not be close to (or on) a mainline rail route, but would be adjacent to the A27(T), the demand for car use would be much higher than that suggested.

No mention is made in the TA August 2008 of how the potential car parking demand of the delegates is to be managed. The Village Way/B2123 access and the road network in the immediate vicinity of the stadium are not under the control of this Council so it is unlikely there would be a materially detrimental effect in terms of on-street parking demand that could lead to a negative response from this Authority. It is expected that this parking demand generated by the conference facilities will be managed as part of the Movement and Parking Strategy. It is the understanding of the Highway Authority that this matter has been clarified by the Applicants agent.

Evidence presented in the TA in support of the original planning application for the stadium development noted that the junctions and roads in the immediate vicinity of the site could accommodate the additional traffic that any conference events would create.

However, this new application represents an opportunity to ensure that this proposal complies more fully with the core objective of PPG13, which is to reduce the need to travel especially by car. Furthermore it is considered that it also represents an opportunity to enhance the amenity for local residents and visitors to the University. This can be achieved by including all of the conditions attached to the previous permission with the added benefit of reducing the threshold that triggers the Travel Management Plan to 250 delegates (from 500 as per condition 46 of BH2001/02418) for non-match day events.

Travel Plan

There is only limited information contained within the proposed Travel Plan. The general direction of the content is appropriate and the management strategy is inline with what would be expected for this scale of development. There is a condition attached to the extant permission that requires a Travel Plan to be submitted, and an appropriately worded schedule (no. 2) in the signed s106 agreement dated 13th June 2003. Provided that the new permission and s106 contain similar obligations we would be satisfied that the transport implications of the stadium and associated uses will be appropriately addressed.

Economic Development: Supports both elements of the application. Major change is the loss of B1 office space compared to previously approved application however the reasoning is fully justified to provide additional educational floorspace which promotes educational attainment and skills training that will increase employment opportunities in the future. This is supported by the economic development team as being a more appropriate use for the space in the building. The reduced office floorspace will be replaced by significant increases in hospitality/duel use teaching space together with additional teaching space with a total increase in floorspace of 9607 sq m. This additional educational provision will meet the needs of the City and is fully supported. The development will create 217 new jobs once completed including an increase in staff for the football club, the stadium company and commercial contractors working at the stadium. The construction phase will create 300 new jobs and there will be 217 jobs indirectly created in the area.

The information provided is detailed and is considered to be more than adequate to justify the case and the employment figures quoted are considered to be robust both in direct employment and indirect employment benefits coming forward from the development.

Public Art Team: The current application has increased the internal floorspace by 50%. The extant consent requires a contribution to art of £50K as part of the S.106. The public art element should be increased by 50% i.e. £25K to reflect the increase in price.

Conservation & Design Manager: I have assessed the impact of the stadium, as modified, on the wider Downland AONB landscape setting and on the Stanmer Park Conservation Area and Sussex University campus, and assessed the effect of the design changes on the visual quality of the stadium. I found the Environmental Statement both helpful and robust and generally agree its content.

The stadium rises with the natural landform from the north east to the south west, such that its highest part is beside the Falmer campus, but cut deep within the hill slope. The football pitch is set on a north west/ south east alignment but I will follow convention and refer to the north west stand, i.e. the

stand nearest the Falmer Station as the north stand and the southwest stand i.e. the stand backing on Brighton University's Falmer campus as the west stand etc.

Amendments.

Whilst the overall height of the west stand and arch remains unchanged, the east stand (and its arch) has increased in both height (some 3- 4m) and depth. Other significant external changes to the approved scheme comprise a change in the design and positioning of the steel framed arches, the extension and redesign of the north and south stands, and other changes in elevational design.

Taking these in turn:

Commentary.

(i) East Stand. The alterations to this stand will be most apparent from Village Way North and the A27. The effect of the changes will be to increase the size and visibility of this stand and its arch. The visual impact will be slight, particularly in the summer months, should the dense on site tree planting proposed on and beside the adjacent chalk bund be implemented. I agree that this amendment to the approved scheme will not significantly alter the impact of the development on distant Downland views or the setting of the Sussex University campus. However when comparing the 'approved ' and 'proposed' photomontages of the stadium from the Stanmer Park view point (P5), the modified roof of the stadium does appear to be seen in its entirety in the amended scheme where before it was partially screened by foreground tree canopies. Whilst the stadium roofs remain below the skyline, the impact must therefore be considered slightly adverse relative to the approved scheme, and one justifying additional replacement tree planting.

(ii) The detailed design of the arches will not be readily apparent in middle to long distance downland views, including from within Stanmer Park. The overall shape and design of the stadium will be most apparent from the elevated position of Village Way North; and from here the arches as amended should provide an acceptable silhouette. That said, the previous design of the arches, from which the stand roofs are suspended, does appear a more satisfying architectural solution, in the way the arches respond to the sweep of the roofs and fit within the overall integrity of the roof design.

(iii) The north and south stands as approved were backed by chalk bunds finished with green roofs and stone gabions; the intention being for the stadium to sweep down and merge with the surrounding ground form. It is now proposed to replace these bunds with built extensions beside the stands; these extensions to be clad in white 'rustic' blockwork with a colour coated profiled pitched metal roof. The metal roofs should not impact on distant views of the stadium, neither will the shallow pitched roofs be prominent features from the various approaches to the stadium. From elevated ground nearby the metal roofs will read harmoniously with the stadium roofs generally. However from Stanmer Park (viewpoint P5) the impression from the

photomontage is that the roof to the north stand, as amended, will be more prominent. The assertion in the E.S that ‘there is very little to distinguish between the illustrations’ (para 7.5.71) or that the omission of the green roofs will be ‘barely perceptible’ (para 7.7.5) is not agreed. Very careful attention should therefore be paid to the colour and finishes of the roofs and walls. Compensatory green cover would similarly be appropriate elsewhere in the development.

(iv) The overall height of the west stand has not changed but its 23m façade now has less articulation and may consequently be judged an unrelieved and bulkier building. I have not as yet seen samples of the proposed cladding materials, but greater articulation would be beneficial.

Conclusion

The impact of the amendments on the distant downland landscape will remain unchanged. Further mitigation in the form of additional landscaping and careful selection of materials is however required to address concerns over the impact of the amended scheme on the setting of Stanmer Park. As the application stands, I share the view expressed in the E.S (para 7.5.45) that the change from the green roofs to metal roofs will have a minor adverse effect because of the stadium’s apparent greater visibility within the landscape.

Planning Policy: *Background*

The application site and surrounding land currently lie within the Sussex Downs Area of Outstanding Natural Beauty (AONB). The proposed stadium site is located partly within and partly outside the built-up area boundary as identified in the adopted Brighton and Hove Local Plan 2005.

The Designation Order for the proposed South Downs National Park (pSDNP) recommended that the land north of Village Way within the Brighton & Hove boundary should be excluded from the pSDNP but that the land within Lewes District Council should be included within the pSDNP. The SDNP Inspector recommended that the land north of Village Way should be all deleted from the pSDNP i.e. in the Lewes DC’s area as well as the land in Brighton & Hove. The Secretary of State (DEFRA) is currently considering the Inspector’s further report from the 2008 reopened Inquiry and a decision is expected in May 2009.

At no time has land south of Village Way ever been excluded from the proposed SDNP. The decision of the Secretary of State on the Designation Order boundary is awaited.

Land north of Village Way

Policy SR23 applies. The policy is much more restrictive than the consent granted by the Secretary of State in the types of ancillary/enabling development permitted. The planning application for a stadium is acceptable in terms of policy SR23 of the Brighton & Hove Local Plan 2005.

However the policy is more prescriptive in the types of enabling/ancillary development to be permitted than the S of S's decision on the first application. For example:

- the education element was specified in the policy as a 'sports science / sports medical facility linked to the universities' rather than an 'educational facility' linked to another institution i.e. City College. The Secretary of State did not specify that the Universities alone could use the site but inserted the more general 'education' it means that as long as the Secretary of State's consent is still valid, the planning permission would allow an alternative institution to use the site but the Local Plan policy would not.

TR1/TR4 In planning terms (and depending on what educational activities are actually proposed) whether the facility is operated by one institute or another should have little impact, apart from a parking/travel impact because City College i.e. not already in the locality. Policy TR1 and TR4 applies. Given the improvements being proposed to the road layout, the transport team should advise as to whether there is a significant increase likely to arise from the revised proposal and the parking impacts.

- Local plan policies SR23 and EM2 provide for B1 business related to research and development in the event the site proves to be unsuitable for the stadium. It would also be important to ensure that if the business use is enabling development, unless it is for a business use related to the universities or its planning permission would cease with the stadium – so that if for some reason the Community Stadium did not proceed or was closed down the site could not become a general B1 site because there is other industrial land in the City better suited for general B1 uses, not related to the Universities.

General business use, unrelated to the Universities and the stadium would be problematic if it were likely to cause additional traffic flows through the junction.

Policies NC7 and NC8 (Setting of the Sussex Downs AONB) applies re the impact of the revised design proposals on the Sussex Downs AONB/proposed South Downs National Park (pSDNP) applies.

TR1/TR4 The transport assessment may need to be revisited to determine the greater travel needs of younger students at City College who are not resident on site together with the travel needs of the lecturers/instructors and other staff.

Policies QD1 and QD4 apply re the roof configuration and the extra bulk in the elevations of the stadium. Other relevant policies include SU2 and SPD 08 Sustainable Building Design; SU4 re control and reuse of water; SU10 re noise and SU13 and SU14 re control of waste both from the construction processes and the running of the stadium. The SU13 and SU14 waste

streams should all be segregated prior to collection. The applicant needs to demonstrate how waste will be diverted from landfill and a Site Waste Management Plan could be an acceptable means of demonstrating compliance with policy.

Land south of Village Way

The change proposed to re-contour land south of Village Way, unaffected by the original application (as modified before the Inquiry) does raise policy issues. This site has not been allocated for any development in the adopted Local Plan nor formed any part of the Secretary of State's considerations. See paragraph 7 of the Secretary of State's decision letter, below:

"7. At the start of the first part of the inquiry, the applicant requested that certain modifications to the originally submitted proposals be taken into account. The most significant modification is the deletion of the bus and coach park from Application A so that land south of Village Way no longer forms any part of the formal application site area (IRa1.9). For the reasons given in paragraphs IRa1.9 and IRa1.10, the Secretary of State agrees with the Inspector that there is no reason why any party should be prejudiced as a result of the proposed modifications and no reason why they should not be taken formally into consideration. The Secretary of State has therefore proceeded on this basis."

The key issues are therefore whether the revised proposal accords with policy for the urban fringe, Countryside and the AONB/proposed South Downs National Park; and whether the measures to be taken for waste disposal over this land are acceptable in terms of AONB policy and the Waste Local Plan.

Sussex Downs AONB

Policy NC7 applies (plus NC6) – it only permits development where the proposal

- conserves and enhances the visual and landscape quality and character of the AONB
- complies with policy NC6
- is in the national interest and
- there are no alternative sites available elsewhere.

To address bullet point one, the opportunity of ground disturbance should be taken to implement, and augment the planting of hedging and tall specimen trees along the south side of Village Way to break up views of the Community Stadium and to compensate for the landscaping works. It will be crucial in addressing NC7 and QD15 that the landscape is sympathetically reshaped reflecting the classical convex chalk downland form by the chalk waste and enhancement will also be required, see NC7 iv, and x.

The 'Urban Fringe Landscape Study' undertaken by the former Sussex Downs Conservation Board made recommendations for improving this area by substantial tree planting to screen the universities from views from the

AONB to ‘reduce the visibility of the variety of Urban fringe buildings’ which included substantial tree planting, both along Village Way, north and south of the road and in the valley and along its flanks. Such planting could also address NC7 vi, and NC viii re the need to integrate conservation features. NC7 (x) - the opportunity to reinstate the natural beauty and distinctive character of the area could for example, be addressed by reinstating the field to downland chalk grassland rather than returning it to cultivation.

Policy NC6 only permits development outside the built up area boundary where there will be no adverse impact on the countryside/ downland and one of the four exceptions applies. NC6(b) would need to be addressed.

Waste Planning Policy: Current guidance from the Environment Agency¹ establishes that where materials leave a site then they will be classified as waste unless there is evidence to the contrary indicating that the material will be directly used elsewhere. Waste regulatory controls would then apply.

The proposed re-contouring of Village Way however would mean that the excavated chalk and soil would be reused on the development site and as such will cease to be considered as waste or subject to waste regulatory controls provided that the aims and objectives of the Waste Framework Directive are not undermined and that its use will not harm human health or the environment.

This position is established in the Environment Agency voluntary Code of Practice (Definition of Waste: Development Industry Code of Practice) which sets out that excavated material used on site where it was produced will not be considered as waste provided that: it is used in appropriate amounts; it is suitable for that use without further treatment; and its use will not cause harm to human health or the environment.

In Chapter 10 of the Environmental Statement, a desktop study carried out by the applicant indicates that there is no significant potential impacts of contamination on the site (Table 10.5). It is therefore assumed that the material will be suitable for use without further treatment, which would satisfy the requirements described above. If however subsequent tests during construction indicate that the material is contaminated or requires treatment before it is suitable for use then it should be classified as waste. The applicant refers to the need to seek an exemption (from the waste permitting regulations) from the Environment Agency, should this be the case that any of the material is found to be contaminated. However it should be noted that in that circumstance then a further planning permission may also be required for the handling of waste materials.

Provided that the applicant acts in compliance with the Code of Practice then the proposal to use the material onsite is welcomed for reducing both the

generation of construction waste, and the HGV movements of excavated material to offsite/fill material to onsite.

Sustainability Team: The overall requirements of SPD08 have not been met by this scheme:

- There is no indication that there is zero annual net CO2 emissions from energy use.
- The bespoke BREAAAM assessment scores very good overall and SPD08 asks for an overall score of Excellent.
- The energy section of the BREEAM assessment scores 61.1% where SPD08 asks for 70%.
- The water section of the BREEAM assessments scores 62.5% where SPD08 asks for 70%.
- No feasibility study has been submitted on rainwater harvesting and grey water recycling as requested by SPD08. It is indicated that due to the irregular demand for water for pitch irrigation and toilet flushing the site is not suitable. There has been no assessment of using rainwater for plant watering.

The requirements of SU2 that have not been met:

- Measures to seek to reduce fuel use and green house gas emissions –No indication has been given that the building fabric will be improved beyond building regulations to improve the energy efficiency of the building.
- The incorporation of renewable energy resources – PV has been discounted as a potential energy resource. There is no indication whether other renewable energy sources have been considered. These if incorporated may effect the design of the scheme. Measures to use grey-water and rainwater have been discounted and no feasibility study has been submitted.
- 37.5% is scored in the Materials and Waste section of the BREEAM report which is low and could be improved.
- SU2 asks for space within each unit for refuse, waste recycling and composting. SU2 asks for consideration to be given to landscaping. Only 20% is scored in the BREEAM assessment in the Land use and ecology section which is low.

Energy demand of site:

No mention of energy demand has been presented as requested for the entire site demand for energy for heat and power. There has also been no assessment as to how any energy demand will be met by renewable technologies.

Summary:

There has been no demonstration of high standards of efficiency in the use of energy, water and materials as requested in planning policy SU2 and the recommendations of SPD08 have not been met.

Environmental Health: It is understood that the conditions applied to

BH2001/02418/FP will be reviewed and where appropriate carried over to this application. It is critical that all noise related conditions are carried over and these are as follows: Condition 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34.

It is understood that condition 42 of permission 2001/02418 is the only condition relating to the construction phase. Information has been submitted to the Council in order to assess whether this condition can be discharged. It is understood that since the 2001 permission was granted, chalk spoil will remain on site and not be taken elsewhere. It is therefore critical that any dust management programme addresses the dust control and dust mitigation measures of the spoil that is remaining on the site. This should include any crushing operation/s.

Advised that the section 106 agreement (one) relating to permission 2001/02418/FP has sections requiring the production and implementation of a construction method statement, see section 5.1 of the agreement. It is understood that sections 5.5 and 5.6 of the s106 agreement (one) requires the submission of a S.61 prior consent under the control of pollution act 1974. This construction method statement required under s106 is a critical tool for managing dust and noise relating to the construction phase.

Any construction method statement or construction environmental management plan should include the following:

- Comprehensive dust management scheme including proposed dust mitigation measures such as damping down and wheel washing and any proposed dust monitoring programme.
- A comprehensive noise management programme having regard to “best practical means” (BPM), proposed hours of operation, noise monitoring programme. This will include the s61 prior consent.
- Dust and noise complaint management programme and proposals for keeping local residents and businesses advised of the construction phases.

Need assurances that a construction method statement or Construction Environmental Management Plan is to be required and implemented under a S.106 agreement or whether such a statement is imposed as a planning condition under the 2008 application.

It is understood that an energy centre is to be provided. The application has not assessed the air quality and noise impact of this part of the development. Any biomass or other energy sources will need full air quality and acoustic assessments. I also note that the operational phase of this development will expand the conference/hospitality facilities. There is insufficient information relating to the noise impact of this expanded facility. Further information on numbers, proposed frequency/days of the week and the hours need to be submitted.

My provisional assessment relating to contaminated land suggest that the site

is clean, however, I still need to assess the contaminated land information submitted with the 2008 application.

Having examined the report contained within Part 10 of the Environmental Statement entitled geology, soils and contamination. It is unknown who wrote the report or when, although I note that a site walkover was carried out on 7th March 2008. I consider that the report is robust and considers the various issues. I also consider that two very relevant points are raised in the following sections and should be considered further when determining the application.

“10.7.8 It will be necessary to have protocols in place should unexpected areas of contamination be identified. Monitoring during the construction phase will be required to ensure the effectiveness of any mitigation measures.

10.7.13. In the event of an accidental chemical or fuel spill/release during the construction works, response measures will be required to recover spilt products and remove contaminated materials as quickly and efficiently as possible.”

The report suggests that no further investigations or intrusive site works are necessary and this is consistent with the conceptual site model.

Recommendation: Insufficient information at present on which to fully comment

Revised comments:

With reference to air quality and the air quality impact of the proposed Energy Centre, officers are now satisfied that there is no need for additional information and no air quality conditions need to be applied since there is no on site energy production. There are no further comments on this issue.

With reference to the noise impact from the proposed Energy Centre and the information provided I am satisfied that condition 33 on planning permission BH2001/02418 will address the noise associated with the plant and machinery proposed.

The noise impact of the expanded conference and hospitality facilities is covered by the existing noise conditions (Condition 26 of extant consent) and that potential public nuisance would be covered by the Licensing Act 2003 should a premises licence be applied for.

Education: The proposal to make modification to East Stand fits in with the wider picture of post 16 and adult education in the city and therefore CYPT is supportive of the development.

The re-siting of some adult/community provision to the East stand is totally in keeping with the desire to increasing the number of adults with a full Level 2 qualification is a priority area and will help close the gap between the

advantaged and disadvantaged households.

Other facilities could be developed to support the larger proposal for City College at the Stadium if that were to be accepted.

The education case for City College at the Stadium is persuasive. The College identifies local and national priorities and describes how new buildings will address these. The current buildings cannot meet current demand for vocational provision and this will increase both at pre and post 16.

Having first class facilities will encourage more young people to remain in education and training to gain higher level of skill. This will also have the effect of reducing the number of young people who are not in education, employment or training (NEET) which is a priority for Brighton & Hove.

The current facilities do not meet the needs of many young people with learning difficulties and disabilities and new buildings will be fit for purpose and provide accommodation which is accessible and will help vulnerable young people to feel secure in order that can achieve the best that they can.

The College already works in partnership with other Colleges and with schools across the city. The education case identifies gaps in provision in the City as a whole and seeks to fill these. The education case links closely with the 14-19 Strategic Plan and it is clear that all young people will benefit from the proposals.

The stadium site will be attractive to young people and will also attract adults with low skill levels ,using the "power of football" to engage the harder to reach which has been demonstrated successfully by the training undertaken by Brighton and Hove Albion

Ecologist: The ES is generally thorough and comprehensive. It includes a summary of relevant nature conservation policy and legislation which I will not attempt to reproduce here. Instead my comments below concentrate on potential weaknesses of the application and the ES with respect to ecology.

Bund

This new application introduces a vegetated bund along the length of Village Way, to screen the proposed stadium from views to the south. The existing vegetation here is a verge of rank grassland and patchy scrub/young trees which, according to the ES, supports a small population of reptiles. The ES recognises that disturbance to reptiles will occur but states that this will be an indirect, temporary and short-term adverse effect. However in my view the introduction of bunding along the southern side of Village Way, with planted trees along its length, is very likely to directly alter or destroy the habitat and (due to increased tree shading) render it unviable as a reptile habitat

indefinitely.

The ES briefly describes a mitigation strategy which involves the translocation of reptiles from the Village Way verge to other field boundaries within the development site and the enhancement of these for reptiles so that they can support a larger reptile population. However there is a potential contradiction here between the main body of the ES and its Appendix D, which states that the development may result in the loss of all available reptile habitat (see 5.1 and 5.2).

In summary the ES appears to underestimate the effects of the proposals on reptiles and to be somewhat self contradictory in its reptile mitigation strategy. In accordance with Paragraph 99 of ODPM Circular 06/2005 I therefore recommend that a condition is attached to any planning permission requiring the submission of a detailed mitigation strategy, to include the identification of a suitable receptor site and suitable aftercare, to be submitted and agreed by the council prior to commencement of works.

Chalk Mounds

The previous stadium application included the creation of chalk mounds, vegetated with species-rich chalk grassland, to the north and south of the stadium to create a 'green roof'. This feature is deleted from the latest application (see Design and Access Statement section 5.4) which is regrettable and represents a reduction in the biodiversity value of the development.

The explanation given for the loss of the green roof is not convincing. In particular, the degree of roof strengthening needed to support the weight of soil depends entirely on the depth and type of substrate used (lighter options than soil are available). As far as I am aware, irrigation is not necessary for a green roof, nor is it necessary to inspect the roof and cut it annually if the substrate nutrients are low. Indeed, over the life of a roof maintenance costs may well be less than a conventional roof. A green roof on this high profile building would help to promote the city's sustainable development objectives and should not be lost unless a clear case can be made. I therefore recommend that an independent report is required to substantiate the change before the loss of the green roof is accepted.

Westlain Plantation

Westlain Plantation, adjacent to the western boundary of the site, is an ancient semi-natural woodland and a designated Site of Nature Conservation Importance. It is therefore protected from loss or deterioration under paragraph 10 of PPS 9 and Local Plan policy NC4.

The application is not entirely clear about its effects on the woodland. It is clear that no ingress into the wood would result from the land raising and drawing no. HED.307.100.005 appears to show that the land raising will stop about 10 metres away from the woodland edge. However Appendix D of the

Ecological ES seems to imply that all the grassland suitable for reptiles along the eastern boundary of the wood (which is considerably closer than 10m away) could be lost and paragraph 12.5.31 of the ES states that the recontouring will require works within 14m of the nearest badger sett entrance within Westlain Plantation.

The ES also refers to Appendix B in mentioning correspondence with Natural England concerning the need for a badger license for the land raising works, concluding that no license is needed. However the version of Appendix B supplied to me contained no information.

To ensure the land raising causes no damaging effects to the woodland ecology I recommend that a condition is attached to any planning application requiring a secure fence to be erected no less than 15 metres away from the boundary of the woodland before works commence and that this should be maintained in situ for the duration of the works. The details of the fence construction should be agreed with the local planning authority. The distance of 15 metres accords with previous Planning Inquiry decisions about minimum buffer distances between development and ancient woodland. Potentially this may also create a suitable receptor area for the reptile translocation.

Other planning conditions are stated or implied in the ES. These include the need:

- For a bat mitigation statement to include additional monitoring surveys of bat roosts at Westlain Plantation immediately prior to works to determine if a bat licence is needed and during construction to ensure disturbance is avoided.
- To ensure topsoil stripping occurs outside the skylark breeding season (to ensure compliance with the Wildlife and Countryside Act 1981).
- To ensure a Biodiversity Management Plan is prepared (see ES para. 12.7.16)
- To define the number and type of bat boxes to be erected in Westlain Plantation.

Head of Sport and Leisure: Further to the invitation for comments on the above application which is a revision to the stadium permitted under ref BH2001/02418/FP, I would confirm the continued support from the Sport & Leisure Division of the proposals for a Community Stadium. The Community Stadium will provide a valuable resource not only with regard to elite sporting provision but also a range of other facilities which will be of great benefit to the wider community.

7 **PLANNING POLICIES**

Planning Policy Statements

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS6 – Planning for Town Centres

PPS7 – Sustainable Development in Rural Areas

PPS9 - Biodiversity and geological conservation
PPS10 – Planning for Sustainable Waste Management
PPS22 - Renewable energy
PPS23 – Planning and Pollution control
PPS25 – Development and flood risk

Planning Policy Guidance Notes

PPG4 – Industrial and Commercial Development and Small Firms;
PPG13 – Transport;
PPG15 – Planning and the Historic Environment;
PPG16 – Archaeology and Planning;
PPG17 – Planning for Open Space, Sport and Recreation;
PPG24 – Planning and Noise

Regional Planning Guidance for the South East

RPG9 – Regional Planning Guidance for the South East 2001
Q1 – Urban areas – prime focus for new development;
Q6 – Health, education and other social considerations and infrastructure requirements
Q7 – Multi purpose countryside
E1 – Nature Conservation, Landscape Quality and Cultural Importance
E2 – Biodiversity
E5 – Woodland habitats
E7 – Pollution control and air pollution;
RE1 – Regional Economy
RE2 – Job Opportunities
RE4 – Business and Sustainable Development
RE5 – Employment land resources;
RE7 – Support for PAERs (Priority Areas for Economic Regeneration) of which is Brighton and Hove;
RE11 – Tourism, Arts and Culture
H4 – Dwelling types and sizes and affordable housing;
H5 – Increasing housing development in urban areas;
T1 – Minimising the distance people need to travel;
T2 – Travel awareness and travel plans;
T3 – Parking standards;
T4 – Walking and cycling;
T5 – Public Transport
INF1 – Flood risk
INF4 – Energy conservation and renewable energy.

Draft South East Plan Core Document

CC1 – Sustainable Development
CC2 – Climate Change
CC3 – Resource Use
CC4 – Sustainable Construction
CC12 – Character of the Environment and Quality of Life
RE1 – Supporting Regionally Important Sectors and Clusters

C1b – The South Downs
C2 – Areas of Outstanding Natural Beauty
TSR3 – Regionally Significant Sports Facilities

East Sussex and Brighton and Hove Structure Plan 1991-2011

S1 – Twenty One Criteria for the 21st Century.
S5 – Definition of development boundaries
E14 – Academic Corridor
TR1 – Integrated Transport and Environment Strategy
TR3 – Accessibility TR16 – Parking standards for development.
SH5 – Outside Urban Areas
EN1 – Environment General
EN2 – AONB
EN3 – AONB
EN28 – Renewable Energy Generation.
LT1 – Leisure and Tourism
LT2 – Leisure and Tourism
LT11 – Sports Facilities and Activities
LT14 – Major Sporting Venues

Brighton and 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
TR8 – Pedestrian routes
TR14 – Cycle access and parking
TR18 – Parking for people with a mobility related disability.
TR19 – Parking standards
SU2 – Efficiency of development in the use of energy, water and materials
SU3 – Water resources and their quality
SU4 – Surface water run-off and flood risk
SU5 – Surface water and foul sewage disposal infrastructure
SU8 – Unstable land
SU9 – Pollution and nuisance control
SU10- Noise nuisance
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.
QD6 – Public art
QD7 – Crime prevention through environmental design.
QD15 – Landscape Design
QD16 – Trees and hedgerows

QD17 – Protection and integration of nature conservation features.
QD18 – Species protection
QD19 – Greenways
QD25 – External lighting
QD26- Floodlighting
QD27 – Protection of amenity
QD28 – Planning obligations
HO8 – Retaining housing
HO19 – New community facilities
EM2 – Sites identified for high-tech and office uses
EM18 – University of Brighton
EM19 – University of Sussex
SR2 – New retail development beyond the edge of existing established shopping centres.
SR16 – Major sporting and recreational facilities
SR23 – Community Stadium
NC4 – Sites of Nature Conservation Importance and Regionally Important Geological Sites.
NC5 – Urban fringe
NC6 – Development in the countryside/downland
NC7 – Sussex Downs Area of Outstanding Natural Beauty
HE3 – Development affecting the setting of a listed building.
HE6 – Development within or affecting the setting of conservation areas.
HE11 – Historic parks and gardens
HE12– Scheduled ancient monuments and other important archaeological sites.

Supplementary Planning Documents

SPD 03 – Construction and Demolition Waste
SPD 06 - Trees and Development Sites
SPD 08 – Sustainable Building Design
SPD 09 – Nature Conservation and Development (Draft)

Supplementary Planning Guidance Notes

SPG BH4 – Parking Standards

8 CONSIDERATIONS

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". In consideration of this application, the Secretary of State's decision in 2007 is a material consideration. The main considerations in this application are as follows:

- Principle of development
- Design and visual impact
- Increase in floorspace and footprint
- Partial change to the nature of ancillary uses within the stadium

- Traffic and transport
- Amenity
- Sustainability
- Ecology and Nature Conservation
- Other Issues

Principle of development

Policy SR23 of the adopted Local Plan proposes a new community stadium and sports hall on land adjoining Village Way North, together with sports science/sports medicine facilities linked to the University of Brighton. The Secretary of State granted permission for a new stadium seating 22,500 spectators in July 2007 (Application A) and therefore the principle of a stadium on this site has been established and accords with the adopted local plan. That consent is still extant. The land north of Village Way is outside the defined built up area boundary and is also excluded from the proposed South Downs National Park. The land south of Village Way is proposed to be in within the National Park. However the whole site is also within the Sussex Downs Area of Outstanding Natural Beauty which is subject of PPS7 and Policy NC7. The objective of these policies is to conserve and enhance the visual and landscape quality of the AONB. Development in the AONB should be demonstrated to be in the national interest for an exception to be made.

The Secretary of State's decision turned on the conclusion that there was considerable local need for the proposed development and that it would bring significant regeneration and economic benefits to one of the most deprived areas in the country, which she found to be in the national interest. The Secretary of State also concluded that there were no viable alternative sites for the proposed development which were acceptable in planning terms. She also took account of the mitigation measures proposed to minimise the harm caused to the Area of Outstanding Natural Beauty (AONB). These considerations amounted to exceptional circumstances for allowing a major development in a nationally designated area of countryside such as an AONB to meet the tests in Paragraph 22 of PPS7 (Sustainable Development in Rural Areas). Policy NC7 of the Local Plan has similar tests for allowing exceptions to policy as PPS7. All of the letters of support refer to the Secretary of State's permission as establishing the principle of a stadium in this location. None of the objections seek to resist the stadium on a matter of principle.

The Secretary of State re-opened the Public Inquiry into the previous stadium scheme to further examine alternative stadium sites. The outcome of this was the Secretary of State's decision that Falmer was the preferred site for the Community Stadium as there was no acceptable alternative. No review of alternative sites for the stadium is considered necessary as the proposed development only seeks visual alterations to the consented stadium development. The review of alternative sites was fully explored in the consideration of the extant permission and therefore not applicable to the revised proposal. No review of alternative sites for the land re-contouring is considered necessary as no other site can provide for the deposition of

arisings from the stadium excavation. The formal scoping opinions given by BHCC and LDC only required an assessment of alternative sites for the City College Bund Building (to be subject of a separate application).

Members are now being asked to consider a planning application which is confined to consideration of a revised design to the Community Stadium which the applicants refer to as a 'housekeeping application' together with proposals for the re-contouring of the land South of Village Way by infilling with chalk spoil from the excavations for the stadium. All of the off site infrastructure works described in the Site Description above have been granted consent and should be taken into account as part of the considerations of this application. Those works are intended to be implemented as approved together with this proposed revised Stadium if consent is granted. The provision of a Transport Interchange (Application B) adjacent to the Stadium would also be implemented. Works to widen Village Way granted consent by Applications C and D commenced in December 2008.

Like the approved scheme, the application has been accompanied by an Environmental Impact Assessment and a Transport Assessment which were requirements of Policy SR23. The EIA submitted with the current application updates the previous EIA but has considered the impact of the changes to the stadium from the approved scheme. The applicants have also submitted a Design and Access Statement which provides comparative plans and photo montages of the approved scheme and the revised application. A further requirement of policy SR23 was the submission of a business plan. This has been submitted to the Local Planning Authority but for reasons of commercial confidentiality, this will not be placed on the planning register.

Design and Visual Impact

The main changes to the design and appearance of the stadium affect the roof, the elevations and the north and south stands.

Policy QD1 requires new buildings to demonstrate a high standard of design and account should be taken of the scale and height of the development, architectural detailing, quality of materials, visual interest at street level and landscaping. Policy QD4 requires developments to take account of strategic views which include views across the Downs, into and out of conservation areas, the setting of listed buildings. In considering development proposals in the AONB, policy NC7 requires developments exceptionally allowed (i.e. in the national interest) to minimise the adverse effects on the AONB and to take account of the following: siting, scale, design, landscaping, colour and type of materials, screening, avoidance of noise and light pollution, integration of nature conservation features, improvement of public access, opportunities to reinstate or enhance the natural beauty of the area and wider landscape.

The applicants describe the stand facing the railway station as the North Stand with the South Stand facing Falmer Village, the West Stand facing the

University of Brighton and the East Stand facing the A27.

The height of the building will increase by 4m in the **South Stand** compared with the highest point of the bund that screened this stand. However the eaves level of the proposed roof will be similar in height to the face of the approved chalk bund at its lowest level which is 6 metres above ground level. In the context of the scale of the development, there is a marginal increase in the overall height of the stadium at this end. The elevation of the South Stand will be screened by the embankment opposite, the top of which is level with the eaves. It is considered therefore that in terms of the height and bulk of this stand, the changes will not have no additional impact in visual terms or on the nearest properties. The nearest dwellings to the South Stand in Falmer Village are some 240 metres away and the top of the stand would not be visible from the village. The South Stand would only become visible from the eastern end of Village Way however the elevation would be partially screened by the embankment and proposed tree planting. Therefore views to or from the Falmer Village conservation area are not affected. It should be noted that Lewes District Council has not objected to the changes to the design of the Stadium. The elevated view of the stadium from the south near Woodingdean would be affected by the proposed land raising due to the chalk raising. The effect would be to reduce the prominence of the stadium compared to the approved scheme hence the increase in height of the South Stand would be negligible.

The appearance of the South and North Stands would also be altered by the introduction of a metallic roof compared with the approved grass roof. The chalk bunds previously approved will be replaced with a white coloured rustic blockwork. This alteration has been highlighted by objectors as one of the main reasons for opposing the application. Planning Officers have viewed samples of the materials to replace the chalk gabions. The blockwork has a very rough texture and uneven profile and from medium and long distance views there would be little discernible difference in the appearance of the elevations between the proposed blockwork and the chalk faced gabions of the approved scheme. From close up the blockwork would have a natural appearance and is not considered to be detrimental to the appearance of the building or the vicinity and compares satisfactorily with the approved scheme.

The metallic roofs of the North and South Stands are much less dominant than the East and West Stands, being shallower and will blend harmoniously with the main roofs when viewed from medium and long distance views. The highest part of the roof to the **North Stand** will be 3 metres higher than the highest part of the previously approved bund. The elevation will be 14 metres above the concourse level. From close up at ground level, the metallic roofs will be unobtrusive due to their more modest height and shallow profile. The North Stand faces the railway and the A27 and would have no impact on any buildings, the nearest being dwellings adjacent to Falmer Railway Station a hundred metres away. There are no University buildings facing the North Stand. The Conservation and Design Manager does not consider that the

proposed metal roofs will impact on distant views of the stadium.

The **East Stand** will increase in height with the top of the arch 4 metres higher at datum level 109.4 metres and the eaves level of the roof would be 3 metres higher at datum level 97.9 metres. The increase in the height of the arch will be off set by the set back of almost 20 metres from the eaves. As with the approved scheme this stand will be screened by an embankment with landscaping above which will be 12 metres above the concourse level almost level with the top floor of the City College accommodation. This stand is mainly viewed from the A27 but the effect of the embankment will be that views of the roof and arch will be seen which is similar to the approved scheme.

The **West Stand** arch will not increase in height and would still be at datum level 119 metres but again the set back of the arch from the eaves, in this case 32 metres, would reduce its impact compared with the approved scheme. This may have a marginal benefit for the nearest University buildings although from close up the arch would have been viewed obliquely. The nearest University building is the reception/security building which has limited windows which do not face directly onto the West Stand. The nearest teaching building is Bevendean House which would be 40 metres away. The eaves level of the roof is also unchanged as is the height of the elevation of the accommodation under the stand although the upper floors are not set back as previously but there will be no difference in the impact on Bevendean House from the approved scheme. It should be noted that no comments or objections have been received from the University of Brighton to the revised design of the stadium. The additional accommodation within the West Stand has been achieved without increasing the height of the stand or the roof by excavating a further 2 metres down compared with the approved scheme.

The elevations of the East and West Stands will be modified in appearance. Although the proposed materials of metal cladding and glazed curtain walling will not be changed from the approved scheme, there will be a reduction in the main central glazing element. In order to improve the acoustic performance of the stadium and reduce the noise heard outside, it has also been necessary to replace the 'sails' which screened views of the pitch and replace them with grey blockwork in the corners of the stands.

It is considered that the proposed materials are of sufficient quality and are appropriate for a modern stadium design. Objectors including the South Downs Joint Committee and the South Downs Society have raised concerns about the loss of the grass bunds. The applicants have submitted a document which seeks to justify and explain the removal of the bunds which has come about due to the fact that behind the North and South Stands. These would be functioning buildings whereas under the approved scheme, the roof of the stands merged into the grass bunds and into the surrounding landscape. The elevations now feature windows and entrances and a grass roof would not achieve the same visual effect of merging the stands into the landscape. The

grass roofs might appear as isolated features which would not sit comfortably with the modern design and modern materials. It is considered that the modifications have been carried out in a manner that attempts to minimise their impact, takes account of their surroundings, together with the proposed landscaping and use of good quality materials would comply with policy QD1.

The Environmental Assessment considers the potential significant landscape and visual effects of the revised stadium proposal. The study area for the assessment was approximately 2 km based upon locations from where the stadium would be visible. The assessment assumes that the permitted stadium has been built and considers the impact of the changes. The Public Inquiry into the approved scheme considered 10 viewing points. This has been reduced to 4 medium to close viewing points for this assessment since the changes would not be significant from long distance views. Three additional viewing points were considered to take account of the re-contouring south of Village Way. The 4 established views are from Stanmer Park, the north side of the A27, the east end of Village Way and the public footpath on Falmer Hill to the south. The additional views were from the public footpath at the southern and northern ends of Westlain Plantation and the field north of Village Way looking south. The Conservation and Design Manager has found the ES to be helpful and robust and he generally agrees with its content. The letters of support all refer to the iconic design of the stadium which they consider to have been retained in the revised design.

The changes to the stadium within the context of the wider landscape would not be significant since there is only a modest increase in the footprint and modest increases in the overall height of the East Stand and the changes to the North and South stands. The Conservation and Design Manager has recommended that additional planting be carried out as the photomontages appear to illustrate that the North Stand would appear to more visible in longer views than under the approved scheme. This should be taken into account as part of the landscaping scheme that will be required as a condition of any consent. In terms of the topography and impact on the skyline, when viewed from the previously agreed medium and long distance viewing points from Stanmer Park and the Downs the changes would not make a significant difference in the overall impact on the visual landscape as to raise concerns. The grass bunds which have been removed from the scheme were lower than the main roof of the North and South Stands and would not have been as conspicuous in long views as the roofs of the stands. The Stadium will be seen from elevated positions in Stanmer Park in the context of both University campuses on either side of the A27, including a large new building currently under construction now at the University of Brighton and the large student accommodation building built alongside the A27 since the Inquiry. Seen in this context, the amendments to the design are not considered to be significant nor would they have a harmful impact on the landscape setting or the setting of Stanmer Park thus according with policy HE11`. The overall maximum height of the stadium (to the West Stand) will not change. The elevation of the North Stand would not be visible from road level in Stanmer Park due to the

treeline hence only the roof and the arch would impact on the landscape. The arch will however be smaller and set back thus reducing its impact on the landscape. Viewed from Falmer Hill, only the West Stand will be visible and changes will also reduce its impact again due to the less prominent arch and the elevations will be screened more as a result of the re-contouring with chalk spoil. The belt of trees and bushes planted on the south side of Village Way approved as part of the widening of the road will also provide additional screening for the stadium as viewed from Falmer Hill. Thus the loss of the grass bunds would only be apparent from short distance views at the eastern entrance to Village Way and approaching on foot from Falmer Station. It is considered therefore that in comparison to the approved scheme, the revisions will maintain an acceptable quality of design that will preserve the strategic views considered to be important in accordance with policy QD4.

As with the approved scheme, the revised proposal would clearly impact on the AONB and its setting, it is considered that overall the changes would not in comparison to the approved scheme have any further harmful impact on the setting of the AONB and would accord with relevant policies. The changes in the height of the stands are not significant in proportion to the overall height of the stands and in the context of the wider landscape would not be discernable. Similarly, the changes in materials will only be apparent from medium and long views under the most careful scrutiny. The applicants have sought to minimise the impact of the changes in accordance with policy NC7 and PPS7 by careful consideration of materials, profiles of the roofs to the North and South Stands as well additional bunding and profiling of land around the stands particularly the East Stand. The chalk spreading on Village Way South and the landscaping along Village Way will also minimise the impact of the stadium on longer views.

The land to be re-contoured is part of the open downland setting to the south of the Universities and Falmer Village. Views of the affected land are available from the public footpath running east to west approximately 600m to the south of the land to be re-contoured and a footpath that runs north to south along the west side of the field at its boundary with the Westlain Plantation. The east side of the field is adjacent to Drove Road (Falmer-Woodingdean Road) although the land contouring will not extend as far as the road. Views from the road are partially blocked by the mature hedgerow running alongside the road. Village Way lies directly to the north of the land to be re-contoured and provides by far the clearest views of the site.

Longer views of the site are available predominantly from the north from Sussex University and the beyond with a partial view of the site being available from Stanmer Park. Views of the field from the north and Stanmer Park are to a large degree obscured by the existing university buildings and existing trees. While some of these trees will be removed as part of the stadium development, the erection of the stadium will provide substantial screening of this part of the site when viewed from the north.

Long views of the land from the south are not available as Falmer Hill blocks any views. From the west, Westlain and University of Brighton buildings block long views and from the east the field boundary and local topography limit long views considerably. No views of the land to be reprofiled are available from the centre of Falmer Village adjacent to the pond.

The proposed reprofiling is to be carried out in the lowest part of the field and would therefore cause the minimum of visual impact to the surrounding downland. The proposed landform is sympathetic to the natural contours of the South Downs that surround the site and the final landform would not have an “artificial” appearance once the restoration is complete.

The short term visual effects would be significant as the stripping of topsoil, filling of material and creation of 3m high stockpiles of material would be clearly visible from outside of the site including long views from the AONB. This short term visual intrusion would however, be viewed as part of the wider stadium works and would also be set against the partially urbanised backdrop/foreground of the University campuses and the A27 Trunk Road.

While the short term visual impacts will be prominent when viewed from the surrounding AONB, this will be temporary and will be set against the backdrop of the overall stadium development. In the long term, the visual impact will be negligible and the gently rolling contours of the surrounding South Downs will be maintained by the finished scheme.

For the reasons above, the visual impact of the re-contouring is considered to be acceptable and would not be unduly prominent or harmful to the views in or out of the AONB.

The E.S. found that there will be no significant cumulative effects from the proposed developments and other notable developments in the Brighton and Hove area which are currently under consideration for development. At operational year 15 it is anticipated that there will be no significant residual adverse effects to any of the landscape or visual receptors as a result of the proposed developments through sensitive design and appropriate landscaping measures.

Increase in floorspace and footprint of the stadium

The increase in the footprint of the stadium over the approved scheme is from 29,000 to 30,750 sq m. This represents an increase of 6%. The effect of this marginal increase in the footprint would not impact on adjoining buildings or the environment as identified previously in this report.

Club Shop

The club shop will increase in size from 200 to 370 sq m. Policy SR2 requires that retail proposals outside existing shopping centres should meet the requirements of policy SR1 as well as that the site should be allocated in the local plan for retail. The site is not allocated in the local plan and therefore the

applicant should demonstrate the need for the development under Policy SR2. The size of the retail unit is modest however and given the specialist nature of the retail sales and the ancillary nature of the retail unit, the proposal does not raise any policy issues and would have no impact on existing retail centres since most visits to the shop would be linked to match day journeys. This was a view also taken by the Secretary of State in 2007. There is a need for the shop as it would be the only specialist outlet for sales of the club's merchandise and would be an important part of the club's income generation and the viability of the club.

Club Offices

The club offices will increase from 200sqm to 936 sqm compared to the approved scheme but still constitutes an ancillary part of the proposal. This would seem to be a reasonable quantity of office space required to support all of the club's administration including its education programme. There are no policy issues raised by the increase in floorspace and no comments have been received from consultees on this aspect of the proposal.

Hospitality Suites

The floor area of the hospitality suites in the West Stand will increase significantly in the revised proposal from 1429 to 4418 sq m. There are no policy concerns relating to the principle of additional hospitality floorspace. The plans indicate that this will increase the capacity of the hospitality areas to 2846 people from 1040. The Transport Assessment submitted to the inquiry stated that the main function suites could accommodate 620 people so there is an inconsistency in information. This would not have any significant impact on match days as the overall capacity of the stadium remains at 22,500 people. There would however be implications mainly for transport on non-match days and evenings which are addressed later in the transport section. The hospitality suites will also be capable of serving a dual function as teaching facilities for the club's community work. Policy HO19 permits community facilities that are accessible to all members of the community including demonstrable benefits to people from socially excluded groups and the provision of suitable childcare and toilet facilities. There should be no unacceptable impact on residential amenities or the surrounding area and the location should be accessible by all means of transport and include adequate parking. There are no concerns about amenity issues in the daytime. This is a busy location with University activities taking place including ancillary conferences. Concerns about evening noise and disturbance from events would be controlled by condition limiting late night events to end at midnight (Mon – Sat) and 11pm (Sundays) as was the case with the extant consent. There is also a condition related to sound attenuation in respect of the conference and function suites to ensure that noise is not audible at the nearest properties.

Partial change to the nature of ancillary uses within the stadium

City College

The approved scheme would have provided 3087 sq m of B1 office space

(including club offices) and 1029 sq m of teaching space for the club's community education programme. The proposed scheme now entails City College taking 2000 sq m of floorspace within the Stadium which exceeds the amount of B1 floorspace removed from the proposal. This would be separate from the club's educational programme.

City College wish to use the East Stand to deliver a number of courses including, key skills, leisure, travel and tourism, sport and sport development, information and communication technology, preparation for life and work and arts, media and journalism. The college facility will enable more courses to be delivered and will result in more qualifications awarded. During the construction stage, an agreement with the contractor will ensure that Work Based Learning opportunities for Trainees and Apprentices in the construction industry will be available for two years.

The College would be capable of accommodating 130 students together with 28 members of staff within the East Stand. Policy SR23 does not actually require any B1 business floorspace to be provided on the site although the Local Plan has a fall back position that if the stadium did not get built, the site could be allocated for high tech University related employment use. Nonetheless a consideration of the loss of potential employment space should take place. Policy EM3 seeks to retain employment floorspace or land allocated for such use in the Local Plan. The policy states that preference will be given to alternative business uses followed by uses that meet the Council's key priorities as set out in the local plan. One of the key objectives of the Local Plan is 'supporting the local economy and getting people into work'. One of the aims of the plan is to ensure that a workforce capable of doing the jobs is created and to achieve this aim, one of the objectives is to improve the skills level of the local workforce. There is therefore a critical link between education and improving the employment opportunities for the population thus improving the competitiveness of the local economy. The proposed change of use to City College is also supported by policy HO19 which permits community uses including schools where the design is accessible to all members of the community and benefits socially excluded groups and there is no unacceptable impact on residential amenities or surrounding areas. The location should be readily accessible by walking, cycling and public transport. And there should be adequate car and cycle parking. It is considered that the proposal meets all of these criteria. The site and building will be fully accessible and its location close to the built up part of Moulsecoomb and Bevendean ward (which suffers from high levels of social and economic deprivation) will improve accessibility to education for their populations. It is considered therefore that the introduction of education use within the stadium would be in the national interest and would probably be more likely to benefit the population of Moulsecoomb and Bevendean than general B1 offices by providing greater opportunities for further education and enhanced employment opportunities. The application is supported by the Council's Economic Development Officer for these reasons and it is notable that SEEDA supports this revised application and refers to one of the Regional

Economic Strategy's priorities of "*raising of educational attainment and aspirations including improving access to higher and further education*".

Therefore, it is still considered that the proposal would deliver a development which was in the national interest thus meeting the exception tests in PPS7 as outlined at the beginning of the considerations in this report.

The findings of the E.S. were that the proposed developments are considered to be well placed to provide a regenerative benefit in the deprived ward of Moulescoomb and Bevendean. The improvements that will result from the Proposed Developments will have a positive beneficial effect on the local population and community, the effects of these will be permanent during the operation of the Proposed Development.

No mitigation measures will be necessary as a result of the Proposed Developments, as all effects will be positive and beneficial as confirmed by the Economic Development Manager and the support of SEEDA.

Sports Facilities

The approved scheme would have provided indoor sports facilities which would have been for the University. However, the University has now included in its development strategy the provision of a purpose built 4 court sports hall on its campus. A planning application for this development has been submitted and is under consideration. The new sports hall would be an improved specification to what could practically have been provided within the stadium.

The crèche that was proposed under the approved scheme cannot be provided as there was a requirement to provide outdoor recreation space which was found to be impractical for a development of this type. The sports science facilities were intended for the benefit of the University of Brighton but are no longer required as they have been provided at their Eastbourne campus.

Traffic and transport

The objectives of PPG13 and policy TR1 seek to reduce reliance on the car and promote more sustainable forms of transport. The main concern with the increase in the floorspace and capacity of the hospitality suites would be the potential for the increase in car journeys and the demand for parking on site. The approved scheme provided a 150 space car park for staff and players and the Planning Statement says in para 5.38 that "No further car parking is proposed in this amended scheme to the 150 spaces approved under the extant consent." However para 2.3.7 of the Transport Assessment now indicates that "at non-event day times, restricted parking will be provided for users of the principal stadium building on the concourse surrounding the stadium." This would include conferences. The Council's Head of Transport Strategy and Projects has queried the estimated proportion of delegates who would travel by car (23%) and considers that this figure is relatively low.

It is not inconceivable that the club would allow some parking around the concourse for evening events in the hospitality suites although the Transport Assessment submitted to the Inquiry stated that the concourse would be used during in-house skills or training courses “and will not result in any dedicated traffic attractions”. The Traffic Attractions predicted as evidence were that there would be 81 arrivals and 3 departures in the weekday morning peak and 44 arrivals and 72 departures in the afternoon peak. The Secretary of State may have considered this to be acceptable and did not apply any conditions relating to parking for conferences and did not seek to restrict parking on the concourse. Objectors amongst them, Falmer Parish Council, have raised the issue of the significant increase in conference facilities.

Condition 46 of the extant consent requires a Travel Management Plan to be submitted and approved by the Council which comes into effect but only when there is an *event* with more than 500 people attending. The useable area of the concourse would be 10,450 sq metres which could accommodate many parked cars. The applicants have been asked in writing to confirm how many cars could be parked on it and have estimated about 520 cars. PPG13 Annex D states that the maximum parking standards for conference facilities is 1 parking space per 5 seats. The applicants have been requested twice in writing to clarify and confirm how many delegates could be accommodated in the conference and banqueting facilities. The Design and Access Statement refers to 2846 persons whilst the plans indicate 2510 can be accommodated buffet style and 1905 dining for functions. In written replies, they have not confirmed the delegate capacity but did refer to the Inquiry evidence outlined above and have also referred to Condition 46 which would control parking in their opinion. The assumption must be that the plans are accurate. The applicants have agreed to amend extant Condition 46 so that it applies to non-event days such as conferences or banquets as well as amending extant Condition 44 which requires a Green Travel Plan. The amendment would ensure that the Green Travel Plan applied to *users* of the stadium and not just the occupiers.

However, there is a potential for a significantly greater number of people to attend functions and conferences in motor vehicles than was ever envisaged or indeed predicted by the applicants in their own evidence. Condition 46 means that events of 499 people and less would be uncontrolled and there would be no requirement to implement the Travel Management Plan. There is a further concern raised by the possibility of over 500 cars arriving and departing the stadium for an evening event that they could cause noise and disturbance (particularly late at night) to nearby residents of Falmer at the junction of Village Way and the B2123 (The Drove). This was not considered specifically by the Inquiry but the Inquiry did consider the principle of avoiding noise and disturbance and loss of amenity to the residents of Falmer caused by the arrival of large crowds and traffic generation. It was for these reasons that large amounts of parking on site (including on the University of Brighton Falmer campus) were avoided and car parks at Sussex University and Falmer High School would be used instead.

In view of the concerns and limited controls under the extant permission, it is considered to be necessary to amend Condition 46 (now No.43) so that the Travel Management Plan applied to an event or events of 250 or more. This would enable the Local Planning Authority to exert greater control than before over sizeable events and would be even more consistent with PPG13 and policy TR1 by seeking to minimise car journeys and would minimise noise and disturbance to nearby residents and occupiers of other buildings in conformity with policy QD27. This approach is supported by the Council's Transport Manager.

It is considered that the vast majority of the City College students would travel to the stadium by public transport, walking and cycling. A survey of existing City College students revealed that only 5% travelled by car but this figure may be influenced by the town centre locations of the College's buildings.

It has been made clear by the applicants that staff and students will not be permitted to travel to the College by car since there will be no parking available except for blue and orange badge holders. This will be enforced by a rigorous travel management plan according to the applicants Transport Assessment in support of the application. This will need to be incorporated into the Travel Management Plan which should include measures to prevent car parking in and around the vicinity of the stadium. Condition 46 will also need to be amended to take account of College related parking.

Other findings of the E.S relating to transport are that the main advantage of depositing the spoil onto the field and the re-contouring of the land, is the reduction in HGV mileage and vehicle movements through Falmer which would result. It was estimated that for the approved stadium development, removing the spoil from the construction site to a disposal site some 30km away (as was forecast), would generate 12,500 HGV movements travelling over 807,000 km. The depositing of spoil on the land to the south of Village Way would result in a net reduction of 960 off-site HGV movements per week for the 26 week extraction period (Source: Savell Bird Axon Transport Assessment). This accords with the "proximity principle" for waste minimisation which is identified as one of the key principles for waste planning in the East Sussex and Brighton & Hove Waste Local Plan.

While the reduction in vehicle movements would have significant benefits to the environment and amenity of Falmer Village and the wider Highway network, it is acknowledged that the chalk re-profiling operation would have some potential for noise and dust generation that will need to be controlled and monitored through the CEMP that is a requirement of the S106.

Re-contouring offers significant benefits over alternative methods of disposal as it would keep the material on the site and therefore significantly reduce vehicle movements associated with the project.

Amenity

During the operation of the Proposed Developments, effects from vehicle movements are anticipated to have little or no material impact (as noted in the Transport Assessment, Ref 4.1). In addition, the materials being installed in the four corners of the Community Stadium and along the underside of the roof on the east and west elevations will result in an improvement in the overall sound insulation of the Community Stadium. Therefore there will be no adverse effects in terms of noise and vibration.

The main contractor will approach BHCC and LDC with a view to making an application for prior consent under Section 61 of the Control of Pollution Act, and this will form part of the CEMP. If this can be agreed, it provides a clear framework of limits which usually includes terms of working hours, maximum noise and vibration levels.

A Construction Environmental Management Plan (CEMP) will also be prepared to cover all Section 61 and other noise issues along with measures designed to minimise other potential environmental effects from noise and vibration. For example, a requirement that all operating plant and equipment will be provided with effective silencers and operated according to the manufacturer's recommendation, so as to avoid causing excessive noise of exhaust emission.

Residual effects during construction of the Proposed Developments will result in noise levels lower than the recommended noise limits and therefore, the residual effects will be of low adverse effect.

Machinery will operate on the site during the re-contouring process. This will not be an especially noisy process, particularly when considered against the background noise levels of the Stadium construction, existing noise generators such as the A27, railway and university campuses. The Construction Environment Management Plan (CEMP) required by the legal agreement (S106) will include restrictions on the re-contouring operation to ensure that the hours of working and machinery used are acceptable in terms of noise generation.

Depending on the local weather conditions, there may be some dust arising from the re-contouring operation. Measures to suppress and control dust will be agreed in advance through the CEMP and will be monitored accordingly.

Consideration has been given to the extant consent for removal of spoil and chalk by road via Village Way which, in itself, could potentially have dust and noise implications on Falmer Village. The removal of this potential source of dust and noise is welcomed.

The mitigation of any negative impacts can be minimised through controls on the hours of operation, measures to ensure dust control (such as damping down of dry materials) and other good practice by the contractors. In order to ensure that these mitigation measures are carried out to an acceptable level,

it is recommended that the Construction Environment Management Plan (CEMP) required by the S106 sets out sufficient measures to mitigate against noise, dust and vibration that can be enforced and monitored by the City Council.

Subject to this CEMP, it is considered that the impacts of the development phase of the re-contouring proposal would be acceptable. The benefits of reduction in vehicle movements and improvement in soil quality outweighs any potential short term visual and environmental impacts, for which satisfactory mitigation measures can be secured through planning conditions and the S106 obligation.

The impacts of noise and dust can be controlled through the CEMP and will not have an unacceptable impact on the living conditions of the occupiers of residential properties in the locality.

A condition is recommended to secure compliance with the submitted Soil Handling and Agricultural Land Restoration method statement to secure future soil quality and protect views across the site.

Sustainability

Central Government guidance contained in PPS1 states that sustainability is at the heart of planning, and Local Plan Policy (SU2) encourages developments to be sustainable and to demonstrate a high standard of efficiency in the use of energy, water and materials.

Applications for planning permission should include information to demonstrate that this has been satisfactorily considered. Due regard must be had to the Council's Supplementary Planning Document "Sustainable Building Design" SPD08, which lists specific topics and areas that should be addressed by applicants and makes recommendations for the sustainability measures that should be incorporated in developments.

The application is accompanied by a bespoke Building Research Establishment Environmental Assessment Method (BREEAM) assessment which demonstrates that the proposed stadium would achieve a score of "very good" overall.

The BREEAM assessment scores 61.1% for energy use and 62.5% for water use. The Building Research Establishment has confirmed that no other stadium has achieved such a high rating. Notwithstanding this, the recommendations of SPD08 are that 70% should be achieved in the two categories mentioned above and that an overall score of "excellent" should be sought.

In addition to the recommended BREEAM scores above, SPD08 also requires that applications of this nature (Non-residential major schemes on greenfield sites) should:

- achieve zero net CO₂ from energy use
- minimise the “urban heat island effect” through the provision of green walls, roofs or via a contribution towards off site tree planting
- developers should sign up to the Considerate Constructors Scheme
- a feasibility study on rainwater harvesting and greywater recycling should be submitted with the application.

The application does not reach the recommended standards for sustainability as set out in SPD08. The applicants have not provided detailed information which investigates why the recommended standards cannot be achieved.

There has been one objection to the development based upon its impact on CO₂ production but supporters have referred to the benefits of the reduction in lorry journeys by the deposition of chalk spoil on site.

This gap in information is in part a result of the SPD being adopted for development control purposes very shortly before the submission of the application and therefore not being the subject of any pre-application discussions with the Council.

Policy SU2 sets out criteria against which development will be assessed. In addressing these criteria the club has provided some information as follows:

a. measures that seek to reduce fuel use and CO₂ emissions. The applicant has specified a number of features such as high efficiency boilers for space heating and domestic hot water generation and a centralised building energy management system. No indication has been given that the building’s fabric will be improved beyond current building regulations standards to improve the efficiency of the building.

b. the incorporation / use or the facilitation of the use, of renewable energy resources. It is suggested by the applicant that the major ventilation systems will have heat recovery systems as recommended by the Carbon Trust. Photovoltaics have been discounted as a potential energy resource and no consideration has been given to other renewable energy resources such as CHP, biomass, ground source heat pumps, wind or solar water heating.

c. measures that seek to reduce water consumption. The stadium will benefit from a major leak detection system as well as automatic shutoffs for groups of toilets and local water meters with a pulsed output. This is considered satisfactory.

d. measures that enable the development to use greywater and rainwater; The applicants state that rainwater harvesting for pitch watering and toilet flushing is not appropriate due to the irregular high demands for water and storage problems. It is considered that a feasibility study should be prepared for rainwater harvesting and grey water recycling to cover the whole site including the offices, hospitality and education areas.

e. the use of materials and methods to minimise overall energy and / or raw material inputs. The revised design of the stadium would save 16,000 kg of steel compared to the extant scheme. The depositing of chalk spoil on land to the south of Village Way would reduce HGV movements by 22,000 and would represent significant savings in terms of fuel and resources. However the scheme only scores 37.5% in the Materials and Waste section of the BREEAM assessment.

The application makes no provision to separate waste and compostable materials and does not show where composting of material would take place on site. Nor does the application demonstrate how natural light and ventilation will be maximised to the substantial internal areas, or make any assessment of the overall energy demand for heat and power for the stadium or how this could be met or partially met by renewable technologies.

Summary of Sustainability Considerations

The type of building proposed by this development is unusual and in many respects unique, for this reason it is accepted to a certain degree that it may be more difficult to “design in” sustainability features into a stadium than it would be for a residential or office block development. It is also noteworthy that the proposed development, when compared to other stadia, demonstrates a high level of sustainability as measured by BREEAM.

Notwithstanding this, the advice received from the Sustainability Team indicates that the sustainability of the development could be improved in some areas. For this reason the recommendation is that the Local Planning Authority continue to work with the applicant to test where improvements can be made to overall performance in this respect. This can be achieved through securing additional requirements in the amendments to the S106.

It is therefore recommended that it is a requirement of the revised S106 that further feasibility studies and details of sustainability measures are submitted to and agreed with the council and implemented thereafter.

Ecology and Nature Conservation

It is anticipated that there will be no significant operational effects on designated sites within the surrounding area as a result of the Proposed Developments. Although there is the potential for a small increase in disturbance, damage to vegetation and littering in Westlain Plantation/Hog Plantation SNCI, it should be noted that this woodland is already well-used by University of Brighton students and/or staff, that there is evidence of fires and litter in places, and, therefore, any additional effect is considered not significant. It is considered that there will be no additional effects to reptiles, birds, badgers and habitats during the operation of the Proposed Developments as there will be no further work and habitats temporarily disturbed during construction will have returned to their original use. It is unlikely that there will be any additional effects to bats, as these effects have already been considered in the Community Stadium 2001 ES. Investigations

will be carried out into the presence of bats prior to demolition of existing buildings and Natural England have confirmed the need for a European Protected Species licence before buildings can be demolished.

It is anticipated that there will be no significant residual adverse effects on any of the ecological receptors as a result of the Proposed Developments. However, mitigation and compensation measures may increase the potential of biodiversity within land surrounding the Application Sites. The provision of a Biodiversity Management Plan will ensure that habitats within the Application Sites will be managed to benefit nature conservation in the longer-term and that the effectiveness of the mitigation is monitored. Such measures may result in positive effects.

Other Issues

Air Quality

The findings of the E.S.were that the primary source of air pollution resulting from the operation of the Proposed Developments will arise from exhaust emissions of road traffic associated with the operational activities and events. However, it is not considered that that there will be any significant changes from the operational activities of the Proposed Developments as assessed in the Community Stadium ES (2001) for the extant planning permission subject to the implementation of a Travel Management Plan subject of a condition of this consent. Consequently it is considered that the Proposed Developments will have a negligible significant effect on local quality.

Due to the extant planning permission for the Community Stadium, a dust control plan will be required and submitted to the Local Planning Authority (LPA) prior to the commencement of works. It is recommended that this dust control plan incorporate the Proposed Developments. A code of construction practice should be produced in line with the Considerate Contractor's Scheme (CCS) and 'best practice' measures should also be implemented. A nominated member of the construction team (e.g. Site Manager) will also act as a point of contact for residents who may be concerned about elevated deposition of dust.

Effects on receptors within 200m of the Application Sites and along the surrounding road network can be eliminated through the implementation of mitigation measures as outlined above and therefore residual effects from construction on local dust levels will not be significant.

Archaeology

The objectives of PPG16 and policy HE12 are to ensure that a staged approach to the consideration of archaeological remains is carried out in order to preserve features of historic significance. The extant consent required an investigation to be carried out prior to the commencement of development. At the timing of writing this report, on site investigations are currently being carried out as required by conditions of the extant scheme under the supervision of the County Archaeologist and are almost complete. It is

anticipated by the applicant that the archaeological investigations will be complete in January 2009. The County Archaeologist has been satisfied with the extent of the investigations and it is anticipated that the works and final reports will be signed off by him. County Archeologist has raised no concerns about the ES.

Water Quality

The findings of the E.S. are that there will be no additional effects from the operation of the Stadium Changes element of the application, as outlined in the Community Stadium ES 2001. The Proposed Re-contouring will also have no additional effects on the water environment during the operational phase.

No objection to findings of the ES has been received from Southern Water, Environment Agency or Environmental Health. This section of the E.S. is therefore considered to be robust.

A CEMP will be prepared for the Proposed Developments to ensure best practice is adhered to during the construction phase. Mitigation cannot prevent accidental spillages during the construction works, but measures will be included in the CEMP to minimise their effect and therefore the potential impact remains low.

Soil, Geology and contamination

The effect of the re-contouring would be to lessen the gradient of the steepest parts of the field and to increase the depth (and therefore quality) of the topsoil. This reduction in gradient would improve the agricultural land grading by reducing the angle of slope to 7 degrees or less across the field. It would also reduce the natural rate of run off thereby improving water retention in the soil and reducing the potential for flash flooding in extreme rainfall. The increased topsoil depth would improve the quality and productivity of the soil in this part of the field.

The benefits of reduction in vehicle movements and improvement in soil quality outweigh any potential short term visual and environmental impacts, for which satisfactory mitigation measures can be secured through planning conditions and the S106 obligation.

This part of the proposal is therefore in accordance with PPS7 (Sustainable Development in Rural Areas) Structure Plan Policies EN2 and EN3 and Local Plan Policies QD4, QD15, NC3 and NC5, NC6 and NC7.

The proposed land re-contouring is in accordance with national and local planning policies and there are no material considerations which indicate that planning permission should not be granted for this part of the scheme.

The findings of the E.S. were that there will be no cumulative effects on groundwater or source protection zones from other developments to the Proposed Developments. Due to the potential for unknown contaminants to

be present at the Application Sites, measures should be implemented to manage construction activities to minimise the release of contaminants which may be found during construction. The measures will be implemented through a CEMP. The CEMP will provide a management framework for construction activities to reduce the risk of adverse effects of construction on sensitive environmental resources and minimise disturbance to local residents. Environmental Health have confirmed that E.S. findings are sound in respect of soil, geology and contamination.

The implementation of management controls and a CEMP will further reduce the potential for contamination and therefore it is considered that there are no residual significant effects.

Waste Minimisation

PPS10, The Waste Local Plan and policies SU13 and SU14 of the Local Plan have the objective of seeking to minimise waste production and reduce the amount of waste disposed of to land.

The findings of the E.S. are that the effects arising during the operation of the proposed developments are considered to be associated with waste generated from visitors to the Proposed Developments; this considers match days and non-match days. A report was released in May 2008 outlining mechanisms for waste segregation, introducing a closed loop recycling system at the Application Sites and using packaging materials made from recycled and reused materials. This was commissioned in order to reduce the amount of waste transferred to landfill, and minimise waste disposal costs and its carbon footprint. Therefore, there will be no increase in the waste streams originally assessed for the Community Stadium in the 2001 ES. One objection was received concerned with additional waste from the revised proposal. The Planning Strategy team has confirmed that the content in terms of waste is acceptable however. On non-match days, waste will be similar to those outlined in the extant planning permission, except for small changes associated with the Stadium Changes element of the application. These are likely to include general domestic type wastes from general classroom areas, public areas and canteen; bricks, sand, cement, plumbing materials, wood, electrical and metal waste used in educational courses.

There is a legislative requirement to prepare a Site Waste Management Plan (SWMP), which intends to minimise deposit of construction and demolition waste. It will also be used to identify opportunities to reuse arisings rather than sending them to landfill.

A CEMP will also be required for the construction of the Proposed Developments; measures detailed within this plan will include the instigation of good site working practices, reduction of spoiling construction materials and the risks from waste generation, storage and handling. In addition, a number of good practice bench marking indicators should be used to ensure good practice of construction waste and its management.

Potential effects as a result of the Proposed Developments, in the majority of cases, are of low adverse significance. However, the use of spoil in the Proposed Re-contouring is considered of beneficial significance, as the volume of material originally proposed for disposal at an off site location will no longer be required and therefore this waste stream is cut. Management procedures will not lessen the volume of waste procedures (this may be achieved through the SWMP) but will manage the further potential risks occurring as a result of the Proposed Developments.

Public Art

Policy QD6 seeks the provision of public art in major development schemes or a contribution towards art. The extant consent secured a contribution of £50,000 by the S.106 obligation. The Public Art officer has sought an increase in this amount commensurate with the increase in floorspace over the extant scheme. The applicants have agreed to contribute £75,000 which will be secured by a deed of variation to the S.106 obligation. This is considered to be acceptable and complied with policy.

9 CONCLUSIONS

The Secretary of State granted permission for a new stadium seating 22,500 spectators in July 2007 and therefore the principle of a stadium on this site has been established and accords with the adopted local plan. That consent is still extant. Policy SR23 of the adopted Local Plan proposes a new community stadium and sports hall on land adjoining Village Way North, together with sports science/sports medicine facilities linked to the University of Brighton.

The modifications to the stadium and the proposal to re-contour Village Way south with chalk spoil have been considered against the development plan as well as national and regional planning guidance. The modifications to the design are considered to be acceptable and in some aspects improve the spectating and accessibility of the stadium. The changes to some of the materials particularly the removal of the grass bunds are not considered to cause significant harm to the overall design of the stadium and in long views would not have a harmful impact on the landscape of the AONB in comparison with the approved scheme thus according with policies QD1 and QD4. The changes to the height of some of the stands will not have a significant impact on the overall appearance of the stadium nor its impact on the landscape. The changes in the design of the arch whilst altering the appearance of the stadium will make less of an architectural statement however the more slender steel tubes and the set back from the West and East Stands will reduce their impact on the landscape in medium to long views. The modifications to the design are therefore considered to be acceptable and accord with policies QD1 and QD4.

The changes in the use of some of the internal floorspace have been considered against relevant policies. The most significant change from B1 offices to education for City College is considered to be consistent with the

objectives of increasing both opportunities for further education and qualifications which will enhance the employment opportunities and skills of the City's population. The presence of City College close to one of the most deprived wards in the City arguably creates more opportunities for its population than general B1 offices in which job opportunities may have been limited. The other main significant change will be the increase in conferencing and banqueting facilities. Whilst this will enhance the role of the stadium as a community facility, enhancing the City's conference and banqueting facilities and contribute towards it being a 7 day a week operation, there are concerns about traffic generation and parking. It is considered however that the existing conditions with some amendments will ensure that the non-match day activities are conducted without generating unsustainable transport movements in accordance with policy TR1 and PPG13.

Re-contouring land south of Village Way offers significant benefits over alternative methods of disposal as it would keep the material on the site and therefore significantly reduce vehicle movements associated with the project. The proposed re-profiling is to be carried out in the lowest part of the field and would therefore cause the minimum of visual impact to the surrounding downland. The proposed landform is sympathetic to the variety of natural contours of the South Downs that surround the site and the final landform would not have an "artificial" appearance once the restoration is complete.

The Environmental Statement (ES) has been submitted with the application, in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The E.S. and the findings contained therein are considered to be sound and there are no unacceptable environmental impacts from the proposed development identified. This is subject to compliance with the mitigation measures set out in the E.S., the conditions recommended to be imposed on the grant of consent and the requirements of the S106 agreement.

10 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposal complies with policy SR23 of the adopted local plan which proposes a Community Stadium. The Secretary of State granted permission for a similar stadium in 2007 together with car parking on site, as well as at Sussex University, Falmer High School and a new link road from Stanmer Park and Sussex University as well as junction improvements to the A27 and Falmer Station. The current application site is confined to the stadium itself as well as land south of Village Way. It is considered that the revised stadium will still deliver a much needed major sporting facility for the City and will also deliver economic, regeneration and educational benefits in close proximity to a deprived Ward which the Secretary of State considered to be in the national interest and therefore met the tests set out in PPS7 for permitting development in the AONB.

The modifications to the design of the stadium are not considered to make a significant difference in the quality of the design when considering the stadium

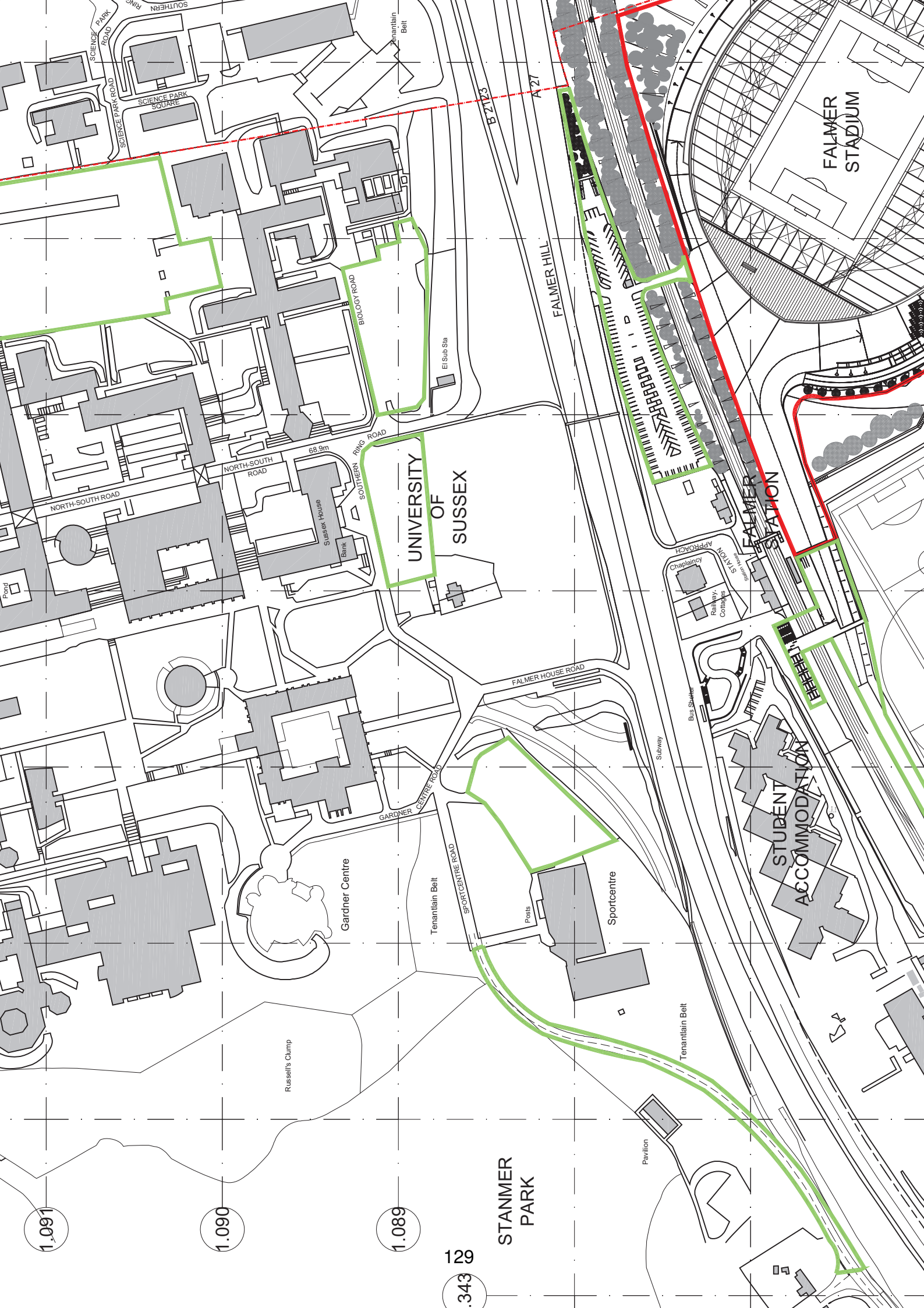
as a whole and would meet the requirements of policies QD1 and QD4.

It will still be possible to ensure that the non-match day activities within the stadium without generating significant volumes of traffic and parking with appropriate use of conditions requiring Travel Management Plan and a Green Travel Plan in accordance with policy TR1 and PPG13.

Re-contouring land south of Village Way offers significant benefits over alternative methods of disposal as it would keep the material on the site and therefore significantly reduce vehicle movements associated with the project. The benefits of reduction in vehicle movements and improvement in soil quality outweigh any potential short term visual and environmental impacts, for which satisfactory mitigation measures can be secured through planning conditions and S106. The impact on the landscape character of the Downs is minimised by the limited views of this field and the variety in character of the Downland landscape. This part of the proposal is therefore in accordance with PPS7 (Sustainable Development in Rural Areas) Structure Plan Policies EN2 and EN3 and Local Plan Policies QD4, QD15, NC3 and NC5, NC6 and NC7.

11 EQUALITIES IMPLICATIONS

The amendments to the design of the stadium will significantly improve access for spectators with disabilities. Concourses will be designed at the same level as the lower viewing platforms inside the stadium whilst the upper platforms will be accessible by lift. The positions of the platforms are improved and provide better vantage points. The platforms will be raised higher so that when other spectators stand up in front, a wheelchair users view is not impeded. Outside the stadium, there is full accessibility with ramps for spectators arriving either by car, train or bus or coach.



FALMER STADIUM

UNIVERSITY OF SUSSEX

STUDENT ACCOMMODATION

Sportcentre

Gardner Centre

STANMER PARK

1.091

1.090

1.089

129

343

SCIENCE PARK ROAD

SCIENCE PARK SQUARE

BIOLOGY ROAD

NORTH-SOUTH ROAD

NORTH-SOUTH ROAD

SOUTHERN RING ROAD

68.9m

GARDNER CENTRE ROAD

FALMER HOUSE ROAD

SPORTCENTRE ROAD

FALMER HILL

B2123

A27

FALMER STATION

STATION APPROACH

Chaplaincy

Railway Cottages

Bus Shelter

Subway

Tenants Belt

Tenants Belt

Russell's Clump

Pests

Pavilion

Pond

Tenants Belt

E1 Sub Sta

PLANS LIST – 4TH FEBRUARY 2009

APPENDIX B

PLAN TO BE SHOWN AT COMMITTEE

PLANS LIST – 4TH FEBRUARY 2009
APPENDIX C – LIST OF ADDRESSES

House-Flat Name-Number/Other	House/Flat Number	Street	City	Post Code
	60	Abbey Close	Peacehaven	BN10 7SD
	3	Abbots Field,	Kent	ME16 8QQ
	80	Addison Rd	Hove	BN3 1TR
	94	Addison Rd	Hove	BN3 1TR
	50	Ainsty Road	Wetherby	LS22 7QS
	23	Aintree Close	Milton Keynes	MK3 5LP
	23	Alderbrook Close	Crowborough	TN6 3DL
	40	Aldersleigh Drive, Wildwood	Stafford	ST17 4RY
Crawley Court		Aldrington Close	Hove	BN3 5VA
3	18	Aldwick Avenue	Bognor Regis	PO21 3AQ
F3, 'Eversley	3	Alexandra Court, 14 St Peters Close	Hove	BN3 7RF
	53	Alexandra Road	Uckfield	TN22 5BD
	17	Alpha Road	Croydon	CR0 6TH
	28	Amblesine Avenue	Telscombe Cliffs	BN10 7LS
	1	Annes Path	Lewes	BN7 1NF
	15	Applesham Avenue	Hove	BN3 8JF
		Ardingly	W. Sussex	RH17 6SW
Yumpsters	3	Ash close	Worthing	BN14 0UW
	26	Ash Close	Eastbourne	BN22 0UR
	9	Ash Walk	Newhaven	BN9 9XH
	10	Ashburnham Drive	Brighton	BN1 9AX
	47	Ashburnham Grove	London	SE10 8UJ
Viridian Court		Ashford Road	Feltham	TW13 4SD
2	11	Ashmore Close	Peacehaven	BN10 8AQ
	30	Atfield Walk	Eastbourne	BN22 9LE
	8	Audax Lower Stand	London	NW9 6QU
Muirford		Aurum Close	Surrey	RH6 9DW
4	2	Austins Lane	Uxbridge	UB10 8RH
	23	Avalon Way	Worthing	BN13 2TP
	7	Avenida de Belgea	Spain	3502
Viviendas Jardini Piso 12b	3	Baden Rd, St. George	Bristol	BS5 9QE
	58	Balcombe Avenue	Worthing	BN14 7RS
	6	Bale Close	Bexhill-on-Sea	TN39 4JT
	6	Bannisters Field	Newick	BN3 4JS
	5	Baranscraig Avenue	Patcham, Brighton	BN1 8RF
	54	Barfield Park	Lancing	BN15 9DF
		Barnes High Street		SW13 9LW
20a	7	Barnett Way	Uckfield	TN22 1XH
	15	Barnett Way	Uckfield	TN22 1XH
	7	Barnetts Field	Chichester	PO20 3UD
Wyken		Barnfield	Plumpton Green, Lewes	BN7 3ED
	63	Batemans Road	Woodingdean, Brighton	BN2 6RD
	19	Baxter Street	Brighton	BN2 9XP
	46	Bayham Road	Hailsham	BN27 2NH
2	136	Beaconsfield Villas	Brighton	BN1 6HB
1	91	Beatty Avenue	Coldean	BN1 9EP
	30	Becksbourne Close	Peneden Heath,	ME14 2ED

PLANS LIST – 4TH FEBRUARY 2009

			Maidstone,Kent	
2	10	Bedford Square	Brighton	BN1 2PN
2	12	Beeches Avenue	Worthing	BN14 9JF
	13	Beechwood Close	Brighton	BN1 8EP
	2	Bell View Close	Windsor, Berks	SL4 4EX
	36	Bellwood Street	Glasgow	G41 3ES
	3	Belmer Court	Worthing	BN11 5BS
Marbella Club, Golf Resort 8.6		Benahavis 29679	Malaga	Spain
	11	Berkely Gardens	Lowescroft, Suffolk	NR32 4UF
	35	Berrall Way		RH14 9PQ
	37	Berriedale Avenue	Hove	BN3 4JG
	152	Bexhill Road	Brighton	BN2 6QA
	6	Birch Tree Gardens	East Grinstead, Surrey	RH19 2BJ
	14	Birdham Road	Brighton	BN2 4RF
	1	Bishops Close	Hurstpierpoint	BN6 9XU
The Old Railway Station		Bishopsbourne	Canterbury	CT4 5JD
	40	Bishopstone Drive	Saltdean, Brighton	BN2 8FF
Sunnyside		Blackness Road	Crowborough	TN16 2LD
	3	Blackpatch Grove, Shoreham-by-sea		BN43 5GT
Birkfield		Blacksmith Lane	Chilworth	GU4 8NF
	139	Blakes Farm Road	Southwater	RH13 9GU
	438	Blandford Road	Beckenham	BR3 4NN
		Bluebell Cottage	Plumpton	BN7 3OQ
Jeremys Lane		Bolney	Haywards Heath	RH17 5QE
North Lodge,	27	Bonny Wood Rd	Hassocks	BN6 8HP
	7	Borrowking Close	Brighton	BN2 4BW
	8	Bowes Close	Horsham	RH13 5SZ
	33	Bowood Avenue	Eastbourne	BN22 8SN
	12	Boxes Lane	Horsted Keynes	RH17 7EJ
	12	Boxes Lane	Horsted Keynes	RH17 7EJ
	62	Brading Road	Brighton	BN2 3PD
	39	Bramber Avenue	Peacehaven	BN10 8HR
	41	Bramber Road	Seaford	BN9 4RG
	9	Brambles	Hassocks	BN6 8EQ
	40	Brassland Drive	Portslade	BN41 2PN
	64	Brendon Rd	Worthing	BN13 2PT
	108	Brentwood Road	Brighton	BN1 7ES
5	67	Brick Farm Close		TW9 4EG
	2	Brighton Road	Hurstpierpoint	N6 9TR
	83	Brighton Road	Lancing	BN15 8RB
Old Bank House		Brighton Road		BN5 9DD
The Flat	14	Broad Rig Avenue	Hove	BN3 8EW
	41	Broad Road	Eastbourne	BN20 9QT
East Court		Broadwater St East	Worthing	BN14 9AH
1	245	Brodrick Road	Eastbourne	BN22 0DW
12 Hazel Bank		Bromley Road	Brighton	BN2 3GA
7 The Cedars		Bromley Road	Brighton	BN2 3RU
	66	Brunswick Place	Hove	BN3 1NB
	14	Brunswick Terrace	Ghove	BN3 1HL

PLANS LIST – 4TH FEBRUARY 2009

5	43	Buckingham Place	Brighton	BN1 3PQ
3	88	Bulverhythe Road	St Leonards on Sea	PO38 8AE
	5	Bunting Close	Horsham	RH13 5PA
	11	Burlington Road	Worthing	BN12 6DB
	23	Burne-jones Drive	Sandhurst	GU47 0FS
	18	Burrell Court	Crawley	RH11 8JR
	21	By Sunte	Haywards Heath	RH16 2DL
	20	Caburn Crescent	Lewes	BN7 1NR
		Cadney Lane	Shropshire	SY14 2LP
The Willows	44	Cambridge Road	London	SW11 4RR
Flat 5, Cambridge Mill		Cambridge Street	Manchester	M1 5GF
	3	Cambus Close	Middlesex	UB4 9SY
	3	Canada Close	Telscombe Cliffs	BN10 7JH
	20	Canada Road	Arundel	BN18 9HY
	11	Canberra Road		MK42 0UZ
	25	Canterbury Close	Burgess Hill	RH15 0LR
	59	Capel Road	Brighton	BN10 8HD
	6	Capri Court	Victoria BC, Canada	Australia
	16	Castle Drive	Surrey	RH6 9DB
	114	Cazenove Rd	London	N16 6AD
	1	Cedar Close	Burgess Hill	RH15 8EJ
	26	Cedars Farm Close, Billingshurst	W. Sussex	RH14 9NH
	34	Chadborn Close	Brighton	BN2 5DH
	43	Chadborn Street	Brighton	BN2 5DH
	53	Chalkland Rise	Brighton	BN2 6RJ
	26	Challoners	Horsted Keynes	RH17 7DT
	57	Channel View Road	Brighton	BN2 6DR
	53	Chantonbury Drive	Shoreham	BN43 5FR
Ms Fearn	7	Charlock Way	Southwater	RH13 9GS
Gavin Philps	38	Chatfield Rd	Cuckfield	
Covers		Chatsfield Yard	Cooksbridge	BN8 4TJ
	44	Chatsworth Avenue	Telscombe Cliffs	BN10 7EA
	24	Chelwood Avenue	Goring-by-sea, W.Sussex	BN12 4QP
	24	Cherry Cottage	Uckfield	TN22 3SY
	24	Chester Terrace	Brighton	BN1 6GB
	6	Chestnut Grove	Hurstpierpoint	BN6 9SS
	39A	Chingford Mount Rd	Chingford	E4 8LU
	221	Chipperfield Road	Kent	BR5 2PZ
	3	Church Hill	Newhaven	BN9 9LN
	30	Church Lane	Southwick	BN42 4GB
	37	Clare Walk	Brighton	
	48	Clarendon Road	Hove	BN3 3WQ
	44	Clay Lane, Bushey Heath	Herts	WD23 1NW
	37	Clayton Avenue	Hassocks	BN6 8HD
	34	Clayton Road	Brighton	BN2 92P
	3	Clayton Walk, Durrington	Worthing	BN13 2QW
	11	Clayton Way	Hove	BN3 8GE
	9	Cleve Close	Framfield	TN22 5PQ
	27	Clifton Hill	Brighton	BN1 3HQ
1	38	Cobden Road	Brighton	BN2 9TJ
	35	Cobetts Mead	Haywards Heath	RH16 3TQ

PLANS LIST – 4TH FEBRUARY 2009

	112	Cokeham Lane	Sompting,Lancing	BN15 9SQ
	43	Coldean Lane	Brighton	BN1 9GE
	29	College Gardens	Worthing	BN11 4QE
	131	College Lane	Hassocks	BN6 9AF
	30	Commercial Road	Burgess Hill	RH15 8QL
The Bungalow	10b	Commercial Road	Burgess Hill	RH15 8QL
	12	Cooksbridge Road	Brighton	BN2 5HH
Pelham Court		Coombe Road	Brighton	BN2 4FL
6	8	Coppice Gardens	Crowthorne, Berkshire	RG45 6EE
	56	Corinthian Road	Chandlers Ford	SO53 2AZ
	9	Cornford Close	Brighton	BN41 2JE
	12	Court Crescent	East Grinstead	RH19 3YJ
	3	Cowden Close	Hove	BN3
	4	Cowden Road	Brighton	BN2 8DD
	2	Cowfold Rd	Brighton	BN2 5EN
	245	Cowley Drive	Brightn	BN2 6TG
	20	Crabbet Road	Crawley	RH10 1NE
	160	Crabtree Lane	Lancing	BN15 9NW
	37	Crawley Rd	Horsham	RH12 4DS
	14	Crayford Rd	Brighton	BN2 4DQ
	59	Crescent Drive,(2)	Woodingdean, Brighton	BN2 6RA
	29	Cricketers Drive	Meopham, Kent	DA13 0AX
	274	Crofton Road	Orrington	BR6 8EY
	7	Cromwell Road	Chesterfield	S40 4TH
	26	Cromwell Road	Burgess Hill	RH15 8QH
Goodwood Court		Cromwell Road	Hove	BN3 3DX
	301	Cromwell Tower	London - Barbican	EC2Y 8NB
29, Cedar Chase		Cross Lane	Findon	BN14 0US
Flat 2	47	Cross Road	Southwick	BN42 4HG
	33	Crown Road	Shoreham-by Sea	BN43 6GD
	5	Crundens Corner	Rustington	BN16 3BX
	5	Dale View Gardens	Hove	BN3 8LU
	33	Dale View Gardens	Hove	BN3 8LA
	8	D'Aubigny Rd	Brighton	BN2 3FT
	74	Davey Drive	Brighton	BN1 7BJ
	13	Dean Court Road	Brighton	BN2 7DH
	74	Dean Way	Storrington	RH20 4QS
	23	Dene Vale	Brighton	BN1 5ED
	1	Devon Road	Wolverhampton, West Midlands	WV1 4BE
	114a	Ditchling Rise	Brighton	BN1 4QR
	42	Donald Hall Road	Brighton	BN2 5DE
	32	Douglas Avenue	Whitstable	CT5 1RT
	23	Douglas Close, Middleton on sea	Bognor Regis	PO22 7UE
	41	Downland Avenue	Southwick	BN42 4RL
	26a	Downland Drive	Hove	BN3 8GT
	37	Downland Road	Brighton	BN2 6DL
	34	Downside	Shoreham by sea	BN43 6HG
	114	Downside	Shoreham by sea	BN13 6HB
	7	Downsview Crescent	Uckfield	TN22 1TX
	2	Downview Avenue	Ferring	BN12 6QN
	79	Dudley Road	Brighton	BN1 7GL

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	2	Dunster Way	Wallington, Surrey	SM6 7DA
	285	Dyke Road	Hove	BN3 6PD
2	225	Ealing Rd	Northolt	UB5 5HS
	2	Earlswood Close, Roffey	Horsham	RH13 6DB
Holly Lodge, Middletown lane		East Budleigh	Devon	EX9 7EQ
	28	East Drive	Brighton	BN2 0BQ
	27	East View Fields	Plumpton Green, Lewes	BN7 3EF
	3	Eastbrook Way	Southwick	BN41 1PS
A	6	Eastern Terrace	Brighton	BN2 1DJ
A	4	Eastwick Close	Brighton	BN1 8SF
	14a	Eaton Grove	Hove	BN3 3PH
Ashdown		Eaton Road	Hove	BN3 3AQ
12b	15	Edburton Gardens	Shoreham by sea	BN43 5GR
	15	Edgehill Way, Mile Oak	Portslade	BN41 2PU
	3	Edinburgh Road	Brighton	BN2 3HY
	49	Eley Drive	Rottingdean	BN2 7FG
	7	Elgin Gardens		GU1 1UB
	62	Elm Grove	Brighton	BN2 3DD
	25	Elmpark Gdns	Selsdon	CR2 8RW
Allington		Englands Lane, Queen Camel	Yeovil, Somerset	BA22 7NN
Allington		Enterprise Learning Ltd	Haywards Heath	RH16 9DG
	13	Eton Avenue		KT4 5AY
	3	Eversfield Rd	Horsham	RH13 5JS
	23	Fabians Way	Henfield	
	28	Fairford Close	Haywards Heath	RH16 3EF
	54	Fairlawn Drive	East Grinstead	RH19 1NT
	59	Farm Close	East Grinstead	RH19 3QQ
	26	Farm Hill	Woodingdean, Brighton	BN2 6BH
	21	Farmway Close	Hove	BN3 8AE
	10	Ferndale Walk,	Angmering	BN16 4DB
	58	Fernhurst Crescent	Brighton	
	77	Fernhurst Crescent	Brighton	BN1 8FA
Ayem House		Findon	Worthing	BN14 0YA
Thropston Rd		Finedon,	Northants	NN9 5HW
The Old Stables	89	Finsbury Park Road	London	N4 2JY
	14	First Avenue	Hove	BN3 2FE
3	34	Fordwich Road	Welwyn Garden City, Herts	AL8 6EY
	43	Forest Rise	Crowborough	TN6 2EP
	24	Forge Rise	Uckfield	TN22 5BU
	26	Forum Way, Kingsnorth	Ashford, Kent	TN23 3RJ
	12	Foxhill	Peacehaven	BN10 7SE
	26	Framelle Mount	Framfield	TN22 5PT
	25	Franklin Road	Brighton	
	Southern FM	Franklin Road	Brighton	BN41 1AF
	8	Frant Road	Tumbridge Wells, Kent	TN25SE
3	5	Frobisher Close	Eastbourne	BN23 6BT
	31	Frobisher Close	Worthing	BN12 6EX
	4	Frogmore Close	Slough, Berks	SL19(BW

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	88	Gainsford Street	London	SE1 2NB
	10	Garden Close	Shoreham by sea	BN43 6BR
	11	Garden Close	Shoreham by sea	BN43 6BR
	12	Garden Close	Shoreham by sea	BN43 6BR
	13	Garden Close	Shoreham by sea	BN43 6BR
	30	Garden Close	Shoreham by sea	BN43 6BR
	52	Garden Close	Northolt	UB5 5ND
	18	Gardner Road,	Fishersgate	BN41 1PL
	21	Garfield Road	Devon	TQ4 6AX
	21	Gaskyns Close	Rudgewick	RH12 3HE
	4	George Stanley Mews		BN20 9HD
	11	George Street	Hailsham	BN27 1AA
1	15	Gerald Road	Worthing	BN11 5QG
	22	Glebe Close	Southwick	BN42 4TF
	42	Glebe Villas	Hove	BN3 5SN
	11	Glebelands	Pulborough	RH20 2BY
	20	Glebeside Close	Worthing	BN14 7NU
	22	Glenfield Road	Betchworth	RH3 7HP
	3	Golden Hill	Burgess Hill	RH15 0TS
	39	Goldsmith Road	Worthing	BN14 8E
	101	Goldstone Crescent	Hove	BN3 6LS
	78	Goldstone Villas	Hove	BN3 3RU
	187	GoldstoneCrescent	Hove	BN3 6BD
	13	Goran Avenue	Stony Stratford, MK	MK11 1HQ
	5	Gordon Road	Brighton	BN1 6PE
	34	Gordon Road	Brighton	BN1 6PD
	23	Gorham Way	Telscombe Cliffs	BN10 7BA
	4	Graffham Close	Brighton	BN2 5HP
	13	Grafton Rd	Selsey	PO20 0LH
	22	Graham Crescent	Portslade	BN41 2YB
	62	Grand Avenue	Hassocks, W.Sussex	BN6 8DE
Pavillion Court		Grand Parade	Brighton	BN2 9RU
43	66	Grassmere Avenue	Telscombe Cliffs	BN10 7BY
	47	Greenland Drive	Littlehampton	BN16 4JW
37 Normanhurst		Grove Hill	Brighton	BN2 9NJ
Tanfield Court		Guildford Road	Horsham	RH12 1TR
7	24	Hailsham Avenue	Saltdean	BN2 8QH
	4	Haklech Close	Worthing	BN13 3QS
	42	Halley Park	Hailsham	BN27 2NW
	2	Hamble Way	Durrington	BN13 3NJ
	4	Hammonds Ridge	Burgess Hill	RH15 9QQ
	25	Hammy Lane	Shoreham by sea	BN43 6GL
	37	Hampton Place	Brighton	BN1 3DA
	65	Hangleton	Valley Drive	BN3 8ED
	37	Hangleton Close	Hove	BN3 8LT
	333	Hangleton Road	Hove	BN3 7LQ
	110	Hangleton Valley Drive	Hove	BN3 8EJ
	37	Harcourt Close	Uckfield	TN22 5DT
	9	Hardy Close	Shoreham by sea	BN43 5SA
	118	Harebeating Drive	Hailsham	BN27 1JW
	66	Harefield Avenue	Worthing	BN13 1DR
Radnor House		Harlands Road	Haywards Heath	RH16 1LN
12	44	Hartfield Avenue	Brighton	BN1 8AE
	12	Hartwood	North Holmwood	RH5 4JJ

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	22	Hawthorn Gardens	Worthing	BN14 9LS
	16	Haybourne Road	Brighton	BN2 5QR
	9	Hayling Gardens	Worthing	BN13 3AJ
	69	Haywards Road	Haywards Heath	RH16 4HX
	87	Hazel Way		RH10 4EU
	104	Hazelwood Avenue	Eastbourne	BN22 0UX
Hereford Court		Hereford St	Brighton	BN2 1LF
56	14	Hermitage Way	Shropshire	TF7 5SZ
	2	Heston Avenue	Brighton	BN1 8UP
	17	High Street	Rode, Somerset	BA116NZ
	38	High Street	Worthing	BN14 0SZ
	72	High Street	Billingshurst	RH14 9QS
Windon Lodge		High Street	Brighton	BN2 1RP
8 Fair oak Court		High Street	Worthing	BN14 7NT
The Maisonette		High Street, number 52	Hurstpierpoint	BN6 9RG
11	356	Highbrook Close	Brighton	BN2 4HL
	2	Highfield Avenue, Driffield	East Yorkshire	YO25 5EP
Manderley		Highfield Lane	Maidenhead, Berks	SL6 3PF
	80	Hill Farm Way	Southwick	BN42 4YG
	49	Hills Road	Steyning	BN44 3QG
	9	Hogs Edge	Bevendean	BN2 4NG
	86	Holders Close	Billingshurst	RH14 9HL
	5	Holdsworth Street	Plymouth, Devon	PL4 6NN
	70	Hollingbury Road	Brighton	BN1 7SA
	81	Hollingbury Road	Brighton	BN1 7PB
	80	Hollingbury Road	Brighton	BN1 7JA
	8	Hollingdean Terrace	Brighton	BN1 7HA
	20	Hollingdean Terrace	Brighton	BN1 7HA
	41	Hollingdean Terrace	Brighton	BN1 7HB
	83	Hollingdean Terrace	Brighton	BN1 7HB
	103	Hollingdean Terrace	Brighton	BN1 7HB
	111	Hollingdean Terrace	Brighton	BN1 7HB
	18a	Hollingdean Terrace	Brighton	BN1 7HA
	43	Holme Lacey Road	London	SE12 0HP
	95	Holmes Avenue	Hove	BN3 7LE
	37	Holmesdale Road	Burgess Hill	RH15 9JP
	74	Holmesdale Road	Surrey	RH2 0BX
3 Church Farm House		Homington Road	Coombe Bissett	SP5 4LR
	92	Horley road	Surrey	RH1 5AA
	30	Hornby Road	Brighton	BN2 4GL
Little commons		Horsham	W. Sussex	RH13 5UZ
10 Wessex cottage		Horsham Road	Handcross	RH17 6DT
		Hova Villas	Brighton	BN3 3DH
37b	20	Howard Road	Lancing	BN15 0LW
	28	Huckeberry Close	Milton Keynes	MK7 7ER
	27	Hudson close	Worthing	BN13 2SJ
The White House		Huncu Hill	Coolham	RH17 8QE
	184	Hythe Crescent	Brighton	BN25 3HA
	26	Iden Hurst, Hurstpierpoint	Hassocks	BN6 9XZ
F5 Coolham		Ifield	Haywards Heath	

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Court				
	8A	Islington St	Brighton	BN2 9UR
	3	Jamaica Way	Eastbourne	BN23 5UA
Grafton Court		James Street	Selsey	PO20 0JF
12	3	Jefferies	Horsted Keynes	RH17 7DR
	47	Jevington Drive	Brighton	BN2 4DG
	2	Jib Close	Littlehampton	BN17 6TD
	1	Juniper Close	Allington, Maidstone	ME16 0XP
Sunningdale Court		Jupps Lane	Worthing	BN12 4TU
29	41-43	Kents Rd	Haywards Heath	RH16 4HQ
F1 Kernick House		Kernick Park	Cornwall	TR10 9DG
Holmwood Court		Keymer Road	Hassocks	BN6 8AS
17	1	Kilmore Close	Findon Village	BN14 0RU
	7	Kiln Close	Uckfield	TN22 5SW
	105	Kimberley Road	Brighton	BN2 4EN
	46	Kings Mede	Horndean, Hampshire	PO8 9TN
		Kings Road	Lancing	N15 8DX
124a	60	Kings Road	Caversham, reading	RG4 8DT
	277	Kingsway	Hove	BN3 4LJ
	251-255	Kingsway	Hove	BN3 4HD
29 Berriedale House	251-255	Kingsway	Hove	BN3 4HD
12	3	Kirby Drive	Telscombe Cliffs	BN10 7DY
	9	Kithurst Close	Worthing	BN12 6AN
	51	Ladies Mile Road	Brighton	BN1 8TA
Ash Hill Cottage		Lakes Lane	Newport Pagnell	MK16 8EE
	23	Lancaster Avenue	Guildford	GU1 3RJ
	6	Lancelot Close	Crawley	RH11 0PG
	36	Lancing Close	Lancing	BN15 9NJ
	3	Lankaster Close	Kent	BR2 0QF
	2	Larnach Close	Uckfield	TN22 1TH
	80	Lashbrooks Road	Uckfield	TN22 2AZ
	7	Leeward Road	Littlehampton	BN17 6PG
	44	Leeward Road	Littlehampton	BN17 6PQ
	34	Lenham Avenue	Saltdean	BN2 8AG
	84	Lewes Road	Ditchling, Hassocks	BN6 8TY
	132-135	Lewes Road	Brighton	BN2 3LG
8		Lewes Road	Brighton	
	8A	Lewes Road-Ditchling	Hassocks	BN6 8TY
	6	Lilac Close	Worthing	BN13 3PZ
	84	Limbrick Lane	Goring by Sea	BN12 6AE
	40	Limburg Road	London	SW11 1HB
First Floor Flat	39	Linden Avenue	Surrey	CR7 7DW
	77	Link Rd	Wallington, Surrey	SM6 9DM
	42	Livingstone Road	Hove	BN3 3WP
	76	Llanelli	West Wales	SA15 5RT
	19	Lockfields View	Liverpool	L3 6LW
	65	Lodge Lane		BN6 8LX
74 The Priory		London Road	Brighton	BN1 8QT

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The Plough		London Road	Pyecombe	BN45 7FN
	44	Long Mead	Yate, Bristol	BS37 7YT
	22	Longdon Drive, Sutton coldfield	West Midlands	B74 4RF
	91b	Lorna Rd	Hove	BN3 3EL
	72	Low Rd	Worlaby, Brigg	DN20 0NA
The Grange	14	Lowther Road	Brighton	BN1 6LF
	21	Lugham Close	Telscombe Cliffs	BN10 7BG
	11	Luxford Close	Uckfield	TN22 1JY
Maggie Ducker---// Haydown	Foyley Corner	Lydeaway, Devizes	Wiltshire	SN10 3PY
Tim Ducker----/ Haydown	38	Lyminster Avenue	Brighton	BN1 8JN
	25	Lyndhurst Road		BN3 6FB
	15 (3)	Lyndhurst Road	Reigate, Surrey	RH2 8JW
	28	Lynton Street	Brighton	BN2 9XR
	14	Lyon Court	Horsham	RH13 5RN
	78c	Mackie Avenue	Brighton	BN1 8RB
	12	Maldon Road	Brighton	BN1 5BE
	22	Mallard Close	Eastbourne	BN22 9NA
	36	Manor Avenue	Hassocks	BN6 8NQ
		Manor Avenue, Penworhtam	Preston	PR1 0XE
	5	Manor Close	Charwelton, Northamptonshire	NN11 3YQ
	55	Manor Rd	Brighton	BN2 5EE
	31	Manor Way	Uckfield	TN22 1DF
	20	Manvers Road	Eastbourne	BN20 8HJ
	88	Maple Drive		RH15 8DJ
	27b	Mardal Rd	Worthing	BN9 9XH
	29	Margery Road	Hove	BN3 7GQ
	4	Marlborough Close		BN23 8AN
	42	Marlborough Drive	Burgess Hill	TH15 0EX
	26	Marlborough drive	Burgess Hill	RH15 0EU
	11	Marlow Drive	Haywards Heath	RH16 3SR
	3	Martha Gunn Road	Brighton	BN2 4BX
Silverdale		Marton Road	Warwickshire	CV47 9PY
	4	May Avenue	Seaford	BN25 4NZ
	79	Maytree Avenue	Findon Valley, Worthing	BN14 0HP
	20	Meadow Lane	Lindfield	RH16 2RT
	49	Meadow Lane	Lindfield	RH 16 2RL
	4	Meadow Rise	Tiffield, Towchester, Northants	NN12 8AP
	35	Meadowlands Avenue	Eastbourne	BN22 0DU
	23	Meadway Court, The Boulevard	Worthing	BN13 1PN
	41	Meaford Road	Stoke on Trent	ST12 9EE
	1	Mealla Close	Lewes	BN7 2EU
	38d	Medway	Crowborough	TN6 2DL
	16	Meeting House Lane	Brighton	BN1 1HB
White House Farm		Mellis	Suffolk	IP23 8EB
	6	Mendip Crescent	Worthing	BN13 2LT
	9	Merchants Close	Hurstpierpoint	BN6 9XB
	91	Merlin Drive	Gloucester	GL2 4NJ

PLANS LIST – 4TH FEBRUARY 2009

	113	Merryfield Drive	Horsham	RH12 2AU
	149	Middle Road	Shoreham by sea	BN43 6LG
	10	Midholm Road	Surrey	CR0 8AN
	182	Mile Oak Road	Brighton	BN41 2PL
	9	Mill Drive	Henfield	BN5 9RY
	98	Mill Lane	Portslade	BN41 2FH
	64	Mill Rise		BN1 5GH
	20	Mindmill Court	Crawley	RH10 8NA
	29	Minstrel Way	Churchdown	GL3 1N3
Oaklands		Montargis Way	Crowborough	TN6 2XL
5	33	Montgomery Close	Bedfordshire	LU7 3FH
	104	Montgomery Street	Hove	BN3 5BD
2	27	Moreicombe Road	Brighton	BN1 8TL
	59	Morris Drive	Billingshurst	RH14 9SJ
	22	Mortimer Road	Hove	BN3 3BQ
Afon House	117A	Mortlake High Street, Mortlake	London	SW14 8HQ
	1019	Moss Street	Victoria BC, Canada	BN25 3RH
	8	Mulberry Close	Shoreham by sea	BN43 6TF
	55a	Nevill Road	Uckfield	TN22 1NX
	108	New Church Rd	Hove	BN3 4JB
	64	New Town	Uckfield	TN22 5DE
	35	Newbridge Close	Broadbridge Heath, Horsham	RH 12 3TN
Palmers Farm		Newdigate Rd	Dorking	RH5 4QD
	57	Newlands Avenue		SO15 5EQ
	39	Newton Rd	Haywards Heath	RH16 2 NB
	39	Noah's Ark Lane	Linfield	RH16 2LU
Braemar House		Norfolk Road	Brighton	BN1 3AR
18	18	North Court	Hassocks	BN6 8JS
	59	North Lane	Portslade	
Little Cobwebs		North Lane	West Hoathly	RH19 4QG
	50	North St	Brighton	BN1 1RH
	64	Northeast Drive	Hove	BN3 8PP
	46	Northeast Drive	Hove	BN3 8PP
	140	Northumberland Street	Norwich, Norfolk	NR2 4EH
	64	Norwich Drive	Brighton	BN2 4LE
	41	Nursery Close	Shoreham by sea	BN43 6GJ
	40	Nursery Close	Shoreham by sea	BN43 6GJ
	7	Nursery Lane	Essex	CM3 4PB
	26	Nutley Avenue	Brighton	BN2 8EB
Oak Cottage		Oak Bank, number 3	Linfield	RH16 1RR
	7	Oak Grove	Barrow Upon Humber, Lincs,	DN19 7SH
	15	Oak Ridge	Dorking	RH4 2NG
	60	Offington Drive	Worthing	BN14 9PS
	30	Old Millmeads	Horsham	RH12 2LZ
	18	Old Salts Farm Road	Lancing	BN15 8JF
	22	Old Shoreham Road	Portslade	BN41 1SQ
	55	Old Shoreham Road	Hove	BN3 7BE
		Old Spotted Cow Lane	Buxted	
	10	Oldfield Mews	London	N6 5XA
	16	Oldfield Road	Eastourne	BN20 9QD
	35	Onslow Drive	Ferring	BN12 5RS
	27	Ontario Close	Worthing	BN13 2TE

PLANS LIST – 4TH FEBRUARY 2009

	16	Orchard Rd		RH 13 5NF
	52	Orchard Way	Bicester	OX26 2EJ
	4	Osbourne Close, Sompting	Lancing	BN15 9UZ
Tony Cottage		Oulton, Wigton	Cumbria	CA7 0NG
	54	Overhill Drive	Patcham, Brighton	BN1 8WJ
River Valley Close		Pacific Mansions	Singapore	
16	29	Palmeira Square	Hove	BN3 2JP
6	1	Park Court/Road	Crowborough	TN6 2SZ
	10	Park Crescent	Worthing	BN11 4AH
	10 14	Park Crescent Place	Brighton	BN2 3HF
22 Marlow Court	31	Park Lane	Eastbourne	BN21 2UY
	24	Park Rise		BN3 8PG
	29	Park Road	Brighton	BN1 9AA
	7	Parkview Terrace	Brighton	BN1 5PW
3	8	Patcham Grange		BN1 8UR
	14	Pavan close	Eastbourne	BN23 8DW
	90(3)	Peacock Lane	Brighton	BN1 6WA
	6	Pelham Crescent	Hailsham	BN27 2DH
	13	Pembroke Avenue	Hove	BN3 5DA
	31	Pendragon Court, Arthur Street	Hove	BN3 5EZ
4	119	Petersfield Rd. Staines	Middlesex	TW18 1DQ
	29	Pickers Green	Lindfield	RH16 2BT
	93	Pickfords Green	Slough, Berks	SL1 3LQ
	10	Pine Court, Wood of Doune	Perthshire	FK16 6JE
	1	Pinetree Close	Newhaven	BN9 9HU
	38	Pinetrees Close	Copthorne	RH10 3NX
		Pinewoods	Bexhill-on-Sea	TN39 3UD
35a	28	Plaistow Close	Brighton	BN2 5HK
The Plough Inn		Plumpton Green	Lewes	BN7 3DF
	34	Poplar Avenue		BN3 8PX
Carmel		Poplar Grove	Woking	GU22 7SD
	28	Poppy Rd, Swathling	Southampton	SO16 3J2
	7	Port Hall Avenue	Brighton	BN1 5PL
	37	Port Hall Place		BN1 5PN
	81	Portland Place	Brighton	BN2 1DG
2	9	Portland Terrace	Newhaven	BN9 0HH
	24	Powell Gardens	Newhaven	BN9 0PS
Powell Court		Powell Gardens	Newhaven	BN9 0PS
87	45a	Primrose Gardens, Belsize Park	London	NW3 4UL
	3	Prince Regents Close	Brighton	BN2 5JP
	33	Princes Terrace	Brighton	BN2 5JS
Cartef Melys		Pump Lane	Axton, Holywell, Flintshire	CH8 9DJ
	24	Quarry Lane	Brighton	BN25 3BJ
	12	Queen Alexandra Avenue	Hove	BN3 6XH
	11	Queens Road	Haywards Heath	RH16 1EH
	14	Ramsey Close		CM9 4YZ
	213a	Rectory Road	Grays	RM17 5SJ
	2	Redoaks Cotts	Tan Yards, Henfield	BN5 9PF

PLANS LIST – 4TH FEBRUARY 2009

	9	Regency Close	Uckfield	TN22 1DS
	93	Rhodrons Avenue	Chessington, Surrey	KT9 1AY
	30	Ridgeside Avenue	Brighton	BN1 8WB
	9	Ridgway Rd	Redhill	RH1 6PG
	24	Rigden Road	Hove	BN3 6NP
	54	Riley Road	Brighton	BN2 4AH
	61	Ringmer Drive	Brighton	BN1 9HW
	2	Riverside Cottage	Upper Beeding	BN44 3HW
	6	Robertson Road	Brighton	BN1 5NL
	111	Rodmell Avenue	Saltdean	BN2 8PH
	108	Roedale Road	Brighton	BN1 7GD
	20	Roedean Crescent	Brighton	BN2 5RH
	30	Roedean Road	Brighton	BN2 5RT
Roedean Court		Roman Crescent	Southwick	BN42 4TY
Pendennis(2)	27	Roman Way	Southwick	BN42 4TN
(two People)	23	Roseveare Close		PL9 8JJ
	12b	Roundhill Crescent	Brighton	BN2 3FR
	134	Rowe Avenue North	Peachaven	BN10 7QR
	46	Royal Sovereign View	Eastbourne	BN23 6EQ
	27	Rufus Isaacs	Caversham, reading	RG4 6DD
	19	Ruskin Road	Worthing	BN14 8DY
	4	Rutherford Gate	Milton Keynes	MK5 7DQ
Ivy House	80	Ryland Road	Welton	LN2 3LZ
	32	Sackville Road	Hove	BN3 3FB
	16	Saddleback Road	Shaw	SN5 5RL
	4	Salisbury Avenue	Sutton,surrey	SM1 2DQ
	14	Salisbury Rd	Hove	BN3 3AD
Garden flat	16	Sandgate Road	Brighton	BN1 6JQ
	2	Sandringham Close	Hove	BN3 6XE
	15	Sandringham Close	Hove	BN3 6XE
Edenvale		Sandycroft Road	Churchdown	GL3 1JQ
	47	Sangers Drive	Horley	RH6 8AN
	8	Saxon Close	Stockbridge	SO20 8GG
	7	Saxons	Shoreham by sea	BN43 5JE
	15	Scarletts Close	Uckfield	TN22 2BA
		Scayngs Hill Rd	Walstead, W. Sussex	RH16 2QQ
		School Hill	Burwash	TN19 7DZ
Pilbeams	6	Second Avenue	Hove	BN3 2LH
	16	Selwyn Avenue	Chingford,London	E4 9LR
8	12	Seville Street	Brighton	BN2 3AR
	87	Shaftesbury Road	Brighton	BN1 4NG
		Shakespeare Road	Brixton, London	SE24 0QD
307a	7	Shawdys Close	Horsham	RH12 1TY
	89	Shelley Drive	Horsham	RH12 3NH
61 Arundel Lodge		Shelley Road, number 2	Worthing	BN11 1XN
1 Arundel Lodge		Shelley Road, number 3	Worthing	BN11 1XN
	30	Sheppeys	Haywards Heath	RH16 4NZ
	42	Sherbourne Close	Brighton	BN3 8BE
	7	Sheridan Terrace	Hove	BN3 5AE
	34	Silver Lane	Billingshurst	R114 9RJ
	38	Slindon Avenue	Newhaven	

PLANS LIST – 4TH FEBRUARY 2009

4 Rookhurst Cottages		Slugwash Lane	Wivelsfield Green	RH17 7RQ
	45	Solway	Hailsham	BN27 3HB
Lasata	3	Somerhill Drive	Lindfield	RH16 2AR
Lasata	29	Somers Rd, Reigate	Surrey	RH2 9EA
6 Milney court	26	South Avenue	Brighton	
The Cottage		South Avenue	Hurstpierpoint	BN6 9QB
	137	South Avenue North	Peacehaven	BN10 7QJ
Fair Place		South Rd	Wivelsfield Green	RH17 7QR
3	36a	South St.	Worthing	BN14 7LH
	77	South Street		BN15 8AP
	25	South Street	East Hoathly	BN8 6DS
	2	South Street Cottages	Crowborough	TN6 1PF
	1	South Street Cottages	Crowborough	TN6 1PF
	44a	Southdown Avenue	Peacehaven	BN10 8RX
	11	Southdown Road	Portslade	BN41 2HL
14 Assisi Heights		Southdowns Park	Haywards Heath	RH16 4TG
	1	Southfields Road		BN17 6AF
6 Fairholme		Southover High Street	Lewes	BN7 1JB
6	88	Southover Street		BN2 9UE
	2	Southview Drive	Worthing	BN11 5HU
Ashlands Farm		Southwick	Fareham	PO17 6BJ
The Bungalow	44	Spencer Rise	London	NW5 1AP
	9	Spinney Close	Horsham	RH12 4PL
	42	Springfield Road	Crawley	RH11 8AH
	34	Springwood Drive	Ashford	TN23 3LQ
Pemberley		Spy Lane	Billingshurst	RH14 0SQ
	64	St Andrews Road	Brighton	BN41 1DE
	21a	St Evans Road	London	W10 5QX
	6	St Helens Crescent	Hove	BN3 8EP
	19	St Heliers Avenue	Hove	BN3 5RE
	10	St John Street	Lewes	BN7 2QF
	54	St Leonards Avenue	Portslade	BN3 7ER
	30	St Martins Crescent,	Newhaven	BN9 0PH
	37	St Martin's Place	Brighton	BN2 3LE
	4	St Marys Close	Billingshurst	RH14 9UA
	21	St Nicholas Road	Portslade	BN411LQ
	46	St Wilfreds Road	Burgess Hill	RH15 8BD
	33	Stafford Way	Hassocks	BN6 8QG
	6	Stafford Way	Hassocks	BN6 8QQ
	26	Stanford Avenue	Brighton	BN1 6EA
Stanford Court		Stanford Avenue	Brighton	BN1 6AQ
9	6	Stanford Close	Hove	BN3 6PU
	81	Stanmer Villas	Brighton	BN1 7HN
	120	Stannington Crescent		SO40 3QD
	5	Station Road	Mayfield	TN20 6BL
	115	Station Road	Burgess Hill	RH15 9ED
The Fountain		Station Road	Plumpton Green, Lewes	BN7 3BX
	40	Stirling Avenue	Seaford	BN25 3UN
	42	Stonebrow Avenue, Solihull	W. Midlands	B91 3UP
	72	Stoneham Road	Hove	BN3 5HH
Spring Cottage		Stonewell Lane	Bristol	BS49 5AL
Horsefair Green		Stony stratford	Milton Keynes	MK11 1JW

PLANS LIST – 4TH FEBRUARY 2009

1a The White Hart		Stopham Rd	Pulborough	BN3 3BQ
Polstead Close		Stowmarket	Suffolk	IP14 2PJ
46	52	Stratham Road	Worthing	BN13 1PG
Newton Villa			Strathpeffer	IV14 9DH
	88c	Streathbourne Road	London	SW17 8AY
	45	Sunningdale Drive	Bristol	BS30 8GP
	26	Sunny Close	Goring by Sea	BN12 4BD
	54	Surrenden Crescent	Brighton	BN1 6WF
	113	Surrenden Road	Brighton	BN1 6WB
	30	Sutcliffe Road	London	SE18 2NG
34a		Sutherland Road	Brighton	BN2 0EQ
34a Brockhurst		Swanborough Drive	Brighton	BN2 5QF
5 Linchmere		Swanborough Drive	Brighton	BN2 5QD
14	18	Swanborr Road	Isle of Wight	PO33 2TR
Whitewood Cottage		Swife Lane, Broadoak	Heathfield	TN21 8UR
	12a	Tavistock Street	Buckinghamshire	MK2 2PF
	4	Teasel Close	Royston, Herts	SG8 9NG
1 Seacliffe		Telscombe Cliffs	Peacehaven	BN10 7AE
	9	Telscombe Cliffs Way	Telscombe Cliffs	BN10 7DX
	118	Telscombe Cliffs Way	Telscombe Cliffs	BN10 7DG
11 Warren Lodge	71	The Avenue	Brighton	BN2 4GG
	23	The Belfry, Sedbury Park	Chepstow	NP16 7FD
Bourne Court		The Bourne	Hastings	TH34 3UZ
11	8	The Broadway	Lancing	BN15 8LT
	57	The Dene	Uckfield	TN22 1LD
	118	The Diplocks	Hailsham	BN27 3JY
	12	The Drive	Hove	BN3 3JA
	22	The Drive	Shoreham	BN43 5GD
	40	The Drive	Loughton, Essex	1G10 1HB
	67	The Drive	Shoreham. W.Sussex	bn43 5GD
	16	The Drive	Uckfield	TN22 1BZ
	22	The Frenches/Rd	Redhill, Surrey	RH1 2HF
	20	The Gardens	Southwick	BN42 4AN
	42	The Gardens	London	SE22 9QG
1	54	The Grange	Hurstpierpoint	BN6 9FD
	3	The Grovelands	Lancing	BN15 8HY
	86	The Lawns, Telwood Park	Crowborough	TN6 2XS
	9	The Limes, Motcombe	Dorset	SP7 9QL
	12	The Maltings,	Burgess Hill	RH15 9XF
	24	The Ridgway	Brighton	BN2 6PE
	56	The Ridgway	Brighton	BN2 6PD
	4	Thorney House, Drake Way	Reading	RG2 0GZ
	35	Thornton Place	Surrey	RH6 8RZ
The Old Stables		Thrapston Rd, Finedon	Northants	NN9 5HW
	2	Thrower Place	Surrey	RH5 4GD
	8	Thurnden	Cowfold	RH13 8AF
	37	Tideway	Littlehampton	BN17 6PP
	9	Tilsworth Road	Buckinghamshire	HP 9 1TR

PLANS LIST – 4TH FEBRUARY 2009

Rosemary House		Timsley Lane	Crawley	RH10 8AU
6	24	Tintern Road	Gossops Green, Crawley, W. Sussex	RH11 8NG
	35	Titian Road	Hove	BN3 5QR
	24	Tomail Place	Elgin, Morayshire	IV30 6YE
Manhattan court		Tongdean Lane	Brighton	BN1 6XZ
F9, 1 Mayfields		Top Street	Bolney	RH17 5PD
	44	Tretower, Buller Close	Crowborough	TN6 2YE
	10	Trinity Road	Abbeymead, Gloucester	GL4 5GB
	29	Truggers	Handcross	RH17 6DQ
	23	Truleigh Drive	Brighton	BN41 2YQ
	80	Truro Rd	St. Austell	P12 55JS
	10	Tudor Walk	Framfield	Tn22 5PG
	27	Turnpike Close	Rinmer	BN8 5PD
Birchwood		Twitten Lane	Felbridge, East Grinstead	RH19 2NZ
	13	Upper Lewes Road	Brighton	BN2 3FJ
Ground Floor Flat	174	Upper Lewes Road	Brighton	BN2 3FB
	187	Upper Shoreham Road	Shoreham by sea	BN43 6TA
Greenbanks		Upper Station Road	Henfield	BN5 9PJ
Adamsfield		Upper station Road	Henfield	BN5 9PJ
	31	Upwich Rd	Eastbourne	BN20 8ND
	341	Uxbridge Rd	Slough, Berks	SL2 5RG
	19	Vallance Close	Burgess Hill	RH15 8TY
	15	Vallance Close	Burgess Hill	RH15 8TY
	10	Valley Drive	Brighton	BN1 5FA
	132	Valley Drive	Brighton	BN1 5FF
	132	Valley Drive, Withdean	Brighton	BN1 5FF
	4	Varndean Road	Brighton	BN1 6RS
	27	Vernon Avenue	Peacehaven	BN10 8RT
	61	Vernon Road	Uckfield	TN22 5DX
	14	Victoria Avenue	Burgess Hill	RH15 9PX
	38	Victoria Avenue	Burgess Hill	RH15 9PX
	349	Victoria Drive	Eastbourne	BN20 8XR
	97	Victoria Road	Milton Keynes	MK2 2PD
	19	Victoria Road	Southwick	BN42 4DJ
	9	Views Wood Path	Uckfield	TN22 1JL
Dewbrook House		Vines Cross House	Horam, Heathfield	TN21 OHE
Studio House		Wadhurst Business Park	Wadhurst	TN5 6PT
	52	Waldegrave Road		BN1 6GE
	97	Waldegrave Road	Brighton	BN1 6GJ
	7	Waldron Avenue, Coldean	Brighton	BN1 9EF
Redwood Lodge		Walesby Road	Market Rasen, Lincolnshire	LN8 3EY
	19	Walker rd,	Maidenhead	SL6 2QU
Picton Cottage		Wall Hill Road	Forest Row	RH18 5EG
	10	Walnut Park	Haywards Heath	RH16 3TG
Foxgloves	70	Warren Avenue	Nottingham	NG5 1DE
	45	Watersmead Drive	Littlehampton	BN17 6GH
	45	Waterston Drive	Littlehampton	BN17 6GH

PLANS LIST – 4TH FEBRUARY 2009

	1	Wayfield Avenue	Hove	BN3 7LW
	6	Wayfield Avenue	Hove	BN3 7LW
flat 6, Weetwood Lodge		Weetwood Lane, no 49	Leeds	LS16 5NP
Narrow Boat eve of spring		Welford Boatyard	Northhants	NN66JQ
	17	Wellands Close	Wickham Bishops	CM8 3NE
	17	Wellends Close	Wickham	CM8 3NE
Reynolds House		Wellington Road	London	NW8 9ST
2	33	Wencelling Cottages	Lancing	BN15 8LE
	30	West Drive	Ferring, Worthing	BN12 5QY
Windmill Court		West Green	Crawley	RH10 8NA
	79-81	West Street	Brighton	BN12 2RA
	12	Western Lodge, Cokeham Rd	Sompting, Lancing	BN15 0JB
Jaspe		Western Road	Burgess Hill	RH15 8QN
Maunsell Court		Western Road	Haywards Heath	RH16 3LJ
6	67	Westfield Crescent, Patcham	Brighton	BN1 8JA
	1	Weymouth Avenue	London	NW7 3JD
14 Robert Lodge		Whitehawk Road	Brighton	BN2 5FG
17 Greenview		Whitemans Green	Cuckfield	RH17 5BX
	12	Whylands Avenue	Worthing	BN13 3HG
	131	Wick Street	Littlehampton	BN17 7JN
	15	Wickham Close	Haywards Heath	RH16 1UH
	87	Widdicombe Way	Brighton	BN2 4TH
	28	Wilbury Villas	Hove	BN3 6GD
2	28	Willow Way	Hurstpierpoint	BN6 9TQ
	24	Willowbrook	Littlehampton	BN17 7NW
Bungalow		Wilson Avenue	Brighton	BN2 5PB
	3	Winden Avenue	Chichester	PO19 7UZ
	45	Windmill Lane	York	YO10 3LG
	20	Wisden Avenue	Burgess Hill	RH15 8TL
	122	Wiston Road	Brighton	BN2 5PR
	9	Wiston Way	Whitehawk, Brighton	BN2 5HT
37 Regency Court		Withdean Rise	Brighton	
	1	Wood Lane	Henfield	BN5 9YE
	1	Wood Lane	Henfield	BN5 9YE
	23	Wood Street	Surrey	RH1 3PE
	102	Woodbourne Avenue		
	51	Woodland Avenue	Hove	BN3 6BJ
	68	Woodland Avenue	Hove	BN3 6BN
	97	Woodland Avenue	Hove	BN3 6BJ
	100	Woodland Drive	Hove	BN3 6DE
	22	Woodland Way		BN1 8BA
	38	Woodlands Road	Haywards Heath	RH16 9JU
	16	Woodmill	Bristol	BS49 4QG
	19	Woodpecker Crescent	Burgess Hill	RH15 9XY
	46	Zetland Road	Redland, Bristol	BS6 7AA
Caburn Heights			Crawley	RH11 8QX
32 Chamberlaine			Ringmer	BN8 5ND

PLANS LIST – 4TH FEBRUARY 2009

Farmhouse				
Giles Cottage				CT2 7LT
	alisontravis@tiscali.co.uk			
	jim.moore11@btinternet.com			
	steve-sally@sky.com			RH6 7EX
	mile_oak_yungaa@hotmail.co.uk			
	stewart.simmonds@ntlworld.com			
	meeres@btinternet.com			

Total Support
794

BH2008/02732 Brighton & Hove Albion Stadium
LETTERS OF OBJECTION

House Name	House Number	Street	City	Post Code
	57	East Street	Falmer	BN1 9PB
The Swan Inn		Middle Street, Falmer North	Brighton	BN1 9PD
Mill House		Mill Street	Falmer	BN1 9PE
	68	Park Street	Brighton	BN1 9PG
St Laurence House		Park Street	Brighton	BN1 9PG
	8	Princes Road	Brighton	BN2 3RH
Old School House		South Street	Brighton - Falmer	BN1 9PQ
Victoria Cottage		South Street	Brighton - Falmer	BN1 9PT
	4	Station Approach	Brighton	BN2 9SD
	3	Station Approach	Brighton	BN2 9SD
	71	The Avenue	Brighton	BN2 4GG
	6	The Courtyard	Falmer	BN1 9PQ
Alison Travis		alisontravis@travis.co.uk		

Total objections
13

<u>No:</u>	BH2008/02641	<u>Ward:</u>	WITHDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Balfour Junior School, Balfour Road		
<u>Proposal:</u>	Demolition of 3 existing single storey classrooms and replacement with a new 2 storey extension comprising 4 classrooms, ICT room, group room and administration areas. Extension to existing school hall and new single storey staff room/kitchen facilities. Adaptations to existing entrance footpaths. Conversion of existing lower ground floor store room into classroom with new windows and door. Formation of new disabled access ramp and external door from school to sports field on north elevation. New solar panels to existing school roof.		
<u>Officer:</u>	Chris Wright, tel: 292097	<u>Received Date:</u>	05 August 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 November 2008
<u>Agent:</u>	Nigel McCutcheon, Brighton & Hove City Council, Kings House, Grand Avenue, Hove		
<u>Applicant:</u>	Ms Gillian Churchill, Head of Capital Strategy and Development Planning, Childrens' and Young People's Trust, Brighton & Hove City Council, Kings House, Grand Avenue, Hove		

The application was previously deferred pending further neighbour re-consultation and in order to allow Members to carry out a site visit.

1 RECOMMENDATION

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

Conditions

1. BH01.01 Full Planning Permission.
2. The south facing windows on the rear elevation of the temporary classrooms shall not be glazed otherwise than with obscured glass and thereafter kept as such for the period the temporary classrooms are retained.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. BH03.02 Samples of Materials Non-Cons Area (extensions).
4. 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 at least one replacement tree for any lost as a result of the development, hard surfacing, means of enclosure,

indications of all planting of the development (including siting and species) and method of maintenance. All hard surfacing shall be porous to air and water. All planting and seeding comprised in the approved details shall be carried out in the first planting and seeding seasons following the completion of the development, and any plants which within a period of 5 years from the completion of the development become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and promote natural drainage to reduce potential flooding and surface run-off and to comply with policies SU2, SU4, QD15 and QD17 of the Brighton & Hove Local Plan.

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

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

6. 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, in accordance with policy SU2 of the Brighton & Hove Local Plan.

7. 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, to comply with policy TR14 of the Brighton & Hove Local Plan.

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

Reason: To ensure that satisfactory facilities for the car parking on site and to comply with policy TR1 of the Brighton & Hove Local Plan.

9. The applicant shall submit a travel plan in consultation with the council's Schools Travel Plans team, indicating the measures to be applied to assure the council of the applicant's sustainable travel proposals, for both staff and pupils, within 6 months of the bringing into use and occupation of the development hereby approved. The travel plan should include a travel survey of staff and parents and details of staggered pick up and drop off times. The travel plan as approved shall be adhered to thereafter and submitted to the council for review at 12 month intervals subsequently.

Reason: To ensure that traffic generation is adequately managed and reliance on private motor vehicles reduced by making travel to and from the school safer and by encouraging walking, cycling and use of public transport, in compliance with policies TR1, TR2, TR4, TR7 and TR14 of the Brighton & Hove Local Plan.

10. The temporary classrooms hereby permitted shall be permanently removed from the site within two years of the date of this decision, and the land reinstated to its former condition and use, or a condition which is acceptable to the Local Planning Authority and agreed in writing.

Reason: In order to allow the council to review the need for the structures and their impact on the local environment following the commencement of the development hereby permitted.

Informatives:

1. This decision is based on the design and access statement; outline site waste management plan; sustainability checklist; biodiversity first impressions list; arboricultural report; and BREEAM assessment submitted on the 5th of August 2008; the bird, bat and stag beetle assessment submitted on the 12th of September 2008; drawing nos. ED203-003, ED203-004, ED203-007, ED203-008, ED203-010, ED203-013, ED203-014 and ED203-015 submitted on the 5th of August 2008; drawing no. ED203-005 Revision A submitted on the 14th of October 2008; and drawing nos. ED203-002 Revision C, ED203-006 Revision A, ED203-009 Revision C, ED203-011 Revision C, ED203-012 Revision C, ED203-025, ED203-026 and ED203-027 submitted on the 28th of October 2008.

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

- i) having regard to the policies and proposals in the East Sussex and Brighton & Hove Structure Plan/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
TR7	Safe development

TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
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
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO19	New community facilities

East Sussex and Brighton & Hove Waste Plan

WLP11	Reduction, re-use and recycling during demolition and design, and construction of new developments.
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Supplementary Planning Guidance

SPGBH4: Parking Standards

Supplementary Planning Documents

SPD03: Construction and Demolition Waste

SPD06: Tree and Development Sites

Planning Advice Notes:

PAN05: Design Guidance for the Storage and Collection of Recyclable Materials and Waste; and

ii. for the following reasons:

The extensions and alterations provide for the local community in terms of increasing the capacity of the Balfour Junior School in accommodating incoming pupils progressing from the adjoining Balfour Infants School whilst improving the standard and layout of accommodation both internally and externally. The extensions and alterations would not be detrimental to the residential amenity of neighbouring properties by way of loss of light, loss of privacy or noise and disturbance and, though modern and striking, the design exemplifies a high standard and is appropriate in scale, external finishes and sustainable design and would not unduly detract from the appearance of the older and more traditional existing school buildings. The precise details of the Travel Plan,

landscaping scheme and site waste management will be secured by condition. In view of the above the proposal accords with the development plan.

2 THE SITE

The application relates to Balfour Junior School, a predominantly inter-war single storey arrangement of school buildings forming a 't' shape and connected linearly, centred on the larger hall and sports hall buildings which have tall pitched roofs. The school has a traditional appearance and a predominance of pitched and hipped roofs with flat additions to some of the periphery. Owing to the east-west slope of the land there is a lower ground floor level beneath the west wing of the school and the school is situated at a lower level than the neighbouring streets of Loder Road and Balfour Road across the southern and eastern boundaries of the site respectively. Both vehicular access and the main pedestrian entrance to the school are from Balfour Road. The school is open between 8am and 5pm.

The school is situated on the edge of the wider Surrenden Fields campus which comprises Balfour Infants School, Dorothy Stringer School, Varndean School (northeast corner above Stringer Way) and Varndean College off Surrenden Road (northwest corner). Loder Road, Balfour Road – Varndean School also accessed off Balfour Road. The campus comprises an island of education establishments having substantial playing fields and a designated Greenway (policy QD19) running across the land broadly following Stringer Way, and which is surrounded on all sides by residential suburbs of mostly two storey housing.

3 RELEVANT HISTORY

Between 1965 and 1971 extensions including a new infant department and new cloakrooms and toilets were approved (refs. **67/879** and **68/2373**).

On 1st April 1986 consent was granted for the erection of an extension to the school hall and construction of a replacement playground area (ref. **86/203/CC** and **961/CC**).

The city council raised no objection to three other county council proposals under Regulation 3: for a new single storey hall, ancillary offices and store in the east playground together with alterations and additions (ref. **95/0692/CC/FP**); the erection of a temporary single storey building to be used as a canteen (retrospective)(ref. **94/0605/CC/FP**); and for the filling in of an existing covered way to form an enclosed corridor on the south side of the existing building (ref. **92/0735/CC/FP**).

Consent has been granted for two applications for replacing timber and steel windows with PVCu replacements (refs. **BH2007/01577** and **BH2000/01333/FP**) and the council did not object to the County Council's proposal to extend the west playground in 1995 (**95/0694/CC/FP**).

4 THE APPLICATION

The application seeks planning permission for enlargements and alterations to the school which will help it achieve modern day standards and provide four extra classrooms which will enable each form from the adjoining infant school to enrol each academic year. Presently there is insufficient capacity for all pupils at the infant school to directly move up to the junior school.

Alterations and additions include:

- Removal of an existing flat roof single storey section of building on the front elevation measuring 22m meters in length and projecting 9.6m in front of the older pitched roof school buildings behind.
- Replacement of the above with a modern two storey extension measuring 32.55m in length and sitting 550mm forward of the existing building to be removed and having a recessed ground floor walkway with 2.5m first floor overhang above, supported by round columns and punctuated with a series of four no. pointed architectural features designed to create afternoon shade whilst also maximising morning sunshine and heat.
- The extension would assail the eastern flank of the existing school building by 5.2m and closer towards Balfour Road.
- A mono pitch roof design with short step at the back, finished with single membrane colour indicated to match the older tiled roofs of existing buildings, and having seven square stacks for natural ventilation and cooling.
- Relocation of the main school entrance to the front of the building as part of the modern extension.
- Lengthening the existing school hall and inserting two new windows in matching style and copying the existing roof shape.
- Erecting a single storey infill extension between the hall and staff offices to form a new staffroom, with eaves to align with the existing offices and window styles and detailing, such as soldier courses, to be replicated.
- Stair and ramp access to all school buildings, with steel balustrades and providing pedestrian access from Balfour Road segregated from motor vehicle access and staff parking. A gated ramp arrangement between the lower level of the car park and the school buildings.
- Renewed staff parking area behind Loder Road, incorporating planting and a landscape screen between the neighbouring houses.
- A new bin store at the Balfour Road end of the parking area and secure and covered cycle storage facilities at the playing field end of the parking area.
- Areas of new hard surfacing and landscaping, although existing playground and play facilities will largely remain in situ.
- Six new windows at lower ground floor level in south wing.
- Solar panels to the southern roof slope of the extended hall building, the western pitch of the school building behind the proposed front extension, and solar panels in front of the south wing of the school on the playing field side.

External materials and finishes would comprise face brick to match existing buildings at ground floor level with grey and green colour fibre cement panels cladding the first floor. New windows and doors in the modern front extension would be of coloured powder coated aluminium. External finishes to the hall extension and new staffroom would match the existing school buildings.

On the ground floor, the internal layout would be modified to incorporate: improvements to food store and kitchen; enlarged hall; new staff accommodation; new Deputy Head officer, medical room and admin office (modern windows); group room (required per 4 classrooms); ICT suite; and plant room. In the southern wing of the school on the far side of the playground, classrooms would be remodelled and a new group room created.

The first floor of the modern front extension would accommodate four new classrooms – each of 61.5 square meters – and corridor.

For the duration of the construction, two temporary classrooms are proposed to the southern part of the site west of the existing parking area, to accommodate the displaced pupils.

The applicant, the council's Head of Capital Strategy and Development Planning for the Children and Young People's Trust, has made the following submission in support of the proposal:-

The need to expand Balfour Junior School by one form of entry has existed for some time owing to an historical anomaly. There are two primary phase schools immediately adjacent to each other, Balfour Infant School and Balfour Junior School. The two schools operate as separate institutions each with its own Head teacher, staff and governing body. Children remain at the infant school until the age of 7 and are then able to transfer to the junior school in accordance with the city's admissions criteria.

Unfortunately the infant school is a four form entry school with a yearly intake of 120 pupils but the junior school is currently a three form entry school with a yearly intake of 90. This means that some children who wish to transfer to the junior school are unable to do so. At least one in four pupils who attend the infant school will not obtain a place at the junior school. This is disruptive for the children and can be unsettling as they will have to move to a different school and lose friendship and peer groups they have formed in the infant stage. It can also be difficult logistically for parents and carers who may well have children in both infant and junior stages. If their children are unsuccessful in obtaining a place in the junior school, they may well then have to travel some distance between schools to drop their children.

Increasing the size of the junior school will make it more likely that more families will be able to access their local primary schools which

will assist the local authority in its ambition that schools become centres of community learning. It will also assist in reducing car journeys at rush hour as parents and carers will not have to take children to different parts of the city.

The plan submitted for planning consent has been developed in conjunction with the staff and governing body of the school and represents the best solution to the accommodation needs of the school. The school staff and governing body fully support the expansion of the school and are excited by the proposed extension to the school. The works proposed by this planning application provide four new classrooms, an extended dining hall, improved staff accommodation and a much improved entrance to the school. Externally, work is being proposed that will separate pedestrian access from vehicular access and there will be separation of car parking and playground space which at the present time are not physically separated.

These improvements will not only assist access to the school during the school day but will provide enhanced facilities for use by the community outside of the school day and during the holidays.

5 CONSULTATIONS

External:

Neighbours: Four written representations have been submitted by **158 Balfour Road (x 2), 144 Balfour Road (x 2), and 153 Loder Road** objecting to the proposal for the following reasons:-

- The proposed structure is out of keeping with the surrounding buildings, in particular with those of the existing school.
- The previous two hall extensions were carefully designed to reflect and enhance the original design, each having pitched, tiled roofs and a traditional construction giving a distinctive “cottage hospital” type of warm feel to the school.
- The proposed building is a flat roofed, two storey grey shoe box, not dissimilar to a stack of transport containers at a dockside, which totally dominates the existing single storey red brick buildings behind.
- To break up the monotonous façade it appears that fancy green triangular protuberances occur, which are totally out of character and out of place.
- There has been a lack of consultation with this application and it is only by sheer luck that the site notice was spotted on a lamppost.
- Whilst no objection is raised to the extension of the school to resolve the long running mismatch of pupil numbers coming from the Infant School, the proposed design of the new extension is quite out of keeping with the existing building and will be very obtrusive in Balfour Road and quite out of keeping with the style of houses in the road.
- Excessive traffic.
- Excessive noise.
- Over development of the area.

- The proposal will result in approximately 120 extra pupils travelling to and from the school daily, not including any parents accompanying them. The existing road layout cannot sustain such activity, particularly as 300 more places have recently been approved at Varndean School and could result in up to 420 more people using Balfour Road, twice daily.
- The application should be accompanied by a Travel Plan in accordance with Local Plan policy TR4.
- These schools are now in use seven days a week, causing disruption in the evenings and at weekends.
- The school is putting assessment of stag beetles before highway matters which affect the community.
- The Varndean College application will also increase traffic in the area.
- The inter departmental relationship between the Education and Planning departments leaves something to be desired.
- The Local Government Ombudsman may be called upon to adjudicate the adequacy of this relationship.
- Limited consultation was undertaken by the planning department, in spite of the undeniably major impact of the scheme on residents throughout Balfour Road.
- It appears council applications and schools applications do not experience the same difficulties encountered by householders seeking to carry out minor development.
- No further development of the Varndean campus should be allowed to take place until a comprehensive traffic survey and proposals to address the existing chaos already created by the council have been drawn up.
- The extended school will overlook gardens in Loder Road resulting in loss of privacy.
- The proposed structure is out of character with the surrounding school buildings and the area in which neighbouring residents live.
- The green protuberances do nothing to improve an already poor design.

Copies of email correspondence between the occupier of **146 Balfour Road** and the council's Children and Young People's Trust department have been submitted and it is understood the occupier of **146 Balfour Road** is not satisfied with the school's pre planning application consultation on the design and appearance of the extension and alterations with neighbouring residents and the local community. However, no objection to the planning application has been received from the occupier of this address.

Further neighbour re-consultation expires on the 28th January 2009.

Following additional neighbour consultation an email has been received from **178 Balfour Road** suggesting the angled panels are coloured white instead of bright green, in order to match the principal new frontage.

Preston & Old Patcham Society: Objection.

Public consultation was badly handled with this significant application and this

has given rise to much ill-feeling. Giving people information late into the 'consultation' process is giving 'information', not engaging in 'consultation'. Very little account in the design of the new buildings has been taken of the existing buildings, both the school and the domestic buildings in the vicinity. The society requests that the process starts again with a true consultation. The planning authority has published a 'statement of community involvement' which should be taken into account.

A letter in support of the application has been received from the **Head Teacher** and **Chair of Governors** who comment as follows:

For many years parents and governors of Balfour Junior School have expressed concern that the current accommodation of the school does not meet the need for junior school places in the community served by the school. This is evidenced by the number of applications for places annually exceeding current provision, and by the many appeals for places made by parents after their initial application for a place for their child has been refused. The proposal for expansion of the school accommodation addresses this issue and leads to a match in forms of entry (from three up to four) with our partner infant school, Balfour Infant School. The governing body has been extensively consulted over the proposed design of the planned construction and considers the design to be thoughtful and appropriate in terms of looks and function. Care has been taken to not extensively exceed the current 'building footprint' of the school, to address environmental issues, to provide a building that genuinely aids present and future generations of children and to provide a clear and secure frontage (something seriously lacking in terms of the existing building).

Internal:

Traffic Manager: No objection.

The Traffic Manager raises no highway objection subject to the submission of a Travel Plan to be implemented six months prior to occupation.

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
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
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
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste

SU14	Waste management
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
HO19	New community facilities

East Sussex and Brighton & Hove Waste Plan

WLP11	Reduction, re-use and recycling during demolition and design, and construction of new developments.
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Supplementary Planning Guidance

SPGBH4: Parking Standards

Supplementary Planning Documents

SPD03:	Construction and Demolition Waste
SPD06:	Tree and Development Sites

Planning Advice Notes:

PAN05:	Design Guidance for the Storage and Collection of Recyclable Materials and Waste
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7 CONSIDERATIONS

The determining issues relate to the principle of development; design, siting, appearance and visual impact of the proposal; landscaping and ecological impact; effect upon neighbouring occupiers; traffic generation and parking; and sustainability.

Principle

In terms of accepting the extensions and alterations in principle, this is covered by policy HO19 of the Brighton & Hove Local Plan, which states that permission will be granted for community facilities, which include schools, where certain criteria can be met. The development must, however ensure the design and use of the facility is accessible to all members of the community; there is no unacceptable impact on residents or the surrounding area; the location is readily accessible by walking, cycling and public transport; and that adequate car, disabled and cycle parking is provided.

The extensions and modifications would result in the school having sufficient capacity to accommodate all four class forms coming from the neighbouring infant school and would bring the facilities up to date.

Neighbouring residents have raised concerns, particularly over the manner in which the school has involved the local community in the preparation of the

scheme prior to submitting the planning application. Being a four year school taking on an additional class each year, the development would facilitate a third increase in pupil numbers (a rise of 120).

Views have been expressed that the school did not involve the local community sufficiently in arriving at the final design for the scheme but the planning authority has carried out the required neighbour notification and consultation expected of it.

Design, form and appearance

Policy QD1 of the Brighton & Hove Local Plan states that unless a development proposal is within an area featuring a distinctive historic style of architecture, the replication of existing styles and pastiche designs will be discouraged. Policy QD2 requires development to take into consideration local characteristics including the height, scale, bulk and design of existing buildings; patterns of movement in the neighbourhood and the layout of streets and spaces. Policy QD3 is favourable towards proposals which make more effective use of sites and address the needs of the community.

Though the application site does not lie within a conservation area, the surrounding residential streets have a strong character of pre-war two storey terrace and semi-detached houses interspersed with a small number of flats and community buildings. Schools are located to serve their local catchment area and by the nature of their usage and the activities taking place within, along with the numbers of pupils to be accommodated usually mean the form, design and scale of school buildings stands apart from the character and appearance of family dwellings and historic terraces.

As such there is not a presumption against a contemporary extension as long as it is sympathetically designed and is not unduly obtrusive.

In relation to the size of the existing school the scale of the modern extension is considered appropriate although the siting near to Balfour Road will partially obscure more public views of the older school buildings and will give the extension a prominent position as the school's main façade and entrance, although excluding the natural ventilation stacks, the maximum height of the extension will be 1.6m below the pitched roof of the sports hall behind.

The modern extension clearly will have a contrasting appearance with the older school buildings and as such will have the presence of a distinct and separate wing of the school. The extensions to the existing hall and creation of a flat roof staff room building would be largely hidden from public view due to their enclosure in the centre of the site, but in terms of design, form and external materials and finishes these will seek to match the existing school buildings and architectural details such as soldier course and window styles will be replicated as appropriate.

The design and layout of ramps and hard surfacing is satisfactory, connecting

with the existing accesses off Balfour Road while retaining open green space in front of the contemporary extension. The ramp arrangement is designed to encroach minimally on the existing playground and to provide gated safe access to the new car parking area.

The temporary classrooms proposed are not likely to be required for more than two years and a condition can be imposed to ensure they are removed and the land restored when they are no longer required. The temporary classrooms should be orientated such that no windows or other openings are on the southern wide opposite the houses in Loder Road, in the interests of protecting residential amenity.

Neighbouring residents' amenity

Policy QD27 of the Local Plan states permission will only be granted for development which does not cause material nuisance and loss of amenity to existing or adjacent residents or where it is liable to be detrimental to human health.

Local residents are likely to be accustomed to large numbers of children arriving and departing the schools within the Surrenden Fields campus and as every child attending the infants school will be able to move up to the junior school the development will reduce the superfluous travelling necessitated for those who are unable to register with the junior school because of insufficient classroom capacity.

The neighbours most likely to be affected include those in Loder Road and a group of houses in Balfour Road opposite the main entrance to the school.

In terms of overlooking and loss of privacy the development retains a separation distance of at least 21m with all adjoining residential properties and being of two storey height situated on lower ground level and orientated north of neighbouring houses, would not result in undue overshadowing or loss of light.

The temporary classrooms should be orientated such that no windows or other openings are on the southern walls opposite the houses in Loder Road, in the interests of protecting residential amenity and precluding overlooking.

The temporary classrooms would be located in a position which would not give rise to significant noise and disturbance to occupiers of adjoining properties. As such the scheme complies with policies SU10 and QD27 of the Local Plan.

Parking and transport

Policies TR1 and TR19 require development to provide for the transport demand it generates and make provision for cycle and car parking in accordance with the levels set out in SPGBH4: parking standards. For the school this equates to provision of 1 car parking space per teaching staff

member plus 1 car space per 3 other staff members and 2 spaces for visitors. These are the maximum parking standards. Furthermore, Policy TR4 requires the submission of a Travel Plan for expanded education proposals and these should seek to minimise private car use and provide facilities and incentives for alternative modes such as walking, cycling and public transport.

Presently there are 30 full time staff and 10 parking spaces. The existing parking is satisfactory in terms of numbers, but provides no spaces for visitors. The proposal would see the employment of 6 additional full time staff but the number of parking spaces will not change, although one space will be designed for disabled use.

Whilst this falls within the maximum threshold set out in SPGBH4, it is essential the school submits a Travel Plan to ensure that the extra staff, along with the dropping off and collecting of 120 extra pupils on a daily basis, does not lead to congestion or over flow parking in the surrounding residential streets.

In compliance with policy TR14: Cycle access and parking, the proposal incorporates covered and secure cycle storage for up to 24 bicycles. Subject to a Travel Plan the Traffic Manager raises no highway objection and there would be no conflict with policy TR7, which requires that developments do not increase the danger to users of adjacent pavements, cycle routes and roads.

Landscaping and ecology

Policy QD15 requires landscaping details to be submitted as part of development proposals, showing that adequate consideration has been given to landscape design, including the spaces between and around buildings.

A small group of trees next to the existing southern extension to be demolished, and a Midland Thorn next to the playground, described as rotten and a health and safety hazard (shown as G8 and T6 of drawing no. RG-NDJ-BHBJ 001 Tree Layout accompanying the Arboricultural Report), would be removed as part of the development.

However, the proposal does not incorporate replacement trees. In view of this it is recommended a condition be imposed to secure replacement tree planting, one for each that is lost. The applicant proposes planted beds and shrubs in the new car parking area, next to the two storey south extension and against the retaining walls of the ramp access. The precise landscaping details will be sought through planning condition.

The applicant has submitted an ecologist's Bird, Bat and Stag Beetle assessment report which concludes site clearance and demolition should occur outside bird breeding season and that works will have to cease if bats or bat roosts are found on site. A suitable habitat for Stag Beetles was not found on the site. Accordingly the development will not significantly impact on biodiversity and there is unlikely to be any conflict with policies QD17 (nature

conservation features) and QD18 (species protection) or with policy QD19 (Greenways). There is limited biodiversity on the land, and the Greenway running through the campus along the path of Stringer Way (but not the red-lined site) would not be affected by this proposal due to the siting of the works.

Sustainability and waste management

A sustainability checklist has been submitted in accordance with SPG21 (which was superseded during the life of the application with SPD08: Sustainable Building Design) and of the twenty-two criteria, six were not relevant being related to housing, nature conservation, work and the economy. The remaining sixteen criteria are fully or partly met, equating to 73 per cent.

Sustainable design features proposed include:-

- Re-use of existing brickwork.
- Natural ventilation and extraction.
- South facing windows.
- Solar panels to provide some hot water energy.
- Possibility of ground source heat pumps.
- Insulation levels well above current building regulations.
- Solar control glass to the west and south elevations.

The applicant has confirmed by way of a qualified pre-assessment that the new school extension would achieve a BREEAM rating of 'Very Good'.

It has been noted however, that some of the documents submitted refer to tarmac or grasscrete hard surfacing, neither of which would be acceptable, particularly over the root protection areas of trees to be retained. A condition can be imposed for agreement of the hard surfacing materials, which should be porous by air and water.

In summary, subject to conditions, the development complies with Local Plan policy SU2 which requires efficiency in the use of energy, water and materials in new development.

Policies SU13 and SU14 require minimisation and re-use of construction industry waste and waste management plans respectively, with the latter concerned with developments that attract a large number of people whereby they are required to provide appropriately designed facilities for the recycling or re-use of the waste that they, their visitors and staff generate.

The Outline Site Waste Management Plan submitted shows a commitment to reducing and reusing construction and demolition waste and will need to be controlled by condition. Site specific information as to the designated areas for storage of materials and waste must be submitted along with reports of the materials uncovered during demolition and construction, their quantities and identification of their destination, e.g. named recycling contractors.

Consultation and Publicity at pre-application stage

The Preston and Old Patcham Society and some objectors have raised concerns as they do not believe the consultation process prior to the submission of the application carried out by the applicant was adequate or in accordance with the City Planning Statement of Community Involvement. The “The Statement of Community Involvement” is advisory. It relates in particular to large scale or controversial applications. In this instance the scheme does not fall into any of the categories which would suggest a need for a wide scale pre-app consultation exercise by an applicant.

It is confirmed that the application has been advertised in accordance with the appropriate statutory requirement.

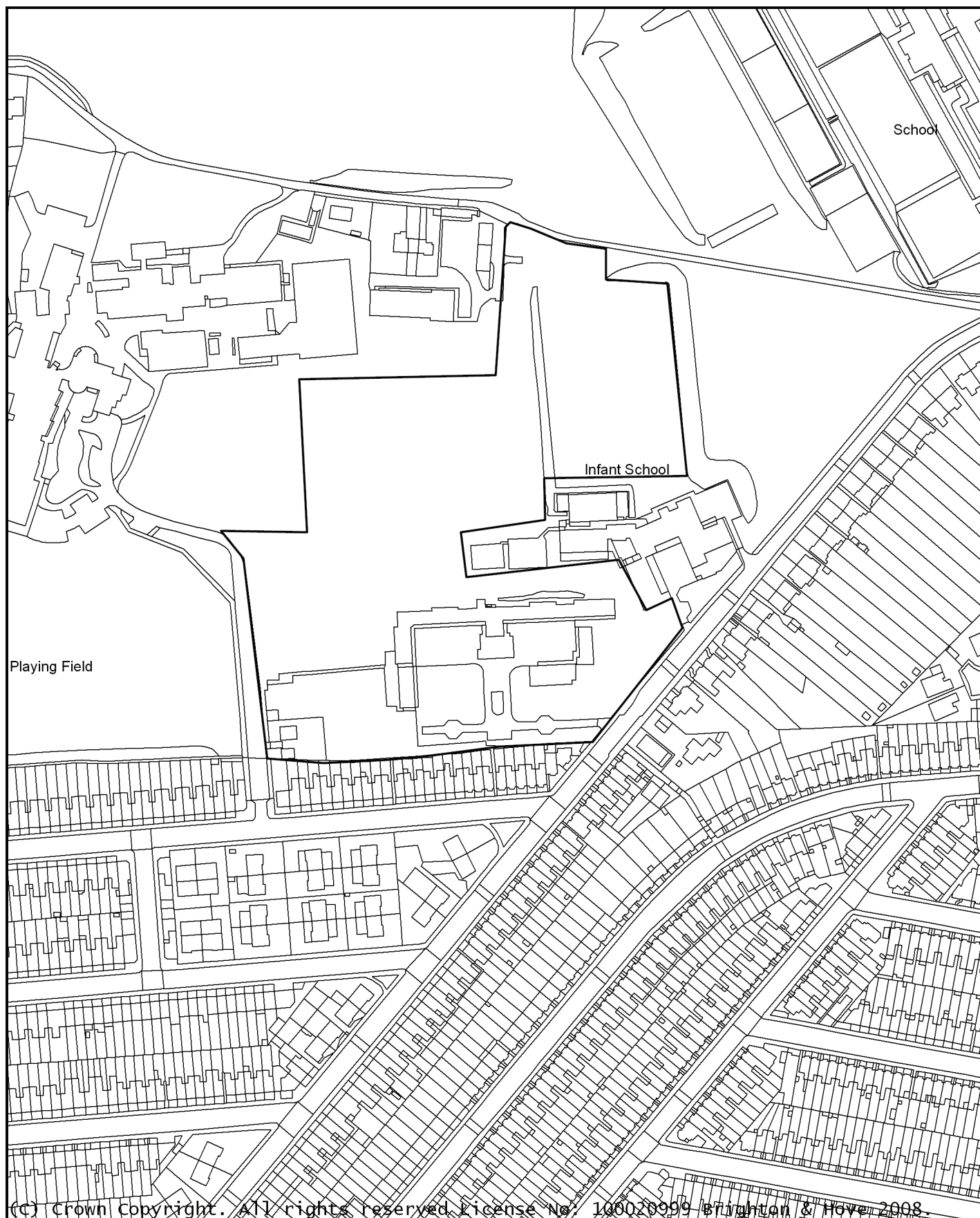
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The extensions and alterations provide for the local community in terms of increasing the capacity of the Balfour Junior School in accommodating incoming pupils progressing from the adjoining Balfour Infants School whilst improving the standard and layout of accommodation both internally and externally. The extensions and alterations would not be detrimental to the residential amenity of neighbouring properties by way of loss of light, loss of privacy or noise and disturbance and, though modern and striking, the design exemplifies a high standard and is appropriate in scale, external finishes and sustainable design and would not unduly detract from the appearance of the older and more traditional existing school buildings. The precise details of the Travel Plan, landscaping scheme and site waste management will be secured by condition. In view of the above the proposal accords with the development plan.

9 EQUALITIES IMPLICATIONS

The development should comply with Part M of the Building Regulations in being fully accessible for those with disabilities and mobility difficulties.

BH2008/02641 Balfour Junior School, Balfour Raod



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<u>No:</u>	BH2008/02499	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	27 Roedean Crescent		
<u>Proposal:</u>	Demolition of existing house and its replacement with a 6 bedroom house with integral double garage and cycle store.		
<u>Officer:</u>	Kate Brocklebank, tel: 292175	<u>Received Date:</u>	25 July 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16 October 2008
<u>Agent:</u>	Morgan Carn Partnership, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Mr & Mrs Blomfield, 11c Lewes Crescent, Brighton		

This application was deferred at the last Committee meeting on 14th January 2009 in order for members to visit the site.

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 **refuse** planning permission for the following reason:

1. The proposal, by reason of its prominent location, design, height, bulk and increased massing would result in the building appearing incongruous and out of character and would be of detriment to the character and appearance of the street scene contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0805-E01 – 0805-E07 and 0805-P01 – 0805-P12 submitted on 25th July 2008.

2 THE SITE

The site is a two storey property situated within a predominantly residential suburban location which can be characterised by a mix of designs and scales. The western end of Roedean Crescent is characterised predominantly by mock Tudor style two storey dwellings set in spacious plots, those on the northern side of the road are set further back in the plots than those on the southern side. From number 21 the properties are stepped in closer to the pavements edge but maintain a front garden area, with numbers 27 and 29 the closest to the pavements edge on the northern side of this stretch of the road.

The eastern section of Roedean Crescent is characterised by a more modern two storey properties generally set within slightly smaller plots than those along the western stretch of the road. The land in this area slopes up to the north with the properties on the northern side of the road set on higher land than those on the southern side.

The site is located at one of the highest points along the road and comprises of a two storey five bedroom property with an attached garage and swimming pool. The elevations are smooth rendered and white painted and the roof is hipped with slate tiles.

3 RELEVANT HISTORY

BH2003/02930/FP: Single storey front extension with balcony over. Single storey rear extension to form indoor pool room. Approved 04/11/2003.

BH2004/03558/FP: Removal of existing second floor pitched roof and replace with second floor flat roof. Refused 17/01/2005.

BH2005/00822/FP: Dormer to rear elevation. Approved 21/06/2005.

BH2008/02304: Certificate of Lawfulness for existing use of land as a private garden. Approved 10/11/2008.

BH2008/02427: Certificate of Lawfulness for existing use of land rear of the property as ancillary residential use. Approved 12/11/2008.

4 THE APPLICATION

The proposal seeks planning permission to demolish the existing dwelling and erect a three and half storey 6 bedroom dwelling including the provision of a swimming pool, gymnasium and double garage.

5 CONSULTATIONS

External:

Neighbours: Eight letters of support received from the occupants of **12, 20** (2xletters), **22, 35** (2xletters) **Roedean Crescent, 14 Roedean Way and 11 Carden Avenue**, their comments are summarised as follows:

- Similar footprint and overall height, mass and scale to the existing dwelling.
- Better design than existing.
- More efficient modern building than existing.
- In keeping with the area in design and scale.
- Will enhance the neighbourhood.
- This application is a new exciting contemporary house and will improve the street scene considerably and provide much needed local work.

Natural England: No objection – unless the Council or other parties become aware of the presence of protected species on the site. If so a survey must be requested prior determination of the application and appropriate mitigation and protection should be imposed.

South Downs Joint Committee: Raise an objection. The site is not within the Sussex Downs AONB, nor is it within the South Downs National Park (Designated but not yet confirmed). However, the original designation boundary for the National Park, along with the Inspector's amended 2007 boundary runs to the north of the rear garden boundaries of the properties on the north side of Roedean Crescent, including the application site.

Views of the rear of the dwelling would be from within the National Park (as currently designated) and the taller building with its zinc roof would be more prominent in any such views.

It is noted that the application is accompanied by a Biodiversity Statement. Although this Statement comes up with a number of recommendations, no details of these appear to be incorporated within the other application documents, other than the swimming pool being filled in. In particular, it is recommended that removal of all materials relating to the swimming pool and the restoration of the land outside of the formal curtilage, along with other mitigation measures recommended in the Biodiversity Statement, be incorporated into a landscaping plan as part of the proposals.

Given the apparent lack of such a landscape plan, along with my concerns regarding the increased prominence of the building, an objection to the proposals is raised.

Southern Water: No objection.

Brighton & Hove Archaeological Society: Raise no objection - The site lies within an area of intense archaeological sensitivity and therefore would recommend that the granting of any planning application include a provision for a watching brief while the top soils are removed and the footing trenches are cut. A further inclusion should allow for the recording of any archaeological features and artefacts found.

Internal:

Traffic Manager: No objection is raised to this application.

Environmental Health: No objection providing a condition is imposed regarding submission of a scheme for treatment of plant and machinery.

Ecology: No objection. The biodiversity report is very comprehensive and concludes that there are few ecological restraints on the development proposal. The proposal to include a sedum roof on part of the proposed building would address Local Plan policy QD17 and the requirements of the draft Nature Conservation and Development SPD.

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

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
QD5	Design - street frontages
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
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH 4: Parking Standards

SPGBH16: Renewable Energy and Energy Efficiency in Developments

7 CONSIDERATIONS

The main considerations relating to the determination of this application are the affect upon the character of the area, the suitability of the proposed dwelling having regard to the amenity requirements for the occupiers and the impact on neighbouring residential amenity. An assessment will also be made of the issues relating to transport and sustainability.

The principle of development

The proposal seeks planning permission to demolish the existing five bedroom dwelling and erect a six bedroom replacement dwelling including a double integral garage, bike and general store and home office with en-suite on the lower ground floor, and a swimming pool and gymnasium on the ground floor. There are balconies proposed on the front and rear of the house and raised terraced area to the rear of the site.

There is no objection to the principle of a replacement dwelling.

Impact on character and appearance of the area

Local Plan policies QD1, QD2 and QD3 ensure that developments are not viewed in isolation and must be characteristic of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to any immediate neighbouring buildings but the townscape and landscape of the wider locality.

Policy QD1 of the Local Plan requires design aspects such as the scale and height of development, to be taken into account while discouraging pastiche

design. Policy QD2 of the Local Plan requires that all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics such as height, scale, bulk and design of existing buildings.

The character of the dwellings located along Roedean Crescent do differ in scale, design and materials as do the plot sizes. However, characteristics of the area include large detached homes generally of suburban design with pitched roofs. The western end of Roedean Crescent is characterised predominantly by mock Tudor style dwellings, those on the northern side of the street have a considerable set back from the pavements edge and those on the southern side less so. From 19 Roedean Crescent the building line becomes more staggered and the set back from the pavement reduces with number 27 forming the most forward property on the northern side within views from the west looking along the street to the east. Numbers 23, 25 and 27 Roedean Crescent are set at the highest part of the street and due to the staggered building line and its proximity to number 27 is prominent in views from the west and views up Roedean Path.

From number 25 leading to the east along Roedean Crescent the character and design of the properties become more modern in design and character, and the use of materials more varied, however each dwelling still maintains a pitched roof of some sort, most of which are quite steep and as such form an integral part of the buildings. It is therefore considered that the site appears to be at a juncture between the identified dwelling styles along the street and can therefore take advantage of this within the design approach. In long views into the site from Roedean Road, the most distinctive characteristic is that of the pitched roofs on the properties.

The proposed replacement dwelling will occupy a very similar footprint to that of the existing dwelling. The floor area occupied by the existing garage to the front of the property is to be re-sited within the rear garden and will form the raised terrace and swimming pool below. The resultant width and depth will also be very similar to the existing property. The overall height, will in relation to AOD and the existing dwelling has not been significantly increased. However, the existing dwelling is sited on raised land with steps leading up to the front entrance of the dwelling. The current scheme results in the excavation of the lower ground floor and the creation of an additional level of accommodation with the resultant dwelling laid out over four levels.

The applicant received pre-application advice on the scheme and the initial plans were of a modern flat roofed design. The applicants were advised that, whilst the principle of a modern design was acceptable, a defining feature of the area is the pitched roofs on the houses. These are visible in long views into the area and officers strongly advised that a pitched roof should be integral to the design of the replacement dwelling.

A pitched roof was subsequently included, but officers continued to have

concerns regarding the visual integration and relationship of the pitched roofs with the overall design, which remained largely unaltered with the exception of a shallow pitched roof over the previously flat roofed elements. The pitch, although only shallow results in the dwelling exceeding the highest part of the existing dwelling by approximately 1m over the fourth floor of accommodation. The applicants were advised to reconsider the design and to incorporate a pitched roof as part of the overall design concept. The opinion of officers was made clear however the architects held strong views regarding the 'floating' roof design and they considered it was in keeping with the modern design of the house and integrated well with the surrounding context. After a number of pre-application discussions and comments the applicants were advised that officers still had reservations about the scheme but that if they wished to continue with the design a formal application should probably be submitted.

The design of the current scheme remains unaltered from the design submitted at the pre-application stage.

The principle of a modern designed dwelling on this site is considered acceptable. However the property must respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood, taking into account the local characteristics in order to accord to design policies in the local plan. The applicants have attempted to take account of the pitched roofs which have been identified as a local characteristic however it is considered to be poorly integrated with the overall design and significantly shallower than the adjoining neighbouring dwellings.

The overall height and width of the development with three and half storeys including the exposed 'basement' level entrance, in conjunction with a very shallow pitched roof design results in greater massing at a height that would read visually as an overly dominant element in the streetscape. The property rises up at full width (approximately 18m within a plot approximately 22m in width) to the third storey (approximately 8m in height to the lower eaves) with a parapet style element to the terrace access from the 4th and 5th bedrooms. It is noted that the proposed property is slightly narrower than the existing dwelling however the raised height at this width, which is above the eaves height of number 25 and 29 Roedean Crescent, plus the additional accommodation and shallow pitch above results in the property appearing much bulkier at a higher level than neighbouring dwellings.

An application for a replacement dwelling on the adjacent site, number 25 Roedean Crescent was recently refused for similar reasons. The proposal was considered to pay little regard to the character of the area and the scale would read as a visual departure from the established pattern of development in the area. *'Furthermore, the overall height and width of the development with three and half storeys including the exposed 'basement' level entrance, in conjunction with a very shallow pitched roof design results in a bulk at a height that would read visually as a foreign element in the streetscape. The property reads as a three and half storey property from the front elevation with*

the exposed entrance to the basement level included. The bulk of the development is maintained at a width of approximately 17.8 (within a plot approximately 23m in width) to a height of approximately 11m from ground level. The overall height does not appear to exceed that of the existing dwelling according to the outline detailed on the plans, however the scheme entails a significant amount of excavation in order to allow the site to accommodate the proposed dwelling. Therefore comparing the heights of the existing and proposed dwellings in isolation is not an adequate assessment of the overall impact of the scheme on the character of the area.'

Also relevant is the current application at No. 18 Roedean Way which is reported elsewhere on this agenda and is recommended for refusal for similar reasons.

Similarities with respect to design issues can also be drawn from a dismissed appeal for the demolition of the existing house at Linwood House, 12 Roedean Way and redevelopment for 9 flats, (BH2003/03174/FP – appeal ref: APP/Q1445/A/04/1153690), in 2005. The Inspector considered that although the block of flats would have a similar ridge height to the existing property, the Inspector still had concerns over the three storey scale of the development. The Inspector considered that the scale of the proposal would fundamentally alter the character of the scale of development in the area, from two storey family houses set behind Roedean Way to a much more visually intrusive three storey building of flats. As such the Inspector concluded that the scheme was contrary to Policies QD1, QD2, QD3, QD4 and HO4 of the Local Plan (then at its second deposit stage). It is of course noted that this application is for a single dwelling and that the scheme has been amended to include a shallow pitched roof over the half storey element, however the development is considered to be overly bulky for the reasons set out above and is clearly comparable to the appeal at 12 Roedean Way.

It is noted that planning permission has recently been granted for extensions and alterations to number 3 Roedean Crescent BH2008/00598, which involves the removal of the existing pitched roof and the creation of a flat roof. As stated in the officers report the existing property has a relatively shallow pitched roof, it has a significant set back from the road. The report states, *'The inclusion of the curved glass elevations within the proposed side extension, helps to reduce the visual massing to the property and thereby reduces the impact of the proposed development upon the street scene. Furthermore the height of the overall property, as developed has been designed so that it steps down which reduces the mass and bulk of the property at higher levels.'* It was therefore considered that refusal of the application due to the exclusion of a pitched roof alone could not be justified at appeal. The significant difference between number 3 and number 25 Roedean Crescent is the prominence of the dwelling within the streetscene.

The agent for the current application has also referred to an appeal decision for a new dwelling at 106 Longhill Road, which was allowed in January 2009.

The agent states that a precedent has now been set by this appeal decision for a modern three storey dwelling with a flat roofed appearance from the streetscene.

Officers consider that the character of Longhill Road differs to that of Roedean Crescent and that the Longhill Road appeal decision carries little weight in this case. The Inspector for Longhill Road states (Para 8), *“At the front it would have a clear 3-storey appearance for its full width beneath a simple low-pitched butterfly roof with a central valley. This would respect the part 3-storey appearance of the immediately neighbouring dwellings, at 104 and 108 Longhill Road. The main roof would be similar in height to the ridge of the dwelling at 104 Longhill Road, and the roof over the relatively small principle staircase core would be only a little taller, so it would not cause harm.”*

No. 27 Roedean Crescent neighbours a chalet property at No.25 and a two storey dwelling at No.29 which is of a similar design to the existing dwelling to be demolished. It is sited within a streetscene of relatively traditionally designed dwellings with the distinct characteristic of integrated pitched roofs. The immediate streetscene of the application site and impact of the proposal is therefore considered to be significantly different to that of Longhill Road.

The inspector continues in paragraph 9: ‘...there is already a wide palette of styles and materials in the locality...due to its sympathetic siting, form, scale, design and materials, (the proposed dwelling) would harmonise with the street scene in Longhill Road...respecting the characteristics of its site and the wider locality.’ The Officer considers that this is not the case with the application proposal at No.27 Roedean Crescent, and that the proposal does not respect the character of the area.

The existing front boundary treatment to neighbouring dwellings along Roedean Crescent varies. The majority are largely open with low brick walling and vegetation. There are some examples of higher front boundary treatment and gated entrances, the majority though are largely open. The proposal includes a white rendered front boundary wall and sliding gates to a maximum height of approximately 1.9m. It is not clear from the plans what the gates will be formed from. They appear to be of solid construction which is considered to be out of character with the prevailing character of the area. However, the existing front boundary is a white rendered front wall at a lower height to that proposed and without gates and as such it is not considered likely that an appeal could be upheld on this basis alone.

The proposal also includes the introduction of four solar panels to the front roof slopes of the property, one on the lower element and three on the main roof slope. There are limited examples of solar panels on the front roof slopes of properties in this location. Whilst solar panels would be welcome in principle, little detail has been provided and officers are concerned that their visual appearance may exacerbate concerns about the roofs.

Overall, the proposed dwelling is considered unsympathetic to the existing neighbouring development and would appear overly dominant and out of scale within the streetscene of Roedean Crescent.

Amenity for future and existing occupiers

Policy HO5 requires the provision of usable private amenity space in residential development, appropriate to the scale and character of the development and QD2 relates to key principles for neighbourhoods. The site is situated within an area which is characterised by detached dwellings situated within spacious plots. The proposal site forms one of the larger sites along this section of Roedean Crescent with an additional section of garden area to the north of the site which has recently been approved under a Certificate of Lawfulness as lawfully forming part of the garden curtilage of the site. The footprint of the dwelling is remaining largely unaltered, as such the retained garden land is considered appropriate to the scale and character of the development and is characteristic for the area.

Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should fully comply with the standards. The applicant has submitted a comprehensive Lifetime Homes standards checklist which is adequately demonstrates that the dwelling could fully accord to the policy.

Policies TR14 and SU2 require all new dwellings to provide secure, covered cycle parking and refuse and recycling storage. The development includes provision of a refuse and recycling store externally sited adjacent to the entrance gate and a cycle store to the rear of the garage, sited internally. Both are considered to be of an adequate scale and location to acceptably accord to the policy requirement.

Policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health. The proposal includes a large amount of glazing to the front and rear elevations and a number of balconies are also proposed. However the majority of the balconies have been located to the front of the property and owing to the property's relationship to neighbouring dwellings they are not considered to give rise to adverse overlooking above the current level of overlooking from the street. There is one balcony proposed to the rear of the property accessed off the master bedroom. However, the privacy of the neighbouring dwelling will be protected by the inclusion of walling to a height of approximately 1.8 metres above floor level.

The eastern elevation of the rear element containing the family room and gym has six windows and one additional window is proposed in the east elevation of the main dwelling. All the windows are to be high level and obscured glazed. Any concerns about perceived overlooking could, if the scheme were acceptable, be addressed by a condition requiring details of boundary treatment.

The garden level currently rises up quite steeply to the rear of the site. A terrace is proposed upon this raised area. If the application were to be approved, details of the proposed boundary treatment along the western boundary would be required to ensure the protection of amenity of the neighbouring dwelling number 25 Roedean Crescent.

Traffic

Brighton & Hove Local Plan policy TR1 requires that new development addresses the travel demand arising from the proposal and maximises travel by sustainable demands. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new development, in accordance with the Council's minimum standard, as set out in SPG 4 Parking Standards. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in BHSPG note 4.

The Council's Traffic Manager has been consulted on the application and has raised no objection to the scheme on highway grounds.

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. The proposal is for new build development and as such it is required to meet a minimum of a level 3 of the Code for Sustainable Homes. Policy SU13 relates to minimisation and re-use of construction and demolition waste, the policy requires the submission of details to demonstrate how the development will prevent the unnecessary diversion of construction waste to landfill sites.

The application site is located adjacent to a designated SNCI and backs onto the proposed National Park. The applicant has submitted a full ecology report which has been assessed by the Council's Ecologist who has raised no objection. The Ecologist states that the biodiversity report is very comprehensive and concludes that there are few ecological restraints on the development proposal. The proposal to include a sedum roof on part of the proposed building would address Local Plan policy QD17 and the requirements of the draft Nature Conservation and Development SPD.

The South Downs Joint Committee were also consulted and raised concerns regarding the application and in particular the area of land which was in question as part of the Certificate of Lawfulness BH2008/02304. It was noted that the application is accompanied by a Biodiversity Statement and although this Statement comes up with a number of recommendations, no details of these appear to be incorporated within the other application documents, other than the swimming pool being filled in. The consultation goes on to state that in particular, it is recommended that removal of all materials relating to the

swimming pool and the restoration of the land outside of the formal curtilage, along with other mitigation measures recommended in the Biodiversity Statement, be incorporated into a landscaping plan as part of the proposals. Given the apparent lack of such a landscape plan, together with concerns regarding the increased prominence of the building, an objection to the proposal is raised by the South Downs Joint Committee.

The area of land which forms the main basis of the Joint Committee's concerns, has been the subject of an application for a Certificate of Lawfulness to establish the land as residential curtilage. As such, the Local Planning Authority cannot insist on its reversion as recommended within the Ecology report and by the Joint Committee. If the application were to be approved a landscaping condition would be imposed to control the detail the hard and soft landscaping proposed.

The site address lies within an area of intense archaeological sensitivity. It is considered that policy HE12 can be complied with via a condition being attached to an approval which requires a watching brief to be carried out at the site, with regards to excavation work, as requested by the Brighton & Hove Archaeological Society.

8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION

Overall, the proposed dwelling is unsympathetic to the existing neighbouring development and would appear overly dominant and out of scale within the streetscene of Roedean Crescent, by reason of prominent location, design, height, bulk and increased massing and would be of detriment to the character and appearance of the street. There would be no significant impact upon neighbours and the traffic implications are acceptable. Other issues could be addressed by condition if the design were acceptable.

9 EQUALITIES IMPLICATIONS

None identified.



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<u>No:</u>	BH2008/02531	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type</u>	Full Planning		
<u>Address:</u>	The Meadows, 18 Roedean Way		
<u>Proposal:</u>	Demolition of existing house and erection of new dwelling.		
<u>Officer:</u>	Steve Lewis, tel: 292321	<u>Received Date:</u>	25 July 2008
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	14 October 2008
<u>Agent:</u>	Lewis & Co. Planning South East Limited, Paxton Business Centre		
<u>Applicant:</u>	Mr & Mrs Golding, The Meadows, 18 Roedean Way.		

This application was deferred at the last Committee meeting on 14th January 2009 in order for members to visit the site.

1 RECOMMENDATION

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

1. The proposal, by reason of its prominent location, design, height, bulk and increased massing would result in the building appearing incongruous and out of character and would be of detriment to the character and appearance of the street scene contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
2. The proposal is likely to have an adverse impact upon the amenities of the occupiers of adjoining dwellings by reason of loss of privacy and outlook and an increased sense of dominance. This is contrary to policies QD1 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on Lewis & Co Planning Waste Minimisation Statement, Bio Diversity Checklist, Sustainability Checklist Lifetime Homes Checklist and Planning Supporting Statement and Miles Broe Architects Design and Access Statement and drawing nos. 9146/PL/01 Rev D, 9146/PL/04, 9146/PL/05, 9146/PL/07, 9146/PL/11 & 9146/PL/12 submitted on 25/07/2008 and Mile Broe Drawing nos. 9146/PL/02 Rev E & 9146/PL/03 Rev B submitted on 09/10/2008.

2 THE SITE

The application relates to a large detached dwelling on the north side of Roedean Way in East Brighton. The dwelling is typical of the Roedean area which is characterised by large detached two storey dwellings set within generous plots, a regular building line, pitched roofs and varying designs, detailing and features.

The dwelling comprises of many alterations and extensions since the 1950's.

There are two forward facing roof details and bay windows, a rear projecting gable. The property benefits from a large two storey flat roof extension which in fills the original 'L' shape and side projecting flat roofed triple garage.

The dwelling is prominent within the area by virtue of its location on Roedean Way which lies at the southern end of the Roedean area. The house has a sea view and is visible from the A259 coast road.

3 RELEVANT HISTORY

Multiple applications and approvals for extensions and alterations from 1959 – 1982. No planning history since 1982. Property formerly known as Bassett's.

4 THE APPLICATION

The application seeks planning permission for the demolition of the existing two storey dwelling and the reconstruction of a 3 storey replacement dwelling.

The proposed dwelling is of contemporary design, making use of a first and second floor balconies and roof terraces. The design includes a rear atrium the full height of the building upon the rear and a lobby area to the front that projects beyond the front building line of the existing property.

5 CONSULTATIONS

External:

Neighbours:

48 Roedean Crescent, Comment

- The works will lead to additional noise and dust that will impact upon the use of the garden of 48 Roedean Crescent; they would like to agree that no works are undertaken of a weekend.
- They would object if the building was of such a size and height that it overlooked or significantly changed the fell/nature of the area.

46 Roedean Crescent, object on the following grounds:

- The proposal will result in the loss of an example of traditional style of housing
- The proposal will be significantly higher than the existing house upon the site, leading to a loss of outlook and privacy.
- The house is not in need of demolition, if this were applied across the town many of the period styles would be lost.
- The development will not fit the general character and appearance of the area.

Five letters of support have been received from **Flat 4, 60 Brunswick Place, Flat 3, 10 Cliff Road, 34 Southdown Avenue (Cooke Design Associates), 165 Carden Avenue (James Hull Associates), 3 Beachwood Close**. The following points have been raised:

- The proposal exhibits a high standard of architecture and will be an improvement upon the existing dwelling.
- The proposal will be in keeping with the remainder of Roedean Way and will improve the appearance of the street scene.

County Archaeologist:

The application site falls within an archaeological sensitive area defining an area of Prehistoric and Romano-British activity. Neolithic/Bronze age inhumation burials were discovered in Roedean Way during the digging of sewers in 1931 and 1937, and a Romano-British remains have come to light, showing this area was occupied and famed during these periods.

For these reasons it is recommended that a watching brief take place on the site and that a planning condition is attached to any planning permission to grant rights of regular access to the County Planning Authority to prepare archaeological records and three weeks written notice be given prior to commencement of the development start date.

Brighton & Hove Archaeological Society:

It is recommended that the granting of planning permission should include provision by condition for a watching brief be placed upon the site while top soils and footing trenches are cut. A further inclusion should allow for the recording of any archaeological feature or artefacts found.

Internal:**Traffic Manager:**

No objection on traffic grounds as there are no material changes to the transport impact.

6 PLANNING POLICIESBrighton & Hove Local Plan.

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR14	Cycle parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – Quality of development and design statement
QD2	Design – key principles for neighbourhoods
QD3	Design – effective and efficient use of land
QD4	Design – strategic impact
QD5	Design - street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity
HO3	Dwelling type and sizes
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO8	Retaining housing
HO13	Lifetime homes

HE12 Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance

SPGBH4 Parking standards

Supplementary Planning Documents

SPD03 Construction and demolition waste

7 **CONSIDERATIONS**

The main considerations in this case are the impact of the replacement dwelling upon the character and appearance of the area and the residential amenity of adjacent occupiers. Other issues such as sustainability, transport and waste minimisation must also be considered.

The proposal seeks the demolition of the existing dwelling and its replacement with a contemporarily designed dwelling.

Principle of development

There is no objection to the replacement of the existing single dwelling with another single dwelling. The housing policies of the Local Plan do not prevent direct replacements of dwellings; however any proposed replacement must be considered acceptable in line with other policies of the Local Plan and other material considerations.

Any new dwelling should be of acceptable design and impact upon character of the area and the amenity of nearby residential occupiers. The new development should demonstrate compliance with Lifetime Homes and Sustainability criteria even if the present dwelling does not currently meet these standards.

Impact on character and appearance of the area

Local Plan policies QD1, QD2 and QD3 seeks to ensure that developments are not viewed in isolation and must be characteristic of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to immediate neighbouring buildings but the townscape and landscape of the wider locality.

Policy QD1 of the Local Plan requires design aspects such as the scale and height of development, to be taken into account while discouraging pastiche design. Policy QD2 of the Local Plan requires that all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics such as height, scale, bulk and design of existing buildings.

The character of the dwellings located in Roedean is varied in scale, design and materials. However, characteristics of the area include large detached homes generally of suburban design with pitched roofs. This is the prevailing

character of Roedean Way where most of the dwellings are two storeys with a simple roof pitched design and the front elevations have raised extensions, balconies and roof terraces, some of which are covered to take advantage of the sea views.

The character of properties of Roedean Way follow a similar characteristic to the properties elsewhere in the Roedean area in that they are mostly of pitched roof construction, of brick or render facing materials and two storeys, but have greater variation in design detailing.

The topography of the area slopes gently down from west to east and from north to south. Consequently the houses to the north in Roedean Crescent are set at a level above Roedean Way to also take advantage of sea views, however due to the immediate scale and plot depth are not appreciatively dominant in views from the immediate street scene.

The principle of a modern designed dwelling on this site is considered acceptable. However the design must respect its context and should be designed to emphasise and enhance the positive qualities of the local neighbourhood. It should take into account the local characteristics of the area and street scene as outlined in order to accord to design policies in the Local Plan.

The proposal is considered to pay little regard to the character of the area and its scale and design would read as a stark visual departure from the established pattern of development in the area. The use of three storeys with a flat roof results in additional height and bulk at higher levels that would form an alien and prominent feature within the street scene.

Some similarities with respect to design issues can be drawn from a dismissed appeal for the demolition of the existing house at Linwood House, 12 Roedean Way and redevelopment for 9 flats, (BH2003/03174/FP – appeal ref: APP/Q1445/A/04/1153690), in 2005. An Inspector considered that although the block of flats would have a similar ridge height to the existing property, the Inspector still had concerns over the three storey scale of the development. The Inspector considered that the scale of the proposal would fundamentally alter the character of the scale of development in the area, from two storey family houses set behind Roedean Way to a much more visually intrusive three storey building. As such the Inspector concluded that the scheme was contrary to Policies QD1, QD2, QD3, QD4 and HO4 of the Local Plan (then at its second deposit stage). It is of course noted that this application is for a single dwelling; however the proposed development is comparable to the appeal at 12 Roedean Way in the respect of the additional bulk and use of a flat roof.

It is noted that a replacement dwelling on the site at number 25 Roedean Crescent was also recently refused by the Planning Committee for similar reasons to those outlined in this report. The proposal was considered to pay

little regard to the character of the area and the scale would read as a visual departure from the established pattern of development in the area. Also relevant is the current application at No. 27 Roedean Crescent which is reported elsewhere on this agenda and is recommended for refusal for similar reasons.

The use of a flat roof and three storeys is not typical of the Roedean area. It would result in additional bulk and massing on the plot which would dominate the site. The scale of the dwelling together with the striking appearance of the large areas of glazing and rain screen cladding would sharply contrast with general background character of the area and street scene.

A comparison between the existing ridge height and can be seen from the submitted plans. It is shown that there is an increase of up to 1.2m in height; and an increase in the width of the main body of the dwelling by approximately 4m, there is also some additional height upon the garage section of the building. The additional bulk is exacerbated by the use of a flat roof which offers less visual relief than that of the existing sloping roof.

The central front elevation architectural feature has large areas of glazing and projects forward of the existing building line by up to a metre. The feature is the highest part of the proposal, encompasses three storeys and is bulkier than the existing lobby area by reason of its height and width. Each floor is then set behind this central area on an approximate building line to match that of the main elevation of the current dwelling, with some slight softening from the curvature of the design.

In this case the replacement dwelling is considered by reason of its prominent location, design, height, bulk and massing to result in the building appearing incongruous and out of character and would be of detriment to the character and appearance of the street scene.

Residential amenity

The design is complex when considering the residential amenity impacts. The proposed development has roof terraces, balconies, sloping topography and there are side facing windows within neighbouring properties. Some concerns were raised with the applicants with respect to the potential impact upon the occupiers of neighbouring properties. Amended designs were submitted in an attempt to overcome these impacts although, due to the printing quality of these amended drawings and the expression of detailing, impact is difficult to assess. These changes relate to screening (east elevation) and deletion of a terraced area (west elevation). It is not considered that the applicant has clearly demonstrated that there would be no adverse impact upon the amenity enjoyed by the occupiers of neighbouring properties.

The front and rear facing aspects of the building, despite the introduction of balconies and roof terraces, are considered to have an acceptable impact upon neighbouring properties. The plot size of site is generous and negates

the potential for impact upon dwellings situated to the rear. The rear facing elevation is spaced over 50 metres from that of the nearest property in Roedean Crescent (at the rear), additionally the land slopes gently up towards the north (rear) and some screening exists. The front elevation faces onto public open space beyond the curtilage and is not considered to harm the amenity of other near occupiers.

The side elevations require more careful consideration. At present the side elevations of both properties to the side of The Meadows, Throwley House (to the west) and Polano (to the east), are closely located to the joint boundaries of the site with differing development characteristics.

The dwelling to west benefits from a side extension, which appears to be an annexe style of residential accommodation given its sideward projection and ground floor garaging. This extension appears occupied and has an uncomfortable relationship with The Meadows. It overlooks the land adjacent to the side boundary and the side elevation of The Meadows. The current relationship with the dwelling to the east is more comfortable. There is a short gap between the boundary and the side elevation of Polano; the closest 10 metres is occupied by a single storey triple garage.

The proposed redevelopment of the dwelling should not result in a harmful loss of outlook from the property to the east and the relationship of Polano and the proposed dwelling could remain acceptable. The proposed building would step down towards the boundary with Polano, although would be slightly higher than the existing building. Officers do have some concerns about the second floor terrace and pool area and the first floor office on the eastern side of the building. These appear to offer some potential for overlooking to the side and rear of Polano.

It is considered that the location of the outdoor pool at second floor level and the side facing windows of the first floor office would increase the impression of overlooking to the occupiers of the neighbouring property. Although balustrade design and screen planting upon the east facing elevation could help in this regard and some sightlines are shown on the drawings, it is considered that the applicant has failed to demonstrate that overlooking would not occur.

The present relationship between the western elevation of the proposal and Throwley House is uncomfortable. Given the topographical variation, set down level of the dwelling, its footprint and the reduction of the gap between the side elevation of the proposal and joint boundary; the development is likely to have an unacceptable impact upon that of the neighbours to the west. It is considered that the side facing balconies would result in a sense of overlooking and a loss of privacy. The siting of the building closer to the joint boundary and the additional height and bulk is considered to exacerbate the present uncomfortable relationship with Throwley House and lead to a loss of outlook.

Traffic issues

There are no objections to the development on traffic grounds. The development will replace the existing dwelling with another and there is not perceived to be any substantial increase in trips generated by the proposal.

The development will provide sufficient on-site vehicular parking and there will be no change to the current access arrangements.

The development provides sufficient space for cycle parking and the large garage facility can comfortably provide the required cycle parking spaces to meet the present parking standards. The plans show a total of four cycle parking spaces and if granted a planning condition could be imposed to ensure that these facilities are provided and retained.

Sustainability

The planning supporting statement submitted with the application contends that the development will meet level 3 of the Code for Sustainable Homes. This is considered an acceptable and minimal standard for a new development of this type.

The statement also proposed the use of photovoltaic cells on the flat roof of the building to contribute towards micro-regeneration of electricity. A ground source heat pump will assist in heating the roof top swimming pool. Additionally the pool will be fitted with a cover to minimise heat loss and maximise solar gain.

On the basis of conditions being placed to ensure that the development meets level 3 of the Code for Sustainable Homes and to secure the photovoltaic cells and ground source heat pump, the development would be considered to attain an acceptable standard of sustainability.

Living standards

The development will be able to meet all of the 16 Lifetime Homes Standards and as such it is considered that a planning condition to ensure this should be imposed if planning permission were granted. As such the development would have suitable disabled access and opportunity for adaptation if required.

The development will provide a high standard of living for the occupants of the building. It is generous in floor space and amenity space. The site benefits from large front and rear gardens and the roof terraces within the building.

Archaeology

It has been advised that the site lies within an archaeological sensitive area defining an area of Prehistoric and Romano-British activity. Neolithic/Bronze age inhumation burials were discovered in Roedean Way during the digging of sewers in 1931 and 1937, and a Romano-British remains have also been found.

The County Archaeologist recommends that a watching brief be placed upon the site and access be granted for regular access by the County Planning Authority to prepare archaeological records to be prepared. At least three weeks notice of commencement should be given.

On this basis it is considered that a planning condition can be placed upon the development for an Archaeological Watching Brief to take place.

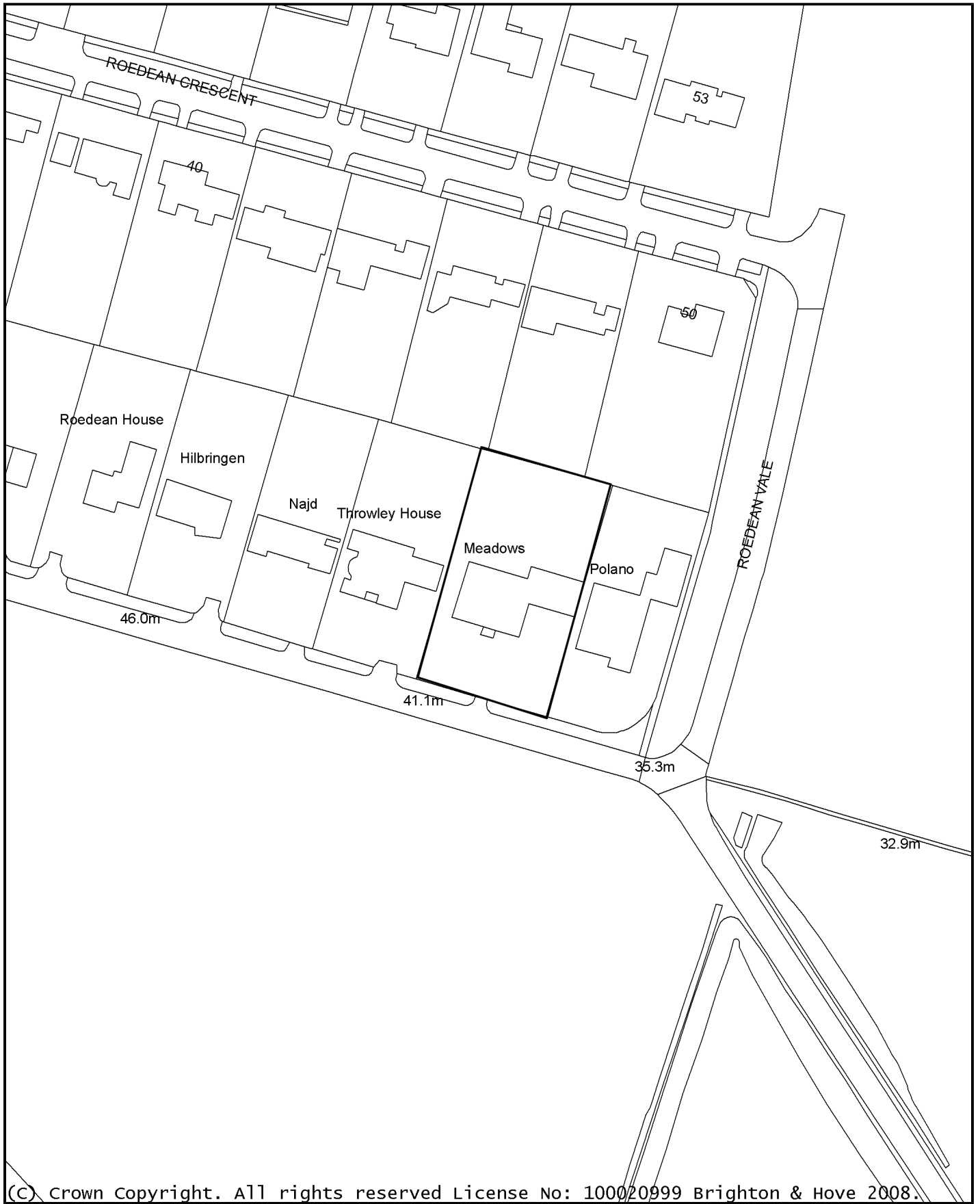
Waste minimisation.

The development has been accompanied by an acceptable waste minimisation strategy. The submitted waste minimisation statement covers in sufficient detail the opportunity to recycle new and old construction materials, excavation material, minimise waste materials and use of a licensed waste contractor. If granted permission a planning condition could be placed to ensure that the strategy is carried out.

8 EQUALITIES IMPLICATIONS

The development should meet Lifetime Homes Standards in accordance with policy HO13 of the Brighton & Hove Local Plan and meet Part M of the Building Regulations.

BH2008/02531 The Meadows, 18 Roedean Way



<u>No:</u>	BH2007/04452	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7 Brunswick Street West, Hove		
<u>Proposal:</u>	Insertion of new windows to front and rear ground floor (part retrospective). Amended scheme.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	30 November 2007
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	26 March 2008
<u>Agent:</u>	P R P Architects, 7 The Green, Hove		
<u>Applicant:</u>	Mr R Rigg, c/o Agent		

This application is linked to an application for Listed Building Consent ref: BH2007/04446. The application was deferred before the 12th November Committee on legal advice as appropriate notices had not been served. Members also requested a site visit.

1 RECOMMENDATION

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

Conditions:

1. Within six months of the date of the approval, unless otherwise agreed in writing, the windows on the front elevation of the building shall be removed and the windows hereby approved shall be fully installed, with external finishes to match that of the existing building and shall be retained as such thereafter. The approved windows shall exactly follow the design and detailing of windows installed at no.9 Brunswick Street West.
Reason: To ensure satisfactory appearance to the development and to improve the character and appearance of the street scene and the wider Brunswick Town Conservation Area and to comply with policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan
2. Within three months of the date of the permission, unless otherwise agreed in writing, full details of the proposed rear sliding sash window shall be submitted to and approved by the Local Planning Authority in writing. The approved windows shall be installed within six months of the date of this permission, unless otherwise agreed in writing, and shall be retained in place thereafter. The finishing around the new windows shall exactly match the existing finishes on the rear elevation and retained as such thereafter.
Reason: To preserve the historic character of the rear elevation of the existing building and 28 and 29 Brunswick Terrace and to comply with policies HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 02a received on the 2nd September 2008.
2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance
Brighton & Hove Local Plan:
 - QD1 Design – quality of development and design statements
 - QD14 Extensions and alterations
 - QD27 Protection of Amenity
 - HE1 Listed Buildings
 - HE6 Development within or affecting the setting of Conservation Area; and
 - (ii) for the following reasons:-

The works are an improvement to the character and appearance of the property, provide cohesion to the terrace and preserve the character and appearance of the wider Brunswick Town Conservation Area. Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building. The development would not result in significant overlooking or noise and disturbance to neighbouring properties
3. The applicant is advised that the permission hereby granted relates solely to the proposed works identified in the description and shown on the submitted drawings.

2 THE SITE

Brunswick Street West is comprised of mixed uses, primarily residential in nature, and this application relates to a mid-terrace property on the south side of Brunswick Street West. The site is to the rear of 28 Brunswick Terrace, a Grade 1 listed building.

Investigations by the Conservation and Design Team which followed a previous application in 2007 have concluded that this property should be considered to be listed. As a subordinate/ancillary building to 28 Brunswick Terrace, the property therefore follows the same Grade I listing as 28 and 29 Brunswick Terrace.

3 RELEVANT HISTORY

M/15639/71: Alterations to flat with garage – approved 4th January 1972.

3/75/0093: Conversion of existing lock up garage to Licensed restaurant – refused 17th March 1975

BH2007/00308: (Full Planning application) Replacement windows at first floor level front elevation (retrospective) approved 11th June 2007. When the application was granted at the sub-committee, members decided to add an

informative on to the decision advising that the property may be listed, and if so, Listed Building Consent may be required for the windows at first floor level.

A recent application to replace the doors on the garage unit which is in separate ownership (**BH2008/03268** full planning) and (**BH2008/03661** listed Building consent) has been approved and would result in a traditional solid construction.

The planning history on some of the neighbouring properties is relevant to the current application as the design approach proposed in this application has similarities to previous approvals in Brunswick Street West

BH2007/00330 9 Brunswick Street West Hove (Full Planning Application) approved 11th June 2007

Here planning committee agreed to grant the changes to fenestration 'as built' rather than for the garage door style suggested by the Conservation and Design Team. It is this approval which has guided the recommendation on this application.

There is a concurrent Listed Building application seeking consent for the insertion of new windows to the front and rear at ground floor level (**BH2007/04446**) this is recommended for approval.

4 THE APPLICATION

Full planning permission is sought for the insertion of new windows to front and rear ground floor of the building. The windows currently in situ are unauthorised and have been installed without the necessary permissions.

The advice from the Conservation and Design Team on the treatment of Brunswick Street West has remained consistent. For this building, as for others in this terrace, they advise that the installation of full height door openings is the right approach for the front elevation. In particular regard was had to the decision by Planning Committee to adopt this approach in respect of the neighbouring property at 9 Brunswick Street West.

Initially, the submitted application proposed to install replacement doors on the front elevation. This was based on the guidance from the Conservation and Design Team. However after some consideration, it was considered that any new ground floor windows or doors should be in-keeping with other recent approval and additions in the street.

Therefore, having regard to the previous approvals on this side of the terrace, and in the interests in achieving continuity to the front elevations, it is considered that the works to the front elevation of the building should follow the design of recent approvals and amended plans have been received.

To the rear, the ground floor, an unauthorised windows has been installed which is to be replaced by a sliding sash.

5 CONSULTATIONS

External:

Neighbours: Friends of Brunswick Square and Terrace, Flat 4, Flat 2, 28 Brunswick Terrace, Flat 2, Flat 5, Flat 8, 29 Brunswick Terrace, 29 Brunswick Terrace Freehold Ltd , Freeholder 28 Brunswick Terrace, Flat 1, 2, 3, 5, 6, 7, 9 28 Brunswick Terrace object to application for the following reasons:

- the garage has never had a change of use granted to change to residential accommodation,
- permission BH2007/00308 gave consent only changes in the fenestration of the upper windows only,
- listed building applications are outstanding for the building,
- internally and externally changes have been made which do not have listed building consent and all these matters must be fully reported to committee,
- the rear window results in a loss of privacy neighbouring properties,
- a window above has been converted to clear glass and now opens,
- the enforcement investigation for the works to the property is incomplete,
- the works the rear would also cause additional noise and disturbance to the courtyard,
- three protruding flues at the rear have no permission and are incomplete,
- relevant notices have not been served on those residents/owners in Brunswick Terrace, such civil permissions would be withheld,
- the works affect the common parts of 28 Brunswick Terrace and affects the amenity and security of these properties,
- the developer has knowingly carried out unauthorised works and confused and mislead neighbours and the conservation team,
- the situation has been on-going for some time but the property has been occupied and the rental income earned,
- it is essential that works to the fronts of these buildings are not piecemeal and continuity between the buildings is developed.

Conservation and Advisory Group (comments on the initial drawings) The group expressed concern over the proposed windows and agreed that those to the front elevation should match the pattern previously agreed for number 9 Brunswick Street West.

Internal:

Conservation and Design:

No objection to the proposed doors which is the preferred approach.

Comments on amended scheme: It is considered that the character of these ground floor mews properties is best maintained with the inclusion of full height openings reflecting the garage door arrangements traditional to such

buildings, and as such the windows with high cills shown on plan 02A are not considered in keeping, and the general arrangement shown on plan 01 would be more in line with the preferred approach.

No objection to the rear sliding sash, subject to appropriate joinery details which would need to be conditioned.

Traffic: No objection, the development would not cause a material increase in parking demand.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1 Design – quality of development and design statements

QD14 Extensions and alterations

QD27 Protection of Amenity

HE1 Listed Buildings

HE6 Development within or affecting the setting of Conservation Area

7 CONSIDERATIONS

The determining issues relate to the design and appearance of the proposed works including the impact on the historic character of the listed building and the wider Brunswick Town Conservation Area. In addition the impact on the amenity of neighbouring properties must be assessed. Matters relating to freehold permissions are not material planning considerations, although it appears as though the correct notices have now been served.

Design and appearance

The application seeks consent for the alterations to ground floor of the front and rear of the property. The application is part retrospective, as the pre-existing doors on the front elevation of the property have been removed and windows inserted, an opening on the ground floor on the rear elevation has also been formed. These works are unauthorised. Consent is not sought for the fenestration which is currently in place, but for an amended design which forms this application.

The pre-existing doors were not of merit and there was no objection to the removal of this feature. The Conservation and Design Team however advised that replacement fenestration should evoke back to the traditional opening of mews buildings. This suggestion has been considered at length, however on balance it is considered that the priority with this application should be to improve the Brunswick Street West street scene.

As a result, the solution for the front elevation of the building now proposed, is consistent with that approved by Planning Committee for 9 Brunswick Street West 18 months ago. If granted, the development would result in improved continuity in the street scene. This approach is supported by the Conservation Advisory Group and supported by some of the local residents. In this instance, the proposed fenestration for the front of the building, outlined in

drawing number 02a is considered to be acceptable.

In regard to the design of the new window on the rear of the building, the current installation is not acceptable either in design and appearance, or in finishing. The window to the first floor of 7 Brunswick Terrace is a side hung casement, however all other windows facing the rear courtyard of 28/29 Brunswick Terrace appear to be sliding sash. Having regard to the historic character of the rear of Brunswick Terrace, it is considered that a timber sliding sash window should be installed and details must be submitted to the Local Planning Authority prior to a new window being installed within a specified time period. The Conservation and Design Team have not objected to a rear sash window, subject to the receipt of acceptable joinery details.

Impact on amenity

The works to the rear of property have been a cause for concern for neighbouring properties at the rear. The site has been viewed from one of the flats with views on to the rear elevation of 7 Brunswick Street West. Neighbours are concerned that the new windows cause a loss of privacy and noise and disturbance to neighbouring occupiers.

It is noted that the insertion of an additional window would increase the overlooking of the courtyard. However given the number of windows overlooking the courtyard it is not considered that the works present a significant increase in overlooking, beyond the existing arrangement. In addition, the insertion of an additional window is not considered to cause a significant increase in noise and disturbance to the courtyard or the neighbouring occupiers. In such locations, it is common for a number of windows, serving different flats, to be in close proximity to each other. For this reason it is considered that works do not present a significant impact on neighbouring properties.

The works to the front of the property are not considered to impact on the residential amenity of neighbouring properties.

Traffic and Transport

The development would result in a loss of an off-street car parking space. This section of Brunswick Street West is un-adopted and it does allow for some car parking along the front elevation. A new unit of accommodation is not being created. The Traffic Manager does not raise an objection to the loss of the garage as it cannot be demonstrated that the loss will place increased pressure on the demand for car parking in the adjacent Controlled Parking Zone.

Other Matters

Residents have commented on the need for a change of use application for the garage to a play-room. This has been given consideration and the planning history researched. The description of a flat with garage remains applicable to the site. The approved application in 1971 showed the internal

links between all the internal rooms on the ground floor of the property. Currently the garage adjoining number 9 Brunswick Street West remains in different ownership and does not form part of this application. Based on the fact this part of the ground floor of the property was not self contained from the upper floor of the property, it is not considered that a change of use of this part of building is required.

There is no planning history to suggest that this part of the ground floor was a separate planning unit to the first floor of the building.

Residents have also commented on works to the building which may not have the relevant permissions. Particular attention has been drawn to the flues on the rear elevation of the property. If undertaken after the property was considered as listed, such work would require listed building consent. There has been a verbal indication from the applicant that there is an opportunity to address the number of flues in this position, and this is under review with the Planning Investigation Team.

Conclusion

The proposed development would provide some continuity to Brunswick Street West street scene. Subject to compliance with conditions, the window frames will have slim profiles and will not detract from the historic character and appearance of the building, or the setting of the Brunswick Terrace. The development would not result in significant noise and disturbance or overlooking to neighbouring properties.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The works are an improvement to the character and appearance of the property, provide cohesion to the terrace and preserve the character and appearance of the wider Brunswick Town Conservation Area. Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building. The development would not result in significant overlooking or noise and disturbance to neighbouring properties

9 EQUALITIES IMPLICATIONS

None identified.

BH2007/04452 7 Brunswick Street West



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<u>No:</u>	BH2007/04446	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	7 Brunswick Street West, Hove		
<u>Proposal:</u>	Insertion of new windows to front and rear ground floor (part retrospective). Amended scheme.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	30 November 2007
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	26 March 2008
<u>Agent:</u>	PRP Architects, 7 The Green, Hove		
<u>Applicant:</u>	Mr R Rigg, c/o Agent		

This application is linked to an application for Full Planning Permission ref: BH2007/04452. The application was deferred before the 12th November Committee on legal advice as the appropriate notices had not been served. Members also requested a site visit.

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report are **Minded to Grant** listed building consent subject to no objection from **GOSE** and subject to the following Conditions and Informatives:

Conditions:

1. Within six months of the date of the approval, unless otherwise agreed in writing, the windows on the front elevation of the building shall be removed and the windows hereby approved shall fully installed and shall be retained as such thereafter. The approved windows shall exactly follow the design and detailing of windows installed at no.9 Brunswick Street West.
Reason: To ensure satisfactory appearance to the development and to preserve the historic character of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan
2. Within three months of the date of the permission, unless otherwise agreed in writing, full details of the proposed rear sliding sash window shall be submitted to and approved by the Local Planning Authority in writing. The approved windows shall be installed within six months of the date of permission, unless otherwise agreed in writing, and shall be retained in place thereafter. The finishing around the new windows shall exactly match the finishes on the rear elevation.
Reason: To ensure satisfactory appearance to the development and to preserve the historic character of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 02a received on 2 September

2008.

2. This decision to grant Listed Building Consent has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan:
HE1 Listed Buildings; and
 - (ii) for the following reasons:-
Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building.
3. The applicant is advised that the permission hereby granted relates solely to the proposed works identified in the description and shown on the submitted drawings. The existing rear flues have been referred to the Planning Enforcement Team for further investigation.

2 THE SITE

Brunswick Street West is comprised of mixed uses, primarily residential in nature, and this application relates to a mid-terrace property on the south side of Brunswick Street West. The site is to the rear of 28 Brunswick Terrace, a Grade 1 listed building.

Investigations by the Conservation and Design Team which followed a previous application in 2007 have concluded that this property should be considered to be listed. As a subordinate/ancillary building to 28 Brunswick Terrace, the property therefore follows the same Grade I listing as 28 and 29 Brunswick Terrace.

3 RELEVANT HISTORY

M/15639/71: Alterations to flat with garage – approved 4th January 1972.

3/75/0093: Conversion of existing lock up garage to Licensed restaurant – Refused 17th March 1975.

BH2007/00308: (Full Planning application) Replacement windows at first floor level front elevation (retrospective) approved 11th June 2007. When the application was granted at planning application sub-committee, members decided to add an informative on to the decision advising that the property may be listed, and if so, Listed Building Consent may be required for the windows at first floor level.

There are current applications registered to replace the doors on the garage unit which is in separate ownership **BH2008/03268** (full planning) and **BH2008/03661** (listed Building consent). This proposed to be a traditional solid construction and is currently under consideration.

The planning history on some of the neighbouring properties is relevant to the current application as the approach proposed in this application has similarities to previous approvals in Brunswick Street West.

BH2007/00330 9 Brunswick Street West Hove (Full Planning Application)
approved 11th June 2007

Here planning committee agreed to grant the changes to fenestration 'as built' rather than for the authentic garage door style suggested by the Conservation and Design Team

There is a concurrent full planning permission seeking permission for the insertion of new windows to the front and rear at ground floor level (**BH2007/04452**).

4 THE APPLICATION

Full planning permission is sought for the insertion of new windows to front and rear ground floor of the building. The windows currently in situ are unauthorised and have been installed without the necessary permissions.

The advice from the Conservation and Design Team on the treatment of Brunswick Street West has remained consistent. For this building, as for others in this terrace, they advise that the installation of full height door openings is the right approach for the front elevation.

Initially, the submitted application proposed to install replacement doors on the front elevation. This was based on the guidance from the Conservation and Design Team. However after some consideration, it was considered that any new ground floor windows or doors should be in-keeping with other recent approval and additions in the street. In particular regard is had to the decision by Planning Committee to adopt this approach in respect of the neighbouring property at 9 Brunswick Street West.

Therefore, having regard to the previous approvals on this side of the terrace, and in the interests in achieving continuity to the front elevations, it is considered that the works to the front elevation of the building should follow the design of recent approvals and amended plans have been received.

To the rear, the ground floor, an unauthorised windows has been installed which is to be replaced by a sliding sash.

5 CONSULTATIONS

External:

Neighbours: Friends of Brunswick Square and Terrace, Brunswick Street West and Dudley Mews residents Association, Flat 2, Flat 5, Flat 8, 29 Brunswick Terrace, 29 Brunswick Terrace Freehold Ltd, 28 Brunswick Terrace Freehold, and 5 Brunswick Street West, Flat 2, 3, 5, 6, 7, 9 28 Brunswick Terrace object to application for the following reasons:

- the garage has never had a change of use granted to change to residential accommodation,
- permission BH2007/00308 gave consent only changes in the fenestration of the upper windows only,

- listed building applications are outstanding for the building,
- internally and externally changes have been made which do not have listed building consent and all these matters must be fully reported to committee
- the rear window results in a loss of privacy neighbouring properties,
- a window above has been converted to clear glass and now opens,
- the enforcement investigation for the works to the property is incomplete,
- the works the rear would also cause additional noise and disturbance to the courtyard,
- three protruding flues at the rear have no permission and are incomplete,
- relevant notices have not been served on those residents/owners in Brunswick Terrace, such civil permissions would be withheld,
- the works affect the common parts of 28 Brunswick Terrace and affects the amenity and security of these properties,
- the developer has knowingly carried out unauthorised works and confused and mislead neighbours and the conservation team,
- the situation has been on-going for some time but the property has been occupied and the rental income earned,
- it is essential that works to the fronts of these buildings are not piecemeal and continuity between the buildings is developed.

Conservation and Advisory Group (comments on the initial drawings) The group expressed concern over the proposed windows and agreed that those to the front elevation should match the pattern previously agreed for number 9 Brunswick Street West.

English Heritage: No comment.

Internal:

Conservation and Design:

Comments on amended scheme: It is considered that the character of these ground floor mews properties is best maintained with the inclusion of full height openings reflecting the garage door arrangements traditional to such buildings, and as such the windows with high cills shown on plan 02A are not considered in keeping, and the general arrangement shown on plan 01 would be more in line with the preferred approach.

No objection to the rear sliding sash, subject to appropriate joinery details which would need to be conditioned.

6 **PLANNING POLICIES**

Brighton & Hove Local Plan:
HE1 Listed Buildings

7 **CONSIDERATIONS**

The determining issues relate to the design and appearance of the proposed works including the impact on the historic character of the listed building only.

The accompanying full planning application considers all planning matters relating to the development, including the issues raised by neighbours. Matters relating to freehold permissions are not material planning considerations, although it appears as though the correct notices have now been served.

The application seeks consent for the alterations to ground floor of the front and rear of the property. The application is part retrospective, as the pre-existing doors on the front elevation of the property have been removed and windows inserted, an opening on the ground floor on the rear elevation has also been formed. These works are unauthorised. Consent is not sought for the fenestration which is currently in place, but for an amended design which forms this application.

The pre-existing doors were not of merit and there was no objection to the removal of this feature. The Conservation and Design Team however advised that replacement fenestration should evoke back to the traditional opening of mews buildings. This suggestion has been considered at length, however on balance it is considered that the priority with this application should be to improve the Brunswick Street West street scene.

As a result, the solution for the front elevation of the building now proposed, is consistent with that approved by Planning Committee for 9 Brunswick Street West. If granted, the development would result in improved continuity in the street scene. This approach is supported by the Conservation Advisory Group and supported by some of the local residents. In this instance, the proposed fenestration for the front of the building, outlined in drawing number 02a is considered to be acceptable.

In regard to the design of the new window on the rear of the building, the current installation is not acceptable either in design and appearance. or in finishing. The window to the first floor of 7 Brunswick Terrace is a side hung casement, however all other windows facing the rear courtyard of 28/29 Brunswick Terrace appear to be sliding sash. Having regard to the historic character of the rear of Brunswick Terrace, it is considered that a timber sliding sash window should be installed and details must be submitted to the Local Planning Authority prior to a new window being installed within a specified time period. The Conservation and Design Team have not objected to a rear sash window, subject to the receipt of acceptable joinery details.

The application seeks consent for the alterations to ground floor of the front and rear of the property. The application is part retrospective, as the pre-existing doors on the front elevation of the property have been removed and windows inserted, an opening on the ground floor on the rear elevation has also been formed. These works are unauthorised. Consent is not sought for the fenestration which is currently in place, but for an amended design which is yet to be installed.

Other matters

Residents have also commented on works to the building which may not have the relevant permissions. Particular attention has been drawn to the flues on the rear elevation of the property. If undertaken after the property was considered as listed, such work would require listed building consent. There has been a verbal indication from the applicant that there is an opportunity to address the number of flues in this position, and this is under review with the Planning Investigation Team

Conclusion

The proposed development would provide some continuity to Brunswick Street West street scene. Subject to compliance with conditions, the window frames will have slim profiles and will not detract from the historic character and appearance of the building, or the setting of Brunswick Terrace.

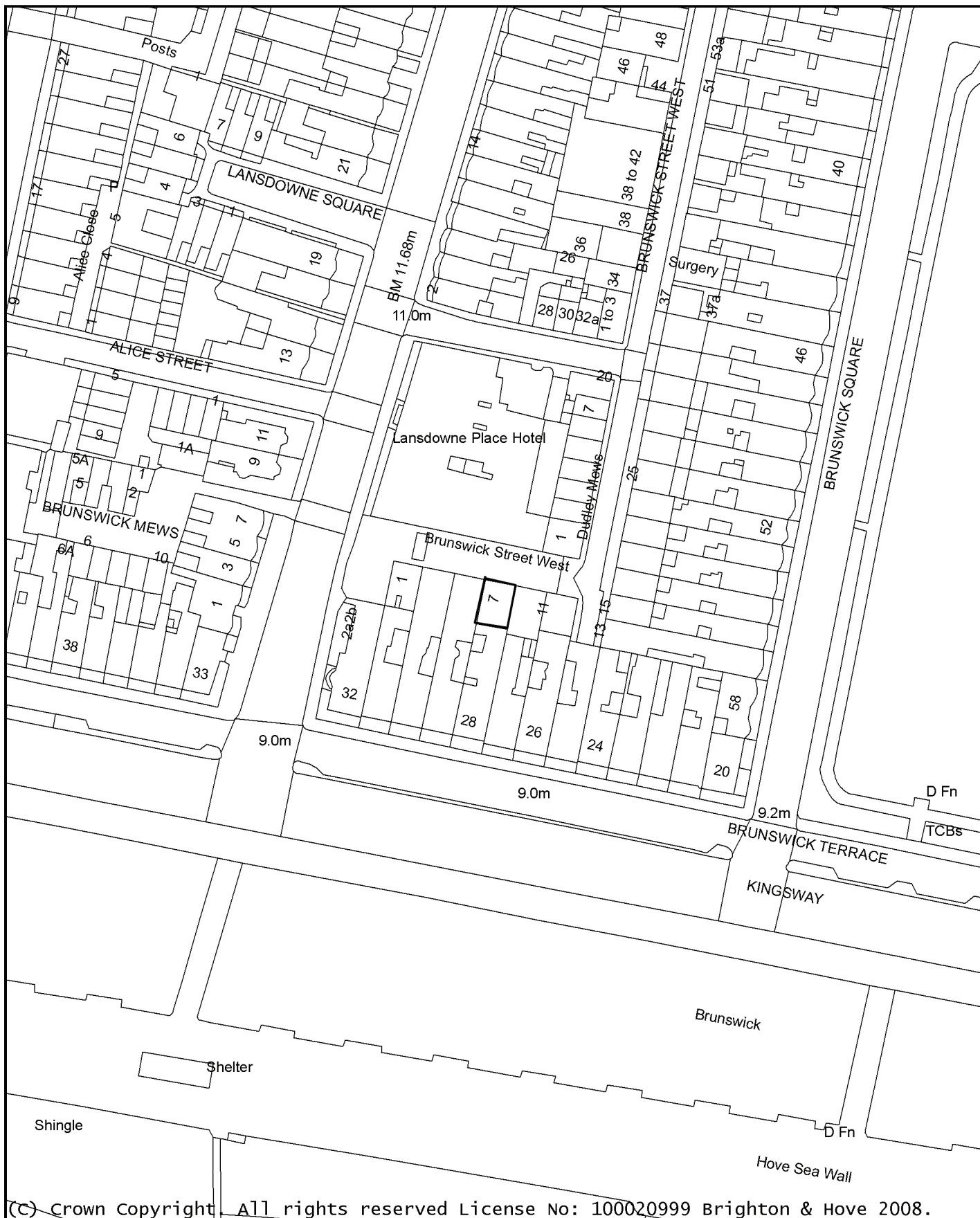
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Subject to compliance with conditions the works are considered to preserve the character and appearance of the listed building.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/04446 7 Brunswick Street West



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<u>No:</u>	BH2008/02787	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type</u>	Full Planning		
<u>Address:</u>	64 Brunswick Street West, Hove		
<u>Proposal:</u>	Change of use from Snooker Hall (D2) to Music School (D1) and associated rear external alterations.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	14 August 2008
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	08 December 2008
<u>Agent:</u>	Marshall Clark, 12 Sompting Road, Worthing		
<u>Applicant:</u>	No.7 Ltd, 38-42 Brunswick Street West, Hove		

1 RECOMMENDATION

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

Conditions

1. BH01.01 Full planning.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any subsequent similar re-enactment, this permission shall be for a music school with ancillary offices and no other purposes including any other uses within Class D1 of the Schedule to the Order without the prior consent of the Local Planning Authority to whom a planning application shall be made.
Reason: Having regard to the location of the premises, parking, traffic generation and residential amenity, the need to retain community facilities and to comply with policies HO20 and QD27 of the Brighton & Hove Local Plan.
3. The premises shall not be open or in use except between the hours of 8.30 am and 6.30 pm on Monday to Saturday, and not at any time on Sunday or Bank Holidays.
Reason: To safeguard the amenities of the locality and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. The external finishes of the rear extension works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan
5. BH02.08 Satisfactory refuse and recycling storage.
6. BH05.07 Site Waste Management Plan.
7. BH06.04 Sustainable transport measures.
8. BH06.02 Cycle parking details to be submitted.
9. BH.05.09 General Sustainability Measures.

10. BH07.02 Soundproofing of building.
11. BH07.07 Soundproofing/ Plant and machinery.
12. Amplified music or other noise from within the premises shall not be audible at any adjacent residential premises.
Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan
13. Before development commences, a travel plan shall be submitted to and approved in writing by the Local Planning Authority indicating measures to encourage the use of walking, cycling and public transport and carry out on-site improvements to assist in this aim, together with a schedule for implementation. The scheme shall thereafter be carried out in accordance with the agreed details and where applicable, thereafter implemented at all times the music school is in operation.
Reason: To seek to reduce traffic generation in accordance with policy TR4 Travel Plan of the Brighton & Hove Local Plan
14. Before development commences, a management plan shall be submitted to and approved in writing by the Local Planning Authority indicating measures to ensure students arrive at and depart the site with minimal impact on neighbouring residential occupiers and to avoid large numbers of students congregating outside the premises, together with a schedule for implementation. The agreed management plan shall be implemented at all times the music school is in operation.
Reason: To seek to reduce potential noise and disturbance from the use of the premises as a music school in accordance with policy QD27 of the Brighton & Hove Local Plan.
15. Before development commences, full details of the extent of the works required to the windows on the front elevation of the property and the roof of the property shall be submitted to and approved by the Local Planning Authority. The schedule of works shall include 1:20 joinery details and samples as appropriate.
Reason: As insufficient information as been submitted and to protect the listed building in compliance with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0810, 01, 02, 03, and supporting information received 8th October 2008, and, 05, 06, 07, 08, 09 received on the 12th December 2008.
2. The applicant is advised that the requirements of Condition 7 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £3,000 to fund improved accessibility improvements on the public highway.
3. The applicant is advised that details of the Council's requirements for Site Waste Management Plans and Waste Minimisation Statements can be

found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

4. 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
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning Obligations
HO19	New community facilities
HO20	Retention of community facilities
SR21	Loss of Indoor recreation facilities
HE1	Listed buildings
HE6	Development within or affecting the setting of conservation areas

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 application would bring a listed building which is 'at risk' back in to use which is welcome. The proposal would continue to provide a community use in the building, and the applicant has a good reputation for a cultural contribution to the city. The proposed works will preserve the character of the listed building and would not harm the character and appearance of the Conservation Area. The Environmental Health Team are confident that the residential amenity of neighbouring properties will be protected, and subject to compliance with conditions, it is considered that this aspect of the application is acceptable.

2 THE SITE

The application relates to a 3 storey property, plus a basement on the west side of Brunswick Street West. The building was most recently used as snooker hall, although council records show it has been vacant for

approximately five years.

The property lies within the Brunswick Town Conservation Area, and is grade 11 listed. The original use of the property as Hove Town hall is also of historical importance.

The area is predominantly residential but adjoining the property to the north is the Bow Street Runner Public House. The rear elevation is rendered which forms the back wall to gardens of residential properties in Lansdowne Place. The site has been purchased by the Brighton Institute of Modern Music (BIMM) who currently operate from premises approximately 65 metres south of the proposed site (38-42 Brunswick Street West). This existing premises would continue to operate.

3 RELEVANT HISTORY

BH2001/00462: Riley Snooker Club 64 Brunswick Street West - removal of Condition 1 of Planning Permission BH1999/02776/FP to allow 24 operation – approved 11/2/2002.

Of relevance to the current application is the approval for units 2, 3 and 4 38-42 Brunswick Street West for a change of use of light industrial to music college. Granted 21st July 2004 (ref: **BH2004/01745/FP**).

An application for Listed Building Consent accompanies this application ref: **BH2008/02788**).

4 THE APPLICATION

Full planning permission is sought for the change of use from a vacant snooker hall to a Music School which would be used as the third site in the city for Brighton Institute of Modern Music (BIMM). BIMM have purchased the building subject to planning consent. The applicant states that approximately £2m would be spent restoring and renovating the property.

BIMM currently operates in the east of the city in Rock Place, and existing venue at 38-42 Brunswick Street West. In September 2009, BIMM propose to accommodate an increase of 200 pupils over the three sites. Classes last 90 minutes. Opening hours of 8.30pm to 6.00pm is proposed. Classes run on 3 x 10 week terms.

External alterations are proposed to the rear of building. The existing return at first floor level would be infilled and finished flush with the main part of the building, a pitched roof would be formed and extended back to a flat roof to meet the main roof slope. Plant and machinery and vents would be screened by this part of the building.

5 CONSULTATIONS

External:

Neighbours: Top flat 38 Lansdowne Place (x2) 38 Lansdowne Place , flat

1 67 Brunswick Street West, Lansdowne Area Residents Association, Friends of Brunswick Square and Terrace object for the following reasons:

- Insufficient information on the specific detail intended for air conditioning, ventilation, noise suppression and screening,
- The building up of the rear elevation will impose on adjacent properties in Lansdowne Place and restrict light levels,
- Noise pollution from the plant and machinery, and performances,
- Licences should be required for the live performances,
- Loss of privacy from the occupation of the building by the general public,
- Congestion on the narrow road,
- Noise and disturbance from evening sessions,
- Noise from the pub refrigeration units is already a nuisance,
- There have been problems with noise from the existing BIMM premise in Brunswick Street West,
- Rubbish and bicycle parking needs to be addressed, and the vacant lot adjacent to the current premises is an eyesore,
- The site is a historical importance, as the only Town Hall in Hove until 1882. Under a section 106 a historic plaque could be placed on the building identifying its original use, first and second floors would have been civic spaces, and the ground and basement would have been judicial/ police features,
- A travel plan needs updating before a change of use is consented,
- Section 106 should offer improvements to the highway,
- Full restoration should be required for the building which is at risk.

Flat 4, 34 Lansdowne Place and 61 Brunswick Street West, 3, 40 Lansdowne Place, comment

- Concerns over the noise music, air conditioning, appearance of the changes to the rear of the building,
- Could greening be included to make the changes more attractive,
- Frosted glass and none opening windows should be used where possible.

Internal:

Conservation & Design:

Original Comments:

This building has been empty for some time and is on the list of buildings at risk, therefore the opportunity to get a new user is the best chance of preserving this building for the future, however it is important to make sure that alterations are balanced with improvements to the building which reflect its listed status.

No objection to the proposed use; the consequences for sound proofing and air conditioning are the biggest concerns but due to the loss of internal character that has already taken place in this building it is considered likely that this will be acceptable subject to details.

There is a lack of detail on external venting, positioning of plant and revised roof form in this application and further comments will be made when this is received. It is however considered that the re-roofing must be done with natural slate, not man made as stated, and the ground floor metal windows should be replaced with correctly detailed sliding sashes to properly preserve the listed building.

Comments on amended plans:

The positioning of the roof vents is now acceptable, clarification that the ducting is to be positioned in the existing suspended ceilings is noted. If they are just doing patch repair on the roof with like for like it doesn't need permission. More extensive repair involving the replacement of various materials with a single roof covering would be a change needing permission and we would insist on natural slate under those circumstances. Ground floor windows should be replaced with timber.

Environmental Health:

Whilst there is the potential for noise and disturbance to neighbouring occupiers this can be mitigated by the imposition of conditions. Recommend approval subject to conditions on the details of soundproofing, hours of use, plant and machinery and control over amplified music.

Planning policy:

The proposal is for the change of use of a snooker hall (D2) to a music school (D1). Regard should be given to policies SR21 (which seeks to retain indoor recreation facilities) and policy HO20 (retention of community facilities). Whilst it is recognised that the snooker hall is regarded as a community facility and it is proposed to replace this facility with another community use in the form of a music school; the applicant should still address the loss of the snooker hall in the planning application. The applicant states that the snooker hall has been vacant for 5 years. An exception to the policies could apply if thorough marketing of the site was submitted (dated advertisements, in the context of how they were published) to demonstrate that the premises were no longer suitable for other D2 sports and leisure occupiers or that the snooker hall has relocated elsewhere.

If the proposed loss of the snooker hall is considered justified then regard should be given to the criteria of policy HO19 particularly in terms of criteria a) which seeks to ensure that new community facilities benefit people from socially excluded groups and provide suitable childcare facilities. Compliance with criteria b) should be confirmed by the council's Environmental Health Team. It is considered that a criterion c) is met as the facility is located in an accessible part of the city, close to bus routes. In terms of criteria d) it is noted that no car parking provision has been provided due to the constraints of the site and its city centre location. Colleagues in Transport Planning should be able to offer advice regarding this requirement

Cultural Services: support the application, for the following reasons

- Brighton Institute of Modern Music is a thriving successful local business,
- BIMM employs 40 full time staff and around 80 session tutors,
- The diploma for 16 years olds out of education is a flagship local programme,
- The expansion would create 16 further jobs,
- BIMM provides specialist training and inspiration to young people,
- Students gigs in various venues in the city contribute to cultural night-time activity,
- Its presence in the city contributes to Brighton & Hove's growing reputation as a centre for musicians, performance and music production
- This is a private enterprise which will invest their own capital and bring a semi-derelict building back in to use.

Traffic Manager:

No objection, cycle parking must be secured and a disabled car –parking bay should be provided.

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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU15	Infrastructure
QD1	Design - quality of development and design statements
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning Obligations
HO19	New community facilities
HO20	Retention of community facilities
SR21	Loss of Indoor recreation facilities
HE1	Listed buildings
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

Supplementary Planning Guidance

SPGBH4	Parking Standards
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7 CONSIDERATIONS

The determining issues relate to the principle of the change of use and the impact on the amenity of neighbouring occupiers, the acceptability of the external changes proposed, and the impact on the listed building and Brunswick Town Conservation Area.

Principle of the change of use

Regard should be given to policies SR21 (which seeks to retain indoor recreation facilities) and policy HO20 (retention of community facilities).

Leisure facilities are protected under policy SR21. This policy states that planning permission for development proposals resulting in a reduction or loss of indoor recreation or sporting facilities will not be permitted except where a) it can be demonstrated that there is an excess of provision within the catchment area of the facility; b) the facilities are to be replaced by improved facilities that meet the aims of the City Council's sport and recreation strategy; and c) replacement facilities are in a location as close as is practicable to existing and potential users, and readily accessible by a choice of transport modes.

It is not the case that there is an over-supply of indoor recreation sites in the city. However the nearest snooker club to the site is located in Castle Street, Brighton, which is within walking distance from the site. The previous occupier Rileys, also continue to run a Snooker facility on London Road in Brighton.

Policy HO20 which seeks to retain community uses must be given due regard in the consideration of the change of use. It is recognised that the previous use as a Snooker Hall is regarded as a community facility and it is proposed to replace this facility with another community use in the form of a music school.

The applicant states that the snooker hall has been vacant for 5 years since Riley's vacated the premises, and council records confirm this timescale. Whilst a full marketing report has not been submitted with the application, it has been confirmed by the agent that an approach was made in January 2008 for the applicant to buy the property. Given the length of vacancy, the fact that existing Snooker facilities remain in the city, and that the premises is identified on the 'buildings at risk' register, it is considered that a change of use from the Snooker Hall is justified in this instance.

Consideration must then be given to the criteria of policy HO19 which identifies what should be expected in new community facilities. The proposal is to convert the existing use, rather than build a new facility, but policy HO19 states that Planning permission will be granted for community facilities where it can be demonstrated that:

- a) the design and use of the facility will ensure its accessibility to all members of the community and include:
 - i. demonstrable benefits to people from socially excluded groups;
 - and
 - ii. the provision of suitable childcare and toilet facilities;
 - b) there is no unacceptable impact on residential amenities 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 building is an accessible location, and is well served by the bus routes on Western Road to the north. The change of use would also provide benefits to socially excluded groups, as the applicant has confirmed that part of the education services provided includes classes to 16 year olds who are currently not in education. Whilst there are adequate toilet facilities, there is no provision for childcare on the site, but due to the nature of proposed occupier, it is not considered crucial that this is incorporated here. Issues relating to impact on residential amenity, and parking provision are discussed in the later sections of the report.

Overall regard must be had to securing an occupier for the building which is identified as 'at risk' and has been vacant for a prolonged period of time. Taking in to account the various policy requirements it is considered that there is no objection to the principle of the change of use.

Visual impact and impact on the character and appearance of the listed building.

The application has been the subject of pre-application advice from the Conservation and Design Team who welcome the fact that the building would be brought back in to use. Occupation offers the best opportunity to preserve its character. However it is acknowledged that the proposed use presents challenge in terms of securing adequate sound-proofing and ventilation. The interior of the building has been subject to many changes over time, and some historic character has been lost. This is considered under the Listed Building Consent application.

Externally, the principal changes would be to the rear of the site with an extension to the rear of the property comprising of the rear wall being built up and the existing flat roof used to house the plant and machinery. There is no objection to this part of the scheme.

The scheme has been amended during the course of the application and intake and outtake vents are now shown on the proposed rear elevation on the rear roof. In terms of visual impact, the pitched roof at the rear of the property will screen these vents.

It is considered that a full survey of the roof of the property may be required to ascertain the extent of the works required to this part of the property. Currently, man-made tiles are on the roof, this is not historically accurate, and should re-covering be required, this must be done in natural slate. For the avoidance of doubt this will be secured by condition. In addition, a full survey of works needed to the windows on the front of the property, is required. The applicant has confirmed to install single glazed sliding sash if replacements are required.

Overall, the merit of this application, is that by securing an occupier for the building, preservation of its historical features is possible. The Conservation and Design Team are happy with the current details, and further details are being sought by condition. The proposal would not harm the character or appearance of the Listed Building or the wider Brunswick Town Conservation Area.

Impact on amenity

The proposed change of use has caused some concern with neighbouring occupiers. In regard to the operations of the applicant on the existing site at 38-42 Brunswick Street West, it is understood that some complaints were received during the first occupation of this building by BIMM, and the applicant has stated that these issues have now been resolved. The Environmental Health Team have no on-going investigations with the existing site.

In regard to this proposal, the nearest residential properties are located directly opposite and to the rear of the site. Potential for noise and disturbance would come from the activities of the site, and the plant and machinery required to service the building.

Although a room by room assessment of specific sound proofing requirements has not been undertaken at this stage, it is proposed that the windows to the front of the property shall be fixed shut, and secondary glazed, sound insulation would be incorporated into the voids in the suspended ceiling and various floor treatments would be required. Samples of the insulation have been submitted to the Environmental Team. Whilst a full schedule of soundproofing will be required by condition, the Environmental Health Team are confident that the Music School can function without disturbing neighbours and have suggested standard conditions.

The proposed opening hours are 8-30 to 6.30 pm Monday to Saturday, with classes starting at 9.00 and finishing at 6.00pm.

Movement of students between the BIMM sites will need to be managed. The applicant has stated that classes would be 90 minutes in length and that there would be 4 change-overs per day, lasting approximately 10 minutes. The applicant anticipates movements of up-to 60 students in these change overs. A management plan is in place for the existing premises at Brunswick Street West, and this will need to be amended, to combine the activity of this site.

With regard to the external works to in-fill the return on the rear elevation, the increase in the bulk, form and massing would cause some increased sense of enclosure to the flats in the rear. Given that main part of roof is not to be extended, there will be no increase in the height of the property, this is not considered to cause significant harm, and also loss of light will not be a significant impact in this instance. Loss of privacy is not considered to be an issue from the occupation of the property, there are no additional windows

proposed. The separation distances between the front elevation of the property, and those opposite, are common for a central location.

Sustainability

The proposal seeks for a change of use with very limited works proposed externally. There is no residential development proposed as part of the scheme and therefore a Sustainability Checklist has not been submitted as part of this development. The adopted Supplementary Planning Document on Sustainable Building Design recommends that no additional net annual CO2 emissions from new development; and reduction in water consumption; and the minimisation of surface water run-off. It will be expected that the applicants provide details of general sustainability measures for the building to demonstrate efficiency in water and energy, but it is noted that the opportunity can be somewhat restricted by the property's listed nature. A condition is attached requiring further details to be submitted.

Transport and parking

The site lies within a controlled parking zone, and there is no provision for off-street car parking on site. There is however space at the existing BIMM site to the south to accommodate further cycle parking facilities. The Traffic Manager identifies that 5 additional spaces should be sought. As with the existing BIMM site on Brunswick Street West, a travel plan is required to ensure staff and students are encouraged to use sustainable transport methods. The location lends itself well to bus use with cross-city routes located in close proximity on Western Road to the north.

The Supplementary Planning Guidance Note on Parking Standards specifies that 3 disabled bays should be provided. This would also help to address accessibility issues required under policy HO19 of the Brighton & Hove Local Plan. This cannot be provided on site and a contribution to finance this provision has been sought by condition.

Conclusion

The application would bring a listed 'building at risk' back in to use which is welcome. The proposal would continue to provide a community use in the building, and the applicant has a good reputation for a cultural contribution to the city. The proposed works are will preserve the character of the listed building and would not harm the character and appearance of the Conservation Area. The Environmental Health team are confident that the residential amenity of neighbouring properties will be protected, and subject to compliance with conditions, it is considered that this aspect of the application is acceptable. The application is recommended for approval.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

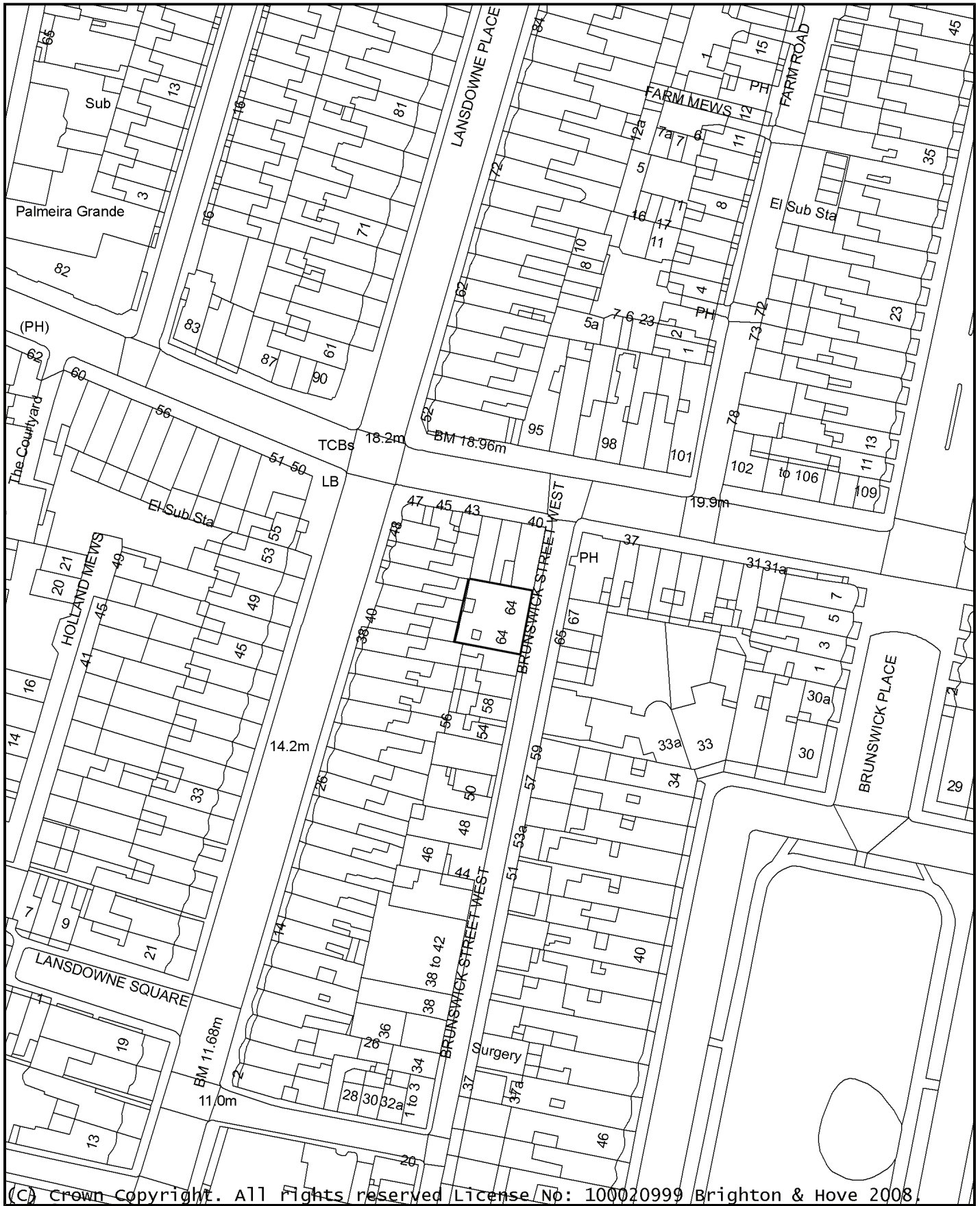
The application would bring a building at risk back in to use which is welcome. The proposal would continue to provide a community use in the building. The proposed works will preserve the character of the listed building and would not harm the character and appearance of the Conservation Area. The

Environmental Health Team are confident that the residential amenity of neighbouring properties will be protected, and subject to compliance with conditions, it is considered that this aspect of the application is acceptable.

9 EQUALITIES IMPLICATIONS

The property is listed and there are no proposals for works to the entrance to the building.

BH2008/02787 64 Brunswick Street West



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<u>No:</u>	BH2008/02788	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>App Type</u>	Listed Building Consent		
<u>Address:</u>	64 Brunswick Street West, Hove		
<u>Proposal:</u>	Internal and rear external alterations in association with change of use from snooker hall (D2) to music school (D1).		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	14 August 2008
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	25 December 2008
<u>Agent:</u>	Marshall Clark, 12 Sompting Road, Worthing		
<u>Applicant:</u>	No.7 Ltd, 38-42 Brunswick Street West, Hove		

1 RECOMMENDATION

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

Conditions

1. BH01.05 Listed Building Consent.
2. The external finishes of the rear extension 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. Before development commences, full details of the extent of the works required to the windows on the front elevation of the property and the roof of the property shall be submitted to and approved by the Local Planning Authority. The schedule of works shall include 1:20 joinery details and samples as appropriate. The works shall be carried out in strict accordance with the approved details and shall be retained as such thereafter
Reason: As insufficient information as been submitted and to protect the listed building in compliance with policy HE1 of the Brighton & Hove Local Plan.
4. Before development commences, full detail of the soundproofing requirements shall be submitted to and approved by the Local Planning Authority in writing. The schedule of works shall include 1;20 joinery details as appropriate The works shall be carried out in strict accordance with the approved details and shall be retained as such thereafter
Reason: As insufficient information as been submitted and to protect the listed building in compliance with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos.0801/ 01, 02, 03, 04 submitted on the 30th October 2008 and 05, 06, 07, 08, 09 received on the 12th December 2008.
2. This decision to grant Listed Building Consent has been taken:
 - i) having regard to the policies and proposals in Brighton & Hove Local Plan set out below:
Brighton & Hove Local Plan
HE1 Listed Building; and
 - ii) for the following reasons:
The works to the building are acceptable in principle and by bringing the property back into use, it is considered its future would be secured. The method to ventilate the building is considered acceptable and the preliminary details for soundproofing will not harm the character or appearance of the building. Further details are required by conditions.

2 THE SITE

The application relates to a 3 storey property, plus basement on the west side of Brunswick Street West. The building was most recently used as snooker hall, although council records show it has been vacant for approximately five years.

The property lies within the Brunswick Town Conservation Area, and is grade 11 listed. The original use of the property as Hove Town hall is also of historical importance.

The area is predominantly residential but adjoining the property to the north is the Bow Street Runner Public House. The rear elevation is rendered which forms the back wall to gardens of residential properties in Lansdowne Place.

3 RELEVANT HISTORY

BH2001/00462: Riley Snooker Club 64 Brunswick Street West - removal of Condition 1 of Planning Permission BH1999/02776/FP to allow 24 operation – approved 11/2/2002.

Of relevance to the current application is the approval for units 2, 3 and 4 38-42 Brunswick Street West for a change of use of light industrial to music college. Granted 21st July 2004 (ref: **BH2004/01745 FP**).

An application for full planning permission accompanies this application ref: **BH2008/02787**).

4 THE APPLICATION

Listed building Consent is sought for the internal and external alterations in association with the change of use of the building from a vacant snooker hall

to a Music School which would be used as the third site in the city for Brighton Institute of Modern Music (BIMM).

External alterations are proposed to the rear of building. The existing return at first floor level would be infilled and finished flush with the main part of the building, a pitched roof would be formed and a flat roof extended back to meet the main roof slope. Plant and machinery and vents would be screened by this part of the building.

Internally, a ventilation system would be installed, with the ducting located in the existing voids in the suspended ceilings. Secondary glazing would be installed to the windows on the front elevation, and additional soundproofing will be secured by condition.

5 CONSULTATIONS

External:

Neighbours: Friends of Brunswick Square and Terrace object for the following reasons:

- Insufficient information on the specific detail intended for air conditioning, ventilation, noise suppression and screening,
- The building up of the rear elevation will impose on adjacent properties in Lansdowne Place and restrict light levels, ,
- Noise pollution from the plant and machinery, and performances,
- Licences should be required for the live performances,
- Loss of privacy from the occupation of the building by the general public,
- Noise and disturbance from evening sessions,
- Noise from the pub refrigeration units is already a nuisance,
- There have been problems with noise from the existing BIMM premise in Brunswick Street West,
- Rubbish and bicycle parking needs to be addressed, and the vacant lot adjacent to the current premises is an eyesore,
- The site is a historical importance, as the only town hall in Hove until 1882. Under a section 106 a historic plaque could be placed on the building identifying its original use, first and second floors would have been civic spaces, and the ground and basement would have been judicial/ police features,
- A travel plan needs updating before a change of use is consented,
- Section 106 should offer improvements to the highway,
- Full restoration should be required for the building which is at risk.

Internal:

Conservation & Design:

Original Comments:

This building has been empty for some time and is on the list of buildings at risk, therefore the opportunity to get a new user is the best chance of preserving this building for the future, however it is important to make sure that alterations are balanced with improvements to the building which reflect

its listed status.

No objection to the proposed use; the consequences for sound proofing and air conditioning are the biggest concerns but due to the loss of internal character that has already taken place in this building it is considered likely that this will be acceptable subject to details, and further information will need to be provided for the listed building application.

There is a lack of detail on external venting, positioning of plant and revised roof form in this application and further comments will be made when this is received. It is however considered that the re-roofing must be done with natural slate, not man made as stated, and the ground floor metal windows should be replaced with correctly detailed sliding sashes to properly preserve the listed building.

Comments on additional plans:

The positioning of the roof vents is now acceptable, clarification that the ducting is to be positioned in the existing suspended ceilings is noted. Patch repair on the roof with like for like it doesn't need permission so more extensive repair involving the replacement of various materials with a single roof covering would be a change needing permission and we would insist on natural slate under those circumstances.

6 PLANNING POLICIES

Brighton & Hove Local Plan:
HE1 Listed Buildings

7 CONSIDERATIONS

The determining issues relate to the design and appearance of the proposed works and the impact on the historic character of the listed building.

The premises is identified as a building at risk, and securing a future use is considered crucial for its preservation. The application had been the subject of pre-application advice from the Conservation and Design team who welcome the principle of bringing the building back in to use. The interior of the building has been subject to many changes over time, and some historic character has been lost. Conservation Officers regard the stair case as the only part of the interior with historic value, and this would be unaffected by the development. However it is acknowledged that the proposed use presents challenge in terms of securing adequate sound-proofing and ventilation. Despite requests, full schedule of the soundproofing works has not been provided as part of this listed application. However, preliminary details have been submitted and the presence of existing suspended ceilings allows soundproofing to be accommodated in the voids without harming the integrity of the building. Other measures include secondary glazing to the windows, to which there is no objection, although full details must be submitted and secured by condition.

The scheme has been amended during the course of the application with additional information received regarding a method to ventilating the property. Suspended ceilings are present, and these can accommodate ducting to ventilate the rooms. This would not harm the historic character of the building. Externally the intake and outtake vents are now shown on the proposed rear elevation on the rear roof. The principal change would be the extension to the rear of the property with the rear wall built up and the existing flat roof used to house the plant and machinery. In terms of visual impact, the pitched roof at the rear of the property will screen these vents. The Conservation Officer has agreed these details.

It is considered that a full survey of the roof of the property may be required to ascertain the extent of the works required to this part of the property. Currently, man-made tiles are on the roof, this is not historically accurate, and should re-covering be required, this must be done in natural slate. For the avoidance of doubt this will be secured by condition.

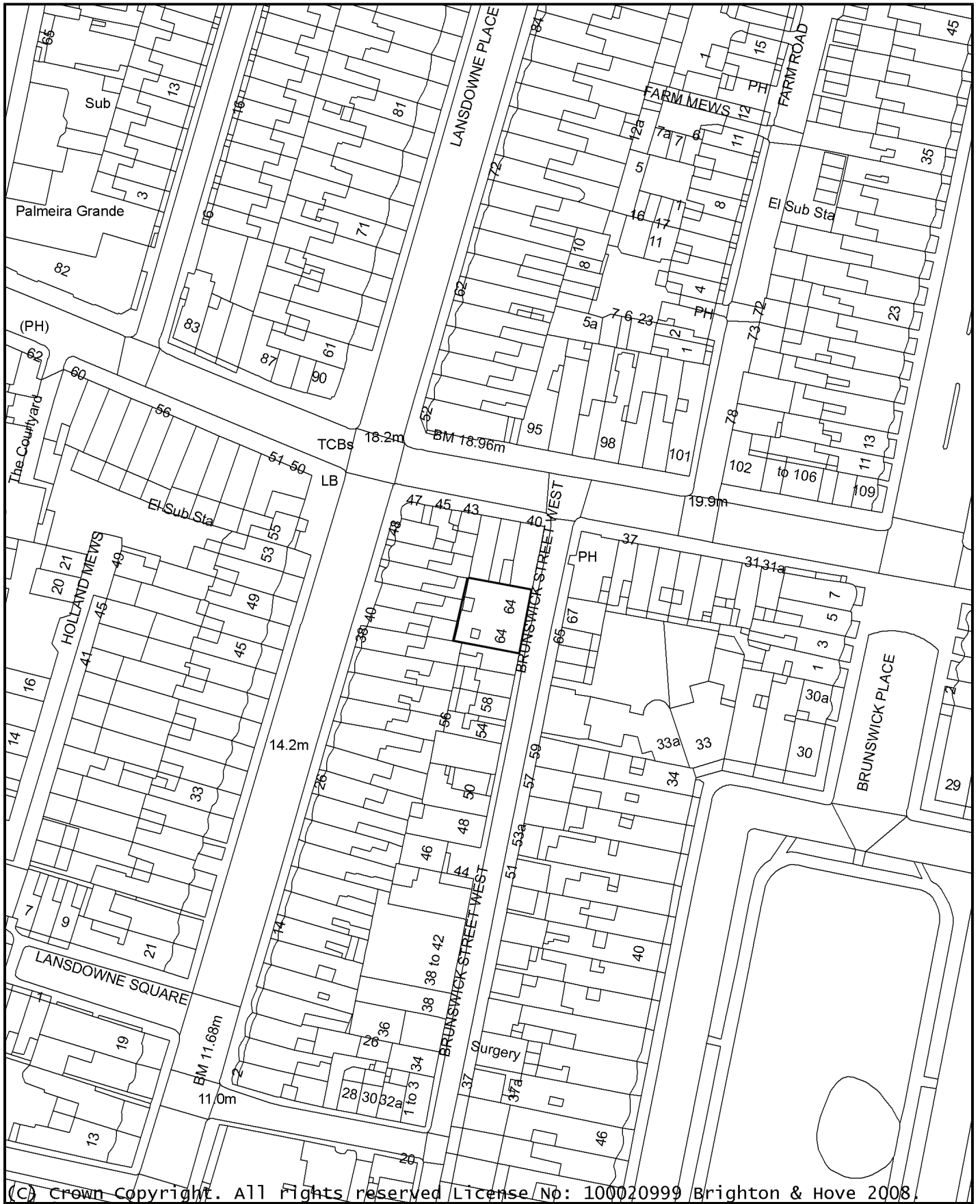
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The works to the building are acceptable in principle and by bringing the property back into use, it is considered its future would be secured. The method to ventilate the building is considered acceptable and the preliminary details for soundproofing will not harm the character or appearance of the building. Further details are required by conditions.

9 EQUALITIES IMPLICATIONS

N/A.

BH2008/02788 64 Brunswick Street West



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<u>No:</u>	BH2006/04058	<u>Ward:</u>	BRUNSWICK AND ADELAIDE
<u>Address:</u>	28-29 Western Road, Hove		
<u>App Type</u>	Full Planning		
<u>Proposal:</u>	Conversion of offices to 8 apartments and 1 mews house.		
<u>Officer:</u>	Paul Earp, tel: 292193	<u>Received Date:</u>	28 November 2006
<u>Con Area:</u>	Brunswick Town	<u>Expiry Date:</u>	23 January 2007
<u>Agent:</u>	David Barling, Dean Wilson Laing, 96 Church Street, Brighton		
<u>Applicant:</u>	David Roberts, c/o agent.		

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 is **Minded to Grant** planning permission subject to a Section 106 Obligation to secure a financial contribution of £135,000 in lieu of providing 4 units of affordable housing on site, together with a contribution of £27,200 towards the Council's Sustainable Transport Initiatives and the following Conditions and Informatives:

Conditions:

1. BH01.01 Full planning.
2. BH03.01 Sample of materials.
3. BH05.01 BREEAM/EcoHomes.
4. Notwithstanding the approved floor plans, no development shall take place until revised floor plans incorporating lifetime home standards have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details and retained thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
5. BH06.03 Cycle parking.
6. BH02.07 Satisfactory refuse storage.
7. No open storage shall take place within the curtilage of the site without the prior written consent of the Local Planning Authority.
Reason: To safeguard the visual amenities of the area in accordance with policies QD1, QD2, QD27 and HE6 of the Brighton & Hove Local Plan.
8. BH05.07 Site Waste Management Plan.
9. Details of all vents, ducting cables, flues and meter boxes shall be submitted at a scale of 1:50 and approved by the Local Planning Authority before works commence. The equipment shall thereafter be installed in accordance with the agreed details and thereafter maintained

as approved.

Reason: To safeguard the appearance of the building and visual amenities of the locality and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

10. Details of a screen to the eastern boundary of the amenity area at first floor level, east elevation, shall be submitted at a scale of 1:50 and approved by the Local Planning Authority before works commence. The screen shall thereafter be implemented in accordance with the agreed details before first occupation of the flat to which it relates, and thereafter maintained as approved.

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

Informatives:

1. This decision is based on drawing nos. acs.157s.01d, 02c, 03d & 04d submitted on 28 November 2006 and acs.157s.05g, 09d & 10g submitted on 24 January 2007.
2. This decision to grant Planning Permission has been taken:
 - i. having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
QD1	Design – quality of design
QD2	Design – key principles for neighbourhoods
QD3	Design – effective and efficient use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
EM5	Release of redundant office floorspace and conversion to other uses
TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
HO2	Affordable housing
HO3	Dwelling type and size
HO6	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
HE6	Development within a conservation area

Supplementary Planning Documents:

SPD03: Construction and demolition waste

Supplementary Planning Guidance Notes:

SPGBH:1 Roof alterations and extensions

SPGBH4: Parking standards

SPGBH16: Renewable Energy & Energy Efficiency in New Developments

SPGBH21: Sustainability checklist; and

ii. for the following reasons:

The use of the building as offices is considered redundant and provision of residential, including an element of affordable units is appropriate. The proposal makes efficient use of this central site without adversely affecting residential amenity and is to be car free. External alterations enhance the character and appearance of the conservation area.

2 SUMMARY

This proposal to convert a vacant office building into 9 residential units was approved in principle by the then Planning Sub-Committee on 14 March 2007. Approval was Minded to Grant subject to a Section 106 Obligation to secure a financial contribution towards the Council's Sustainable Transport Initiatives, making the development car free, and to secure 4 units of affordable housing.

To achieve the provision of the affordable housing both the applicant and the Housing Department have contacted Registered Social Landlords (RSL's) offering them the accommodation. Expressions of interest were sought from the Council's preferred partners Affinity Sutton, Hyde Housing Association, Moat Housing Group, Southern Housing Group, The Guinness Partnership, Places for People and AmicusHorizon Group. However, for a mix of reasons including the location of the units above a commercial property, timing in relation to the housing market, and the mixed nature of the scheme with only 4 of the 10 units being offered, all of the RSL's declined to take the accommodation.

Given that the terms of the Section 106 Obligation cannot be fulfilled in that affordable housing on site would not be accepted by the RSL's, it is now proposed by the applicant that the Obligation be amended to accept a financial contribution in lieu of the provision of the 4 units. The lack of interest in the property from RSL's is exceptional, indeed since 1993 only 5 schemes have failed to provide affordable housing on site. It is considered that a payment of £135,000 in lieu of provision of the affordable units would conform to planning policies and be a reasonable alternative to on site-provision. Approval without making a contribution would be contrary to EM5 and no justifiable arguments have been cited as to why a contribution should not be made. The applicant agrees to make the contribution and approval without a contribution would be contrary to policy and would create an undesirable precedent for setting aside adopted policies.

As with the original consideration of the application by the then Planning Sub-Committee, the application is acceptable in all other respects and conforms with planning policies, and therefore approval is recommended.

3 THE SITE

The application relates to the first, second and third floors of 28-29 Western Road and part of the ground floor to the rear of 28, which fronts Donkey Mews. The buildings are four storey fronting Western Road and two storey to Donkey Mews and form part of a terrace between the junctions of Donkey Mews and Brunswick Place. These unlisted buildings are within Brunswick Town Conservation Area. The premises form vacant office accommodation; the ground floors which do not form part of this application are vacant commercial premises.

4 RELEVANT HISTORY

M/5385/57: Change of use of first floor showrooms No's 28, 29 & 30 to sewing rooms and flat on second floor of 29 to staff rest room. Second floor of 28 to remain as office, second floor of 30 to remain as 2 flats. Approved 22.11.57.

3/81/0403: Change of use of first, second and third floors shop with ancillary office and workshop into offices. Approved 14.8.81.

3/90/0215 & 3/90/CA0008: Demolition of pitched roof and erection of second & third floor office extension fronting Donkey Mews. Withdrawn.

BH2001/00874/FP: Change of use from retail to offices. Approved 11.5.01.

BH2004/02698/FP: Conversion of offices to 9 apartments and a mews house. Withdrawn 29.10.04.

BH2005/01833/FP: Conversion of offices to 8 apartments and 1 mews house. Refused 29.3.06.

5 THE APPLICATION

The proposal is for conversion of offices to form 8 flats and a mews house.

Accommodation:

- Mews house to front Donkey Mews, to form 2 storey dwelling with 2 / 3 bedrooms - 114.6m² floorspace.
- Flats: 4 x 1 bed, 4 x 2 beds.
- First floor: 1 bed unit 47.1m² floorspace, 2 bed unit 69.1m² floorspace, 2 bed unit 63.5m² floorspace.
- Second floor: 1 bed unit 47.1m² floorspace, 2 bed unit 69.1m² floorspace, 2 bed unit 63.5m² floorspace.
- Third floor: 1 bed unit 40.7m² floorspace, 1 bed unit 43.7m² floorspace.

External alterations to rear to form Mews House:

- Raise height of roof by 0.6m, from 2.9m above eaves level to 3.4m, to form room in the roof.
- 3 roof lights within side elevation of proposed room in the roof.
- Roof to be in reconstituted slate.
- Replace roller shutter garage door with new doors with vertical timber cladding.

Parking:

- Cycle store within building, ground floor level, adjacent Donkey Mews.
- No car parking .

Refuse storage:

- Storage area within building, ground floor level, accessed from Donkey Mews.

Access:

- Street access from both Western Road and Donkey Mews, stairs and lift.

Amenity space:

- Use of existing flat roof, first floor level (adjacent to 27 Western Road), to form terrace of 12m² for unit 1.

The proposal has been amended to delete a proposed terrace at first floor level, within the existing lightwell close to Brunswick Square, and detailing to the proposed mews house at ground floor level revised.

6 CONSULTATIONS

External:

Neighbours: 6, 6 – ground floor flat, 6 - first floor, flat 2 - 27 Brunswick Place; 36 Brunswick Square: Object to the proposal for the following reasons:

- Access to the flat roof areas of the building would lead to a loss of privacy to surrounding properties.
- Loss of privacy, direct overlooking of surrounding properties.
- Overdevelopment of the site; too many units are proposed.
- Use of courtyards will result in noise and disturbance. Noise bounces and magnifies on the surrounding walls.
- Right of light; use of roof as a garden will lead to loss of privacy and noise. A screen would reduce light.
- No parking provision. Unrealistic to expect occupiers not to have a car. Exacerbation of existing parking problems.
- Local services, including GP, are already overstretched.

The Friends of Brunswick Square and Terrace, c/o 36 Brunswick Square:

The application overcomes previous concerns of land ownership and parking to the rear in Donkey Mews and the impact on residential amenity and the setting and character of the grade 1 listed buildings of Brunswick Square. Consider that the proposed entrances and shutters at the rear ground floor would benefit from better detailing.

CAG: No comment.

Internal:

Conservation & Design: This application addresses many of the concerns of the previous applications, and the unaltered eaves line is an important improvement. The improved roof material compensates for the slight change in roof pitch. The timber cladding should not extend either side of the entrance or into the recess, this would be better rendered.

Traffic Manager: The area is within a Controlled Parking Zone and the development is to be car-free. To satisfy the demands for the travel the

development will create a sum of £27,200 is sought to towards the Council's Sustainable Transport Strategy, including making it car free.

Environmental Health: No comment.

Planning Policy: Policy EM5 seeks to safeguard office space to meet current and future needs of different types and sizes of businesses within the city. Redundancy of office use within a property has been established, and the policy requires that alternative employment uses be considered followed by affordable housing. The proposal makes provision for 44% affordable housing, but as there is no interest from the Registered Social Landlords to provide the units given the current market conditions, in this instance it is deemed appropriate to accept a commuted payment which it is not considered to compromise policy requirements to provide affordable housing.

Private Sector Housing: No comment.

Economic Development: No objection. This application follows the refusal of a previous application at which time marketing information had been provided to demonstrate that the premises had been actively marketed for some considerable time. The price being quoted was considered reasonable and therefore no objections are raised to the change of use.

Housing Strategy: No objection. Whilst it is considered the provision of 100% affordable housing may not be financially viable, the provision of 40% as proposed is to be welcomed. Have contacted RSL' and confirm lack of interest in the current market, recommend a commuted payment of £135,000 in lieu of provision on-site.

7 PLANNING POLICIES

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
QD1	Design – quality of design
QD2	Design – key principles for neighbourhoods
QD3	Design – effective and efficient use of sites
QD5	Design – street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
EM5	Release of redundant office floorspace and conversion to other uses
TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
HO2	Affordable housing

HO3	Dwelling type and size
HO6	Provision of private amenity space in residential development.
HO13	Accessible housing and lifetime homes.
HE6	Development within a conservation area

Supplementary Planning Documents:

SPD03: Construction and demolition waste

Supplementary Planning Guidance Notes:

SPGBH:1 Roof alterations and extensions

SPGBH4: Parking standards

SPGBH16: Renewable Energy & Energy Efficiency in New Developments

SPGBH21: Sustainability checklist

8 CONSIDERATIONS

This application for the conversion of a vacant office building into 8 flats and a house is for reconsideration following the failure to secure 4 units of affordable housing on site as required by the original minded to grant approval made on 14 March 2007. This situation is due to a lack of interest in the property by the RSL's.

The application followed the withdrawal of application BH2004/2698/FP for conversion of the property into 10 units, and refusal of application BH2005/1833/FP on 29 March 2006 for conversion into 9 units. The application was refused as the applicant failed to provide either alternative employment floorspace or affordable housing, the proposed layout resulted in substandard accommodation and alterations to the building failed to preserve or enhance the character or appearance of the Brunswick and Adelaide Conservation Area. As with the previous applications the main considerations in the determination of the application relate to the loss of the existing office use and acceptability of the proposed use for market housing, impact on residential amenity and the character and appearance of the Brunswick Town Conservation Area, and traffic implications.

Use / provision of affordable housing:

Policy EM5 resists the loss of office sites unless they are genuinely redundant and states that preference will be given to alternative employment generating uses followed by affordable housing.

The premises were last occupied by the Council who gave notice in March 2004 not to renew the lease in September 2004. Since that time the site has been marketed by commercial estate agents John Watkins to date, with adverts in the local press, on their web site and by board on the property, without success. The Estate Agents state that demand for such premises, which are in need of refurbishment, is low. The Economic Development Office considers the marketing price of £11 per square foot not to be unreasonable and given the length of time that the premises have been marketed does not object to the loss.

As part of the previous application the applicants approached several housing associations, including The Guinness Trust, The Hyde and Chichester Diocesan Housing Association Limited to demonstrate that the scheme could not provide affordable housing. Having considered the submitted information including schedule of dilapidations and offers from Housing Associations, the Housing Development Manager was of the opinion that whilst the provision of 100% affordable housing, as required by policy EM5, may not be achievable, provision of 40% would still make the development financially viable. The applicant agreed that 4 units, 44% of the development, were to be affordable which overcame the principal objection to the previous refusal in 2005.

Since the minded to grant decision on 14 March 2007 the property has been sold and in order to fulfil the need to provide the affordable accommodation the present owner and the Council's Housing Department have contacted the RSL's offering them the accommodation. Expressions of interest were sought from the Council's preferred partners Affinity Sutton, Hyde Housing Association, Moat Housing Group, Southern Housing Group, The Guinness Partnership, Places for People and AmicusHorizon Group. However, for a mix of reasons including the location of the units above a commercial property, timing in relation to the housing market, and the mixed nature of the scheme with only 4 of the 10 units being offered, all of the RSL's declined to take the accommodation. Individually these elements should not preclude the provision of affordable housing, but cumulatively do make it unviable.

As none of the RSL's will take the accommodation it is considered that the next best alternative is to seek a financial contribution in lieu of provision on site. Whilst this is unusual, precedent is established and to date there has been 5 developments where the Council has accepted commuted sums. In relation to this property a contribution of £135,000 is sought which is based on 25% of the open market value. If affordable housing is provided then the grant free shared ownership payment to the developer is 65% of the market value, meaning in effect a developer contribution of 35%. This is considered to be reasonable.

Alterations / impact on amenity:

Policy QD14 requires alterations to be well designed and detailed in relation to the building to be altered; policy HE6 relates to proposals within conservation area, stating that developments should preserve or enhance the character and appearance of the area.

The application relates to an unlisted building within the Brunswick Town Conservation Area. External alterations relate to the rear elevation, fronting Donkey Mews, and consist of raising the roof of the existing garage by 0.6m and installation of rooflights on the side roof slope to provide accommodation within this part of the building and replacement of the existing garage doors. The ground floor openings are constrained by an existing metal beam which runs the full width of the garage and cannot be raised without demolition of the wall and rebuilding of the façade as it is part of the building's structure.

Following advice from the Conservation Officer detailing to the elevation has been amended and timber cladding either side of the entrance doors omitted. As proposed, the alterations to the ground floor relate well to the first floor whilst the building and street scene retains its Mews character. It is considered that that the alterations represent a substantial improvement on both the existing façade and refused scheme, which would preserve or enhance the character of the conservation area. Proposed roof lights on the side elevation would not be generally visible and considered acceptable. Details of vents or ducting, which could also adversely affect the appearance of the area, are required by condition.

Policy QD27 aims to protect residential amenity. Except for the modest raising of part of the roof to the rear, the conversion is contained within the existing shell of the building (previous schemes have proposed extending the building). The building is separated from properties to the west in Brunswick Place by No. 30 Western Road. Objections have been received from occupiers of neighbouring properties stating that the use of the first floor flat roof, adjacent to No. 30, as an amenity space would lead to loss of privacy and disturbance. The use of this area has been deleted from the scheme to protect residential amenity. The proposed amenity area at first floor level, to the east, is to remain. This part of the building is separated from the adjacent property by a wall approximately 1.5m high and pitched roof of 27 Western Road, with a flank wall to the rear. In this location the use of this area would not unduly impact on the amenities of neighbouring properties. Details of a screen are requested by condition.

Mix / standard of accommodation / sustainability:

Policy HO4 seeks to ensure that proposals for new residential development incorporate a mix of dwelling types and sizes, including units suitable for family occupation. The proposal is for a mix of 1 and two 2 bedroomed units and includes a 2 / 3 bedroomed house. This mix of units is considered acceptable. Most units comply with or are close to the Council's minimum standards for affordable dwelling which require a minimum of 51m² floorspace for one bed units and 66m² for two bed units. The layout of the units has been amended from previous schemes to improve the standard of accommodation and maximise natural light and ventilation. Given the depth of the building there remains internal bathrooms where there is no opportunity for adding windows because of overlooking and privacy. The configuration of the building, with different floor levels and structural columns, limits the ability to enlarge the floor area. The only opportunity for provision of private amenity space is to one unit at first floor level, to the eastern side of the building, in a location which would not result in loss of residential amenity.

Policy SU2 seeks a high standard of efficiency in the use of resources. The Council's sustainability checklist has been submitted as part of this application with most criteria being fully or partially met. It is noted however that none of the bathrooms would have natural light or ventilation.

Refuse and cycle storage are provided within the building. The conversion provides opportunities in energy consumption and reductions in CO2 emissions by the provision of modern heating appliances with greater efficiency ratings; additional insulation is to be incorporated where practical.

Traffic implications:

The proposal involves the change of use of a garage of a size for 3 to 4 cars. The site is within the city centre, well served by public transport. The Traffic Engineer considers the proposal acceptable without car parking subject to being made car-free and payment towards the Council's sustainable transport initiatives. The applicants are in agreement. Secure cycle storage is provided within the building at ground floor level.

Conclusions:

The building has remained vacant for several years and subject to several applications for conversion from office use to residential. The number of proposed units has been reduced from the original scheme submitted in 2004 which included an extension and use of several flat roofs as amenity areas. The scheme has evolved and now meets Lifetime Homes standards, the improved layout maximises natural light and ventilation within the constraints of the existing structure, removes outdoor areas which had potential to adversely impact on neighbouring residential amenity by way of noise, disturbance and overlooking, and includes external alterations which enhance the character and appearance of the conservation area. The provision of affordable housing on site has been fully explored and whilst the RSL's have declined the accommodation, this is exceptional and the securing of a financial contribution will contribute to the provision of affordable housing within the City. Approval without making a contribution would be contrary to EM5. The applicant agrees to make the contribution and approval without which would be contrary to policy and create an undesirable precedent for setting aside adopted policies. For these reasons it is considered that the application overcomes previous objections and complies with planning policies.

9 REASON FOR RECOMMENDATION TO GRANT PLANNING PERMISSION

The use of the building as offices is considered redundant and provision of residential, including a contribution towards affordable housing, is appropriate. The proposal makes efficient use of this central site without adversely affecting residential amenity and is to be car free. External alterations enhance the character and appearance of the conservation area.

10 EQUALITIES IMPLICATIONS

The building contains a lift to all floors. The conversion, where possible meets Lifetime Homes standards. A financial contribution would secure affordable accommodation for people not able to compete in the housing market.

BH2006/04058 28-29 Western Road



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<u>No:</u>	BH2008/03442	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type</u>	Full Planning		
<u>Address:</u>	107 Boundary Road, Hove		
<u>Proposal:</u>	Demolition of existing house and construction of 2-storey building with pitched roof and lightwell to form 7 flats.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	28 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 December 2008
<u>Agent:</u>	Lewis & Co Planning, Paxton Business Centre, Hove		
<u>Applicant:</u>	Smart Property (Sussex) Ltd, c/o Lewis & Co Planning, Paxton Business Centre, Hove		

1 RECOMMENDATION

That the committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **Refuse** planning permission for the following reasons:

1. The proposed development would result in an overdevelopment of the site by reason of its excessive bulk, inappropriate design, poor standard of accommodation at lower ground floor and second floor level and absence of private external amenity space appropriate to the scale of the development. The scheme therefore fails to respect the context of its setting and would be out of keeping with the surrounding area. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, QD27, HO3, HO4 and HO5 of the Brighton & Hove Local Plan.
2. Policies QD1, QD2, and QD3 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. The proposed building by virtue of its excessive scale and inappropriate design results in an incongruous addition which detracts from the character and appearance of the street scene. The scheme is therefore contrary to the above policies.
3. Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The proposal to provide residential units within the basement and roof space results in a poor layout for the residential units with insufficient sized living areas and inadequate outlook and light. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation and a cramped and confined internal environment that would provide inadequate living conditions for future occupiers. The proposal is therefore contrary to the above policy.
4. Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with

disabilities without major structural alterations. The scheme fails to fully incorporate lifetime home standards to the design of the flats and has not provided suitable access for people with disabilities or wheelchair users. The scheme is therefore contrary to the above policy.

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

Informative:

1. This decision is based on the Planning Support Statement, Sustainability Checklist & Statement, Code for Sustainable Homes Pre-Assessment Estimator tool, Design and Access Statement, Biodiversity First Impression List, Daylight Analysis, Lifetime Homes Checklist, Waste Minimisation Statement and drawing nos.P_001, 002, 003, 004, 005, 006, 008E, 009H, 010F, 011F, 012D, 013F, 014F, 015D, 016F & 017 on the 28th October 2008.

2 THE SITE

The application site relates to a two-storey detached dwellinghouse located on the east side of Boundary Road. The site is approximately 25m south of the busy junction with Old Shoreham Road and is north of Portslade train station. The property incorporates a detached pitched roof garage and car port on the south side of the house adjacent to a Beech tree. The house has pitched roof with gable ends to the front with a large pitched roof dormer and rooflight on the side (south facing) rooflight. The external façade of the house is red brick on the ground floor with a cream green rendered first floor. The property is part of a row of four similar pitched roofed dwellings on the east side of Boundary Road.

3 RELEVANT HISTORY

Planning permission was refused in 1987 for the conversion and extension of existing single dwelling house into 8 self contained flats (**3/87/0716**). A subsequent appeal was dismissed by the Inspectorate.

Outline planning permission was also refused in 1988 for the conversion and extension to form 13 self contained flats and 15 car parking spaces (**3/88/0327**). A subsequent appeal was dismissed by the Inspectorate.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing building and garage to allow the construction of a two-storey detached building with a large pitched roof to form 7 self contained flats. The scheme includes accommodation at basement level with a front lightwell as well accommodation in the roofspace. A communal garden and landscaping is proposed to the rear along with secure cycle parking spaces to the front and side. One disabled parking space is also proposed to the front.

It should be noted that a separate application has been submitted for a

partially sunken dwelling to the rear garden area. This application is shown outside the red line of the proposal for the block of flats (ref: BH2008/03449).

5 CONSULTATIONS

External:

Neighbours: 17 letters / emails have been received objecting to the scheme from **4, 5, 6, 8, 10, 12, 13, 14, 16, 18 (x2) Gladys Road, Parker Dann Town Planning Consultants (on behalf of 12 Gladys Road), 378 Old Shoreham Road, 91 Hallyburton Road and 105 Boundary Road**. The grounds of objection are as follows:

- This is a 'gross' overdevelopment adjacent to modest sized family houses resulting in a loss of privacy, a source of continual disturbance and nuisance to local residents and cause a dangerous increase in the existing local overcrowding and traffic problems.
- The proposal brings a new block flats very close the rear garden walls of Gladys Avenue resulting in overlooking.
- The scheme results in 7 flats which at a maximum level could result in an occupation by 24 people. This is in an over-intensification of the site which will have a knock on effect on the surrounding occupants.
- One disabled parking space is a waste of time. This does not allow space for any other parking by residents, visitors, emergency vehicles, delivery vans or maintenance contractors. A new development without adequate parking facilities would simply worsen the present serious congestion and parking problems in this area. There already parking problems due to commuter parking from Portslade station, a nearby church and the nearby Aldi supermarket.
- The appearance and size of the proposed building is not in keeping with the surrounding housing and will be completely out of character with the area.
- Policy HO3 allows development to be built at a higher density but only if the capacity of the area can accommodate additional dwellings. This is not the case with this scheme.
- The top floor flat does not have any outside space, contrary to policy HO5.
- The flats on the ground and first floor have terraces which will have the capacity to overlook adjacent properties. The loss of the hedge on the southern boundary and the use of the courtyards/ lightwells will also lead to overlooking. This is contrary to policy QD27.
- The scheme has a detrimental impact on the health of adjacent trees. With significant cutting into the root zone of these trees, which does not accord with BS 5837 (2007), the trees cannot be satisfactorily protected.

A petition of 28 names objecting to the scheme has also been submitted. The accompanying letter states that this 'densification' results in overcrowding and along with the Government's immigration policy could lead to views becoming polarised.

6 letters of support have been received from **60 Shirley Drive, 37 Rothbury**

Road, 17 & 21 Pembroke Avenue, 12 Connaught Road and Flat 4, 54 Church Road. The letters state that the scheme is a well thought out development which will improve Boundary Road and provide suitable accommodation.

Internal:

Traffic Manager: No objection is raised subject to conditions requiring cycling parking areas to be provided in accordance with the approved plans and thereafter retained and for the applicant to enter 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.

Access Advisor: The design of the front entrance is inappropriate and needs revising for the following reasons:

- The entrance ramp appears to be at a gradient marginally worse than 1:5. The absolute maximum is 1:12. Either the building needs to be sunk further into the grounds or another fold needs to be incorporated into the ramp.
- There should be handrails extending to at least 300mm beyond the top and bottom of the entrance stairs. The relative positions of the stairs and ramp prevent this from being possible.
- The risers on communal stairs should be no more than 170mm. From the levels provided on the plans and elevations, the entrance steps appear to be 180mm risers so at least one more riser will be required.

Additionally, there does not appear to be any way in which the top floor bathroom layout could be modified to facilitate side transfer to the WC and the required 300mm clear space at the leading edge of the entrance door to Flat 7 has not been provided.

Arboricultural Officer: The Arboricultural Section would like to make it a condition of any planning consent that the beech tree at the front of the property is protected as far as practicable to BS 5837 (2005) trees on Development Sites. The Council's Arboricultural Officer has commented that the scheme may affect the Sycamore and Hawthorn. However, they are both poor specimens and there is no objection to their loss. An arboricultural method statement should be submitted to and approved prior to any development commencing.

6 **PLANNING POLICIES**

Planning Policy Statements:

PPS1 Delivering Sustainable Development

PPS3 Housing

PPS6 Planning for Town Centres

Brighton & Hove Local Plan:

TR1 Development and the demand for travel

TR7 Safe development

TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Document:

SPD03: Construction and Demolition Waste

SPD08: Sustainable Building Design

Planning Advice Note:

PAN03: Accessible Housing and Lifetime Homes

7 **CONSIDERATIONS**

The main considerations of this case are the design and appearance of the proposed block of flats, the impact on neighbouring properties, the adequacy of living conditions provided for future occupiers, highway issues and sustainability matters.

Principle of development and design:

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which

is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Policy HO4 of the Brighton & Hove Local Plan also states that development is permitted at a higher density than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and respects the capacity of the local area to accommodate additional dwellings.

Permission is sought for the construction of a two-storey block of flats, with accommodation at lower ground floor level following the demolition of the existing building. The replacement house is a similar shape to the existing house with a pitched roof. The building includes two smaller gable ended pitched roofs to the front. The proposed building has a total height of 10.05m and is 10.3m wide. The proposed building also has a length of 13.75m (not including rear terraces or the front stair enclosure). This compares to the existing building which has a total height of 8.95m, a width of 7.4m and a length of 9.2m (not including the rear extensions).

The proposed building is externally comprised of a mix of render, aluminium windows and timber cladding. It includes steps and a ramp to the central front entrance doors. The ramp is a rendered structure with clear laminated glass balustrade guardings and is in front of a basement lightwell serving a lower ground floor flat. The front elevation also includes a door to an integral refuse store and fencing and access gates leading to a cycle store. The side elevations include aluminium windows and 5 water filled solar panels are proposed to the south facing roof slope. The rear elevation includes two balconies at first and second floor with timber guarding and a Juliette window at roof level. The scheme includes excavation works to allow a lower ground terrace area for the basement flats with aluminium sliding doors.

Policy QD1 and QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings.

The addition of the two smaller gable ended roofs is considered an acceptable modern design which reflects the style of the adjacent houses. The mix of render and timber cladding is also considered an appropriate appearance for a contemporary design. The proposal has attempted to underpin the character of the local architecture with a modern design. The existing house is part of a row of 4 similar houses just south of the junction with Old Shoreham Road. The building is similar in shape to the adjacent row of houses with its pitched roof. It is slightly higher than the existing houses but not to an excessive extent. However, the house is significantly larger in length than the existing house and also significantly wider than the existing houses on the street. The increase in width impacts on its appearance within the street scene when compared to the adjacent houses. Additionally, the increase in length by approximately 4m to an eaves height of 5.95m is

considered inappropriate and results in an excessive bulk. It is therefore felt that the size of the proposed building is excessive to the detriment of the appearance of the building and the visual amenity of the area.

The scheme includes a front ramp, steps and lightwell adjacent to a disabled parking space. The steps, ramp and lightwell result in the loss of the garden area and come right up to the pavement. As the scheme includes a basement level, the ground floor is raised which requires a ramp and steps to allow suitable access. The adjacent houses have kept their front gardens and do not include lightwells for basement level accommodation. It is felt that the built-up steps and ramp detract from the appearance of the building and are out of character with the street scene. A suitable garden or space in front of the building should be retained to match the character of the adjacent houses.

Standard of accommodation:

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The proposal includes seven residential units, of which three would be one bedroom units and four would be two bedroom units. The Housing Needs Study provides an indication of the mix of units required to meet the housing need within the city, which includes a need of one bedroom apartments. An appropriate mix of units includes 30% for one bedroom units, 40% for two bedroom units and 30% for three bedroom units. There is some concern in respect of the lack of three bedroom units, this is not considered to justify refusal of this application in this instance. Since, the thrust of policy HO3 of the Brighton & Hove Local Plan is to secure more residential units which are suitable for family occupation, the provision of three one bedroom units and four two bedroom units is considered acceptable in this instance.

Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The scheme includes two basement flats. One of the flats is served by the front lightwell and includes two side windows serving a bathroom and bedroom and sliding doors facing a courtyard to the rear for the living room and kitchen. The other basement flat is smaller with one bedroom served by a side window and a similar rear courtyard area accessed by sliding doors. The lightwell serves the main bedroom and is surrounded by the built up steps and ramp. It is felt that the ramp and steps will overshadow the lightwell and window making the bedroom quite dark with inadequate outlook. It is also felt that the main bedroom for the other basement flat will be overshadowed by the adjacent building which will also lead to a lack of light for this room. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation that would provide inadequate living conditions for future occupiers. The applicants have submitted a daylight analysis for the proposed development. However, this does not overcome the Council's concerns regarding the living conditions of the future occupiers of the

building. The requirement to provide a lower floor below ground level is an indication resulting in a poor standard of accommodation that the proposal constitutes an overdevelopment of the site.

The flat in the roof is served by a rear facing Juliette balcony, two south facing rooflights and three north facing rooflight. Due to the location of the flat within the roof, the room sizes are limited by the slope of the roof. The kitchen is proposed within the corridor and is served by sun pipes. It is felt that due to the size of the flat and the fact that the kitchen is within the corridor, this flat is also deemed to form inappropriate accommodation which will form a cramped internal environment, detrimental to the amenity of future occupiers.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. Not all of the units would benefit from private amenity space. Four of the ground floor and first floor units would have access to small balconies to the rear. The basement flats have access to rear courtyard areas. The flat in the roof accommodation does not have access to a private amenity area. It is stated that all of the flats will have access to a communal garden to the rear. It is felt that the scheme has not provided suitable private amenity areas which reflect the scale of the development. Three of the ground and first floor flats are two bedroom flats which should be appropriate for family accommodation. It is felt that the small balconies proposed will not provide a suitable amenity area for these flats to accommodate a family. Additionally, the communal garden does not count as a private external amenity space. It should also be noted that a separate application is proposed for an additional dwelling in the location of the communal garden. The scheme is therefore contrary to the policy.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The supporting documentation accompanying the application states that the fully complies with lifetime homes standards.

There are a number of instances, however, in which the scheme does not comply with Lifetime Home Standards. The Council's Access Consultant has commented that the design of the front entrance is inappropriate and needs revising. The entrance ramp appears to be at a gradient marginally worse than 1:5. The absolute maximum is 1:12. Either the building needs to be sunk further into the grounds or another fold needs to be incorporated into the ramp. There should also be handrails extending to at least 300mm beyond the top and bottom of the entrance stairs. The relative positions of the stairs and ramp prevent this from being possible. The risers on communal stairs should also be no more than 170mm. From the levels provided on the plans and elevations, the entrance steps appear to be 180mm risers so at least one

more riser will be required. Furthermore, there does not appear to be any way in which the top floor bathroom layout could be modified to facilitate side transfer to the WC and the required 300mm clear space at the leading edge of the entrance door to Flat 7 has not been provided. Having regard to the Access Consultant's comments, the scheme is deemed contrary to policy HO13 and the planning advice note on Accessible Housing and Lifetime Homes.

Impact on amenity:

Policy QD27 aims to protect the amenity of adjacent residents. The main properties affected by this proposal are the two adjacent properties to the north and south (nos. 106 & 108 Boundary Road) and the properties to the rear (12 -16 Gladys Road). Due to the distance of the proposed building from the properties to the west along Carlton Terrace, these properties will not be significantly affected by the scheme in terms of residential amenity.

The properties to the rear at Gladys Road have expressed concern that the scheme will result in a detrimental impact on their living conditions. It is felt that the scheme will not result in additional overlooking from the rear facing windows and balconies, compared to the existing relationship. The proposal does increase the length of the building when compared to the existing house. However, there will still be a distance of approximately 15.7m between the proposed house and 12 Gladys Road (the nearest property to the rear). Additionally, this property has no windows which directly face the site. It has side windows but these windows face north over the rear part of the garden. The property directly to the rear (no.14 Gladys Road) does have windows directly facing the site. However, these windows are approximately 25m between this property and the proposed building. Consequently, having regard to the distance between the proposed building and the properties to the rear, it is not felt that the scheme will result in a significant impact on these properties.

In relation to the properties to the north and south, neither of these houses have side windows which will be affected by the proposed development. The proposed building is 4.6m from the north facing elevation of 106 Boundary Road and 3.35m of the south facing wall of 108 Boundary Road. There are also hedges along both the north and south boundaries. The scheme indicates the retention of these hedges. The retention of these hedges could be secured by condition. When compared to the rear facing walls of the adjacent properties, the proposed building extends an additional 4.6m to a total height of 9.4m (measured from ground level of adjacent property). The distance between the properties allows a 45 degree angle when drawn from the rear facing windows of the adjacent properties (as shown on the proposed layout plan). Having regard to the existing boundary treatments and distance between 107 and its adjacent neighbour, it is not felt that the scheme will result in a significant impact on the two adjacent properties to the north and south. It is also felt that the centrally located terraces and rear facing windows will not result in any significant overlooking of the two adjacent

properties.

Concern was raised by local residents that the use of the site for 7 flats would result in noise disturbance through the possible use of the building by up to 7 families. It is not felt that an objection can be raised on these grounds. The proposal only includes two rear garden areas which are for the use of the basement flats only and the comings and goings of the residents of the flats will not significantly affect the amenity of any adjacent residents. However, as outlined above, it is felt that the scheme, in conjunction with the proposal for the rear dwelling, results in overdevelopment of the site.

Impact on trees:

There is a Beech tree to the front of the property and there is also a Hawthorn and Sycamore in the rear garden of 106 Boundary Road which are within the boundary hedge. All three of the trees are shown to be retained. The Council's Arboricultural Officer has commented that the scheme may affect the Sycamore and Hawthorn. However, they are both poor specimens and there is no objection to their loss. In relation to the Beech tree, the Arboricultural section has recommended a condition that the Beech tree at the front of the property is protected as far as practicable to BS 5837 (2005) trees on Development Sites. The hedges (with the trees in them) should also be protected and some kind of temporary surfacing over the plates of these trees could be laid down. An Arboricultural method statement could be requested by condition to indicate how Beech tree and hedges could be protected during construction works and thereafter retained, in the event planning permission was granted.

Traffic:

Concerns have been raised from neighbouring occupiers regarding increased parking problems as a result of the development since the scheme only includes one disabled car parking space. The scheme is within walking distance of Portslade Station and several bus routes. It is therefore felt that the site is well served by public transport. The scheme is also served by suitable cycle storage facilities.

Since the site is not located within a Controlled Parking Zone, the Local Planning Authority cannot require the development to be car free. Policy HO7 is clear and states car free housing will only be permitted where it can be demonstrated that the development will remain genuinely car free over the long term. Since the site is not located within a Controlled Parking Zone, this cannot be enforced. The traffic manager has commented on the scheme and does not raise an objection to the scheme providing the applicant provides a contribution of £3,000 towards the sustainable transport strategy.

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. Adequate information has been submitted with the application to demonstrate how these requirements have been met. The scheme is therefore in accordance with the above policy.

Policy SU2 requires developments proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 08 on Sustainable Building Design requires new build residential developments between 3-9 units to achieve the following:

- Zero net annual CO2 from energy use
- Level 3 of the Code for Sustainable Homes
- Lifetime Homes Standards
- Minimise the 'heat island effect' via a contribution towards off-site tree planting, and
- Considerate Construction Scheme

Overall, the Sustainability Checklist is adequate and states that the scheme will meet level 3 of the Code for Sustainable Homes. The scheme also includes a sustainability statement which outlines how the scheme meets the Council's sustainability requirements and minimum requirements of the SPD. The statement outlines measures including UPVC double glazed windows, all external envelopes such as walls and roofs to meet Approved Document Pt. L1A (Conservation of Fuel & Power in New Dwellings), low energy bulbs, condensing combination boilers, WCs to have dual flush, hand basins and sinks to have aerated tap nozzles to reduce water consumption, mixer showers will be restricted to maximum flow rate of 6l/min, white goods to be provided with eco ratings and a recycling area to be provided.

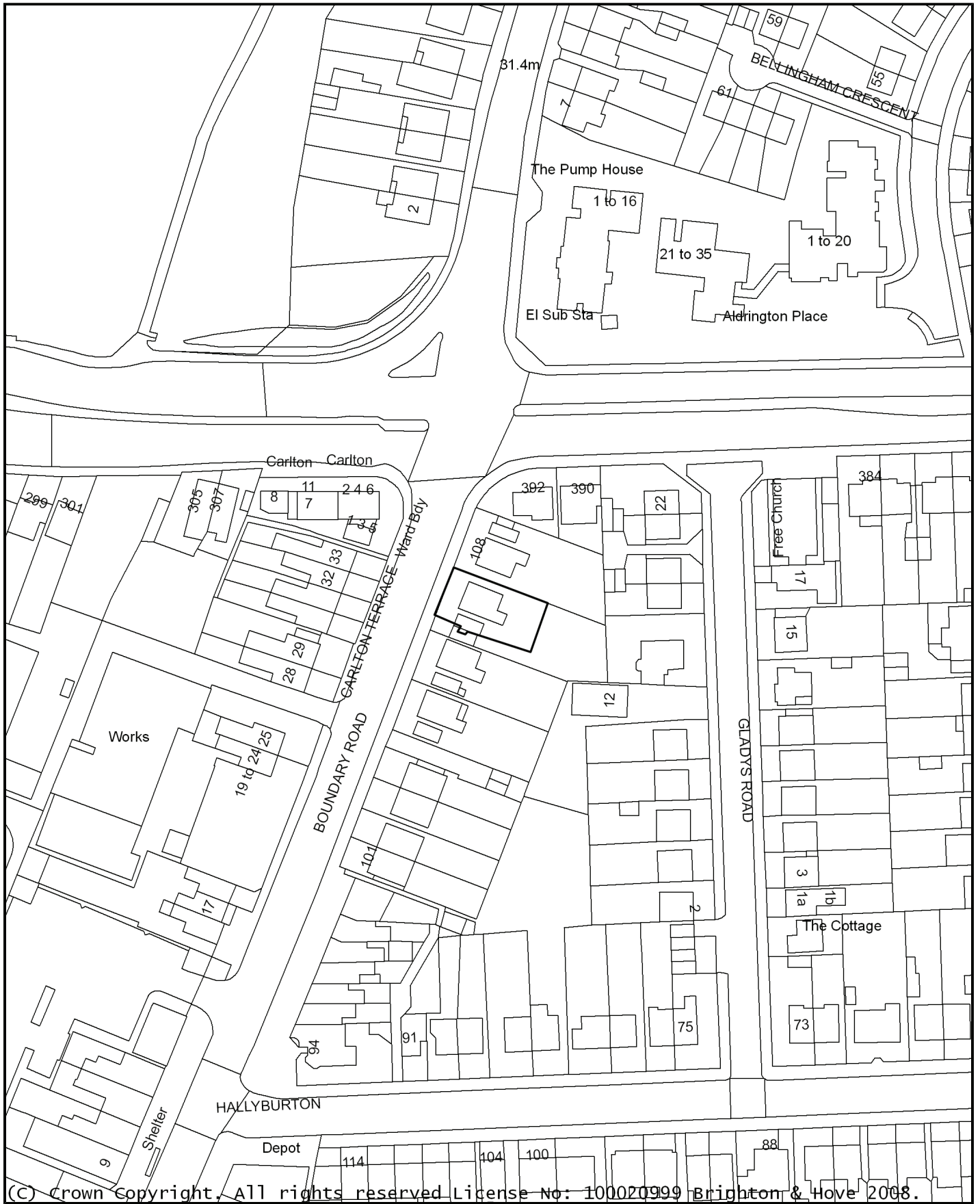
Conclusion:

It is felt that the cumulative impact of the building due its excessive bulk, inappropriate design to the front elevation, poor standard of accommodation at lower ground floor and second floor level and absence of private external amenity space appropriate to the scale of the development results in overdevelopment of the site. The scheme therefore fails to respect the context of its setting and would be out of keeping with the surrounding area.

8 EQUALITIES IMPLICATIONS

All the proposed units should meet Lifetime Homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

BH2008/03442 107 Boundary Road



Date: 20/01/2009 08:58:05

Scale 1:1250



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<u>No:</u>	BH2008/03449	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land to rear 107 Boundary Road, Hove		
<u>Proposal:</u>	Construction of new partially sunken 3 bedroom single storey dwelling with flat roof and rooflights.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	28 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 December 2008
<u>Agent:</u>	Lewis & Co Planning, Lewis & Co Planning, Paxton Business Centre Hove		
<u>Applicant:</u>	Smart Property (Sussex Ltd), C/O Lewis & Co Planning, Paxton Business Centre, Hove		

1 RECOMMENDATION

That the committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **Refuse** planning permission for the following reasons:

1. Policies QD1, QD2, and QD3 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 HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design. The proposed dwelling by virtue of its excessive scale is considered to be an overdevelopment of the site resulting in a cramped form of development, which fails to respect the constraints of the site and its relationship to surrounding residential properties. The scheme is therefore contrary to the above policies.
2. Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The partially sunken dwelling results in a poor layout for the residential unit with inadequate outlook and light. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation that would provide inadequate living conditions for future occupiers. The proposal is therefore contrary to the above policy.
3. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed lawned area for the dwelling does not provide an adequate outside private amenity space for the new dwelling as it will be overshadowed and overlooked by the adjacent dwelling. The private decked area is also of an insufficient size to provide a suitable outside private amenity area suitable to the scale of the development. The proposal is therefore contrary to the policy.

Informative:

1. This decision is based on the Planning Support Statement, Sustainability Checklist & Statement, Code for Sustainable Homes Pre-Assessment Estimator tool, Design and Access Statement, Biodiversity First Impression List, Daylight Analysis, Lifetime Homes Checklist, Waste Minimisation Statement and drawing nos. P_001, 002, 003, 004, 005, 006, 008B, 009A, 010A, 011A, 012A, 013 and 015 received on the 28th October 2008.

2 THE SITE

The application site relates to land to the rear of a two-storey detached dwellinghouse located on the east side of Boundary Road. The site is approximately 25m south of the busy junction with Old Shoreham Road and is north of Portslade train station. The property incorporates a detached pitched roof garage and car port on the south side of the house adjacent to a Beech tree. The house has pitched roof with gable ends to the front with a large pitched roof dormer and rooflight on the side (south facing) rooflight. The external façade of the house is red brick on the ground floor with a cream green rendered first floor. The property is part of a row of four similar pitched roofed dwellings on the east side of Boundary Road. The rear garden is immediately adjacent to 12 Gladys Road which includes two side windows which overlook the back of the garden. The garden is split by a retaining wall and the very rear of the garden is set at a higher ground level.

3 RELEVANT HISTORY

Planning permission was refused in 1987 for the conversion and extension of existing single dwelling house into 8 self contained flats (**3/87/0716**). A subsequent appeal was dismissed by the Inspectorate.

Outline planning permission was also refused in 1988 for the conversion and extension to form 13 self contained flats and 15 car parking spaces (**3/88/0327**). A subsequent appeal was dismissed by the Inspectorate.

4 THE APPLICATION

Planning permission is sought for the excavation of the site and the erection of sunken, single-storey house with a sedum roof and projecting roof lanterns. The building includes a private access, refuse and cycling parking and one off-street parking space. A decked area and rear lawned area to serve as amenity areas for the dwelling are also proposed. Fencing is included to divide the site from the host building as well as a new retaining wall partly along the southern boundary.

It should be noted that a separate application has been submitted for the construction of a block of seven flats to replace the existing dwelling house at 107 Boundary Road ref: BH2008/03442. This application is shown outside the red line of the proposal for the rear dwelling. Each application is determined on its own merits.

5 CONSULTATIONS

External:

Neighbours: Four representations have received objecting to the scheme from **105 Boundary Road, Parker Dann Town Planning Consultants (on behalf of 12 Gladys Road), 91 Hallyburton Road and 378 Old Shoreham Road**. The grounds of objection are as follows:

- The scheme directly and adversely affects adjacent properties who will be severely encroached upon through noise and disturbance. .
- The scheme will create overcrowding and potential flooding in the area.
- The scheme results in stress on local traffic in the area. The surrounding streets are already heavily parked due to their location near Portslade train station, local shoppers and local community uses.
- The scheme results in a loss of privacy from the development from the roof garden and windows.
- With the proposed flats, this will bring the number of families on this site to 8. Both schemes result in severe overdevelopment of the site.
- The dwelling will be overlooked by adjacent properties and will fail to enjoy normal levels of privacy.
- The scheme impacts on adjacent trees. With significant cutting into the root zone of these trees, which does not accord with BS 5837 (2007), the trees cannot be satisfactorily protected.

A petition of 28 names objecting to the scheme has also been submitted. The accompanying letter states that this 'densification' result in overcrowding and along with the Government's immigration policy could lead to views becoming polarised

5 letters of support have been received from **17 & 21 Pembroke Avenue, 17A Inwood Crescent, 23 Goldstone Villas, 26 Frith Road and 11 Hartington Villas**. The letters state that the scheme is a well thought out development which will be an unobtrusive modern development and a good approach to using space.

Internal:

Traffic Manager: No objection is raised subject conditions requiring cycling parking areas to be provided in accordance with the approved plans and thereafter retained and for the applicant to enter 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.

Environmental Health: No comment.

Arboricultural Officer: The Arboricultural Section would like to make it a condition of any planning consent that the beech tree at the front of the property is protected as far as practicable to BS 5837 (2005) trees on Development Sites. The Council's Arboricultural Officer has commented that the scheme may affect the Sycamore and Hawthorn. However, they are both poor specimens and there is no objection to their loss. An arboricultural

method statement should be submitted to and approved prior to any development commencing.

6 PLANNING POLICIES

Planning Policy Statements:

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Document:

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

Planning Advice Note:

PAN03:	Accessible Housing and Lifetime Homes
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7 CONSIDERATIONS

The main considerations of this case are the design and appearance of the proposed house, the impact on neighbouring properties, the adequacy of living conditions provided for future occupiers, highway issues and sustainability matters.

Principle of development and design:

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Policy HO4 of the Brighton & Hove Local Plan also states that development is permitted at a higher density than those typically found in the locality where it can be adequately demonstrated that the proposal exhibits a high standard of design and respects the capacity of the local area to accommodate additional dwellings.

Permission is sought for a single dwellinghouse located in the rear garden. The house has its own access from Boundary Road adjacent the remaining rear garden of 107 Boundary Road. The existing garden rises in an easterly direction to the rear and this topographical feature has been used to partially submerge the proposed dwelling in an attempt to reduce its visual impact. The principle form of the dwelling is 'L' shaped with a courtyard for the dwelling adjacent the southern boundary. The courtyard is accessed from sliding folding doors from the living room / kitchen and bedroom. On the west side of the building a further private amenity space is proposed in the form of a decked area. The dwelling is proposed with rendered walls and a sedum roof. The sliding doors to the courtyard includes hardwood brise soliel. The roof includes 2 rooflights and a frameless 'belvedere', which is a glazed rectangular structure.

Policy QD1 and QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings.

In order to reduce the impact of the development, the dwelling has been partially sunk into the ground at the back of the garden. Whilst a contemporary design is acceptable, it is felt that the proposal is out of character with the residential character of the surrounding area which is predominantly comprised of two-storey dwellings with pitched roofs. The proposal would subdivide the garden and create a separate unit with its own curtilage that would effectively develop the rear part of the garden. This would dramatically reduce the curtilage of the existing house and the sense of spaciousness that is a feature of the present layout and neighbouring plots.

The house is also proposed abounding the boundaries of the site to the north, south and east of the site and will form a prominent structure in the rear garden. Suitable landscaping and the sedum roof may soften the visual impact of the scheme. However, it is likely that structure will still stand out as inappropriate addition due the limited size of the site. The proposed development by reason of its excessive site coverage is considered out of keeping and represents an overdevelopment of the site.

It is therefore considered that the scheme, in conjunction with the scheme for the block flats to replace the existing building, is an overdevelopment of the site and is inappropriate in terms of its bulk and design. A house of this size would be expected to occupy a much bigger site so that the resulting development does not appear as cramped and overdevelopment. The fact that the proposed house has to be partially sunk into the ground to overcome its impact indicates that this site is inappropriate for back land development. Overall, it is felt that residential development is unacceptable due to the nature and size of the site.

Standard of accommodation:

Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers.

Internally, the dwelling includes three bedrooms, a living room / kitchen, a family bathroom, an en-suite bathroom and a breakfast dining room area. Whilst these areas are of a suitable size, there is concern regarding the amount of light, outlook and privacy these rooms will receive. The main windows are the sliding doors from the bedroom and living room to the rear courtyard. The courtyard is directly adjacent to the boundary with 12 Gladys Road. This dwelling lies south of the site and its bulk will restrict light into the courtyard area and into the main living areas.

The scheme also includes decking to the front. This decking is limited in size and also set behind a retaining wall, fencing and proposed landscaping. These barriers prevent the house being overlooked from the main property at the front. However, their presence limits the amount of light and outlook to the habitable rooms in the dwelling. The scheme does include rooflights and a glazed 'belvedere' which allow light into the house. However, due to the position and orientation of the dwelling, it is felt that the house will not benefit from sufficient levels of light and outlook in order to provide suitable accommodation. A Daylight Analysis has been submitted to indicate that the light levels for the house are appropriate. This analysis does not overcome the Council's concerns regarding the standard of accommodation.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. This property has two windows directly overlooking the site which serve a bedroom and landing. These

windows will allow direct views into the courtyard area. Due to the brise soleil, there will be limited views into the habitable rooms. The courtyard area will however be overlooked by the adjacent house and cannot be considered as appropriate private amenity area. Additionally, the decked area to the front is too small to serve as an appropriate sized amenity area. The scheme is therefore contrary to the above policy.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The supporting documentation accompanying the application states that the fully complies with lifetime homes standards. There are concerns regarding the lack of a leading edge for the entrance door and the size of the proposed kitchen and main bathroom. It is felt that these concerns could be overcome through amendments to the layout of the flat. Therefore, it is considered that it would be unreasonable to refuse the application on these grounds.

Impact on amenity:

Policy QD27 aims to protect the amenity of adjacent residents. To overcome the impact on residential amenity, the house has been designed so that it will not have a significant impact on any adjacent properties. The house is partially sunken into the back garden and is adjacent to high boundary walls and fences at the rear of the garden. Due to the position and scale of the dwelling, its construction will not lead to a significant impact on the amenity of any adjacent properties. The scheme includes a new retaining wall along the southern boundary of the site. This wall is adjacent to the existing hedge along the southern boundary. This hedge is of a significant height and includes a Hawthorn tree and a Sycamore tree. The supporting statement states that this hedge and the trees within it are to be retained. Subject to the retention of this hedge and trees, the retaining wall will not impact on the amenity of any adjacent properties.

A new boundary fence is proposed to divide the proposed house from the garden of the remaining house. This fence will prevent any overlooking between the proposed house and the host property. Furthermore, due to the low level of the house, none of the proposed windows will result in overlooking of any adjacent properties.

Impact on trees:

There is a Beech tree to the front of the property and there is also a Hawthorn and Sycamore in the rear garden of 106 Boundary Road which are within the boundary hedge. All three of the trees are show to be retained. The Council's Arboricultural Officer has commented that the scheme may affect the Sycamore and Hawthorn. However, they are both poor specimens and there is no objection to their loss. In relation to the Beech tree, the Arboricultural section has recommended a condition that the Beech tree at the front of the property is protected as far as practicable to BS 5837 (2005) trees

on Development Sites. The hedges (with the trees in them) should also be protected and some kind of temporary surfacing over the plates of these trees could be laid down. An Arboricultural method statement could be requested by condition to indicate how Beech tree and hedges could be protected during construction works and thereafter retained, in the event planning permission was granted.

Traffic:

Concerns have been raised from neighbouring occupiers regarding increased parking problems as a result of the development since the scheme only includes one car parking space. The scheme is within walking distance of Portslade Station and several bus routes. It is therefore felt that the site is well served by public transport. The scheme is also served by suitable cycle storage facilities. The addition of one car parking space is also in accordance with the Council's Parking Standards for residential development. The traffic manager has commented on the scheme and does not raise an objection providing the applicant provides a contribution of £1500 towards the sustainable transport strategy.

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. Adequate information has been submitted with the application to demonstrate how these requirements have been met. The scheme is therefore in accordance with the above policy.

Policy SU2 requires developments proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 08 on Sustainable Building Design requires new build residential developments to submit a Sustainability Checklist and to meet level 3 of the Code for Sustainable Homes (CSH). The submitted Checklist states that the predicted score of the development is 81% (best) and will meet at least level 3 of the CSH. A sustainability statement has also been included with the application which outlines proposed sustainability measures. The measures include double glazed windows and doors, new external walls and roofs to achieve thermal performance in excess of current Building Regulations, low energy bulbs, condensing combination boilers, WCs to have dual flush, hand basins and sinks to have aerated tap nozzles to reduce water consumption, mixer showers will be restricted to maximum flow rate of 6l/min, white goods to be provided with eco ratings, a recycling area to be provided, a dedicated drying area, provision for composting and a 200 litre water butt to be linked into the surface run off from the sedum roof.

Conclusion:

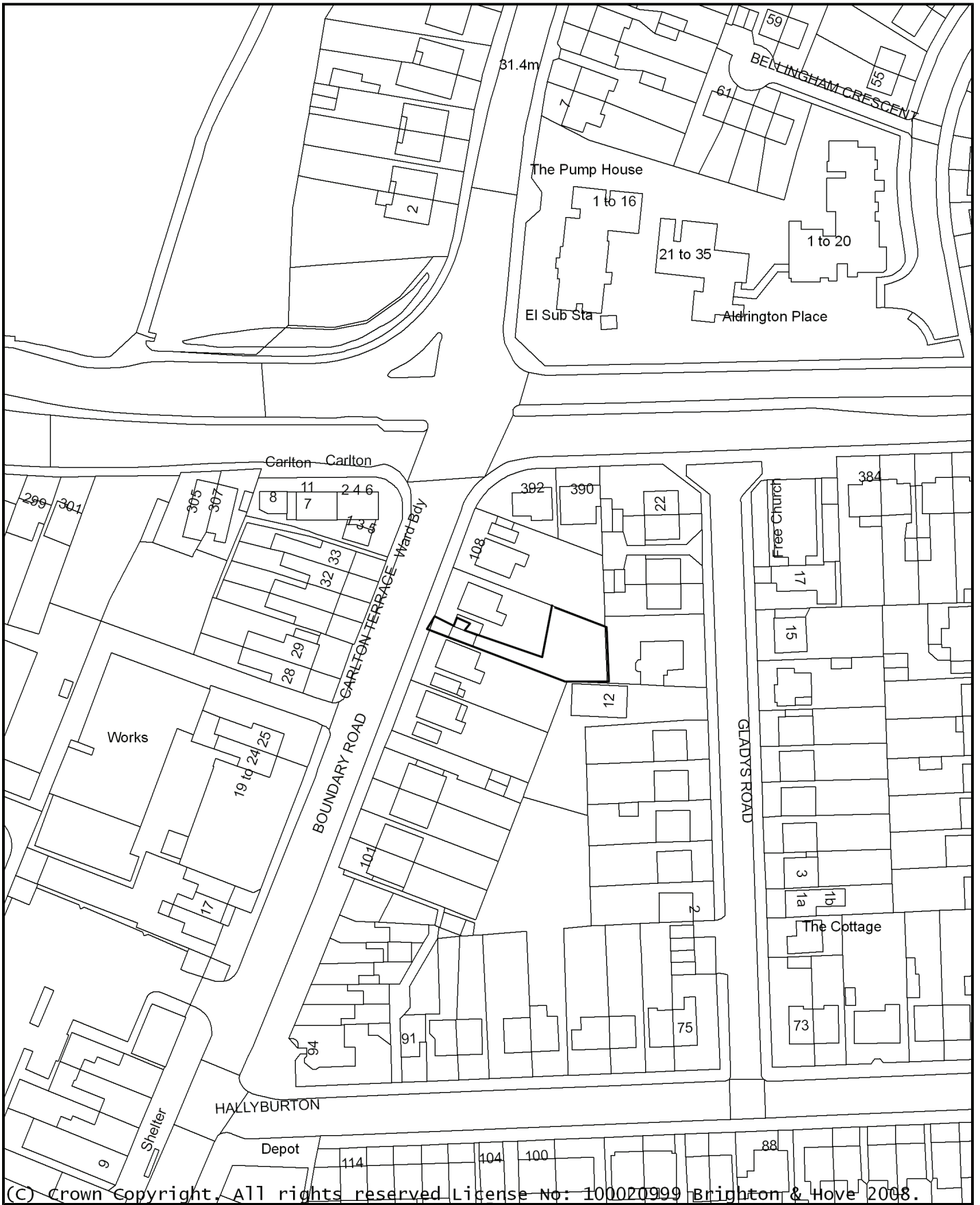
The requirement to provide a partially sunk dwelling is an indication that the proposal constitutes an overdevelopment of the site. It is considered that the

proposed dwelling is inappropriate in terms of its design and appearance and will appear as a cramped and overdevelopment of the site. It is also felt that the scheme form inappropriate accommodation with inadequate private outside amenity areas. The application is therefore recommended for refusal.

8 EQUALITIES IMPLICATIONS

All the proposed units should meet Lifetime Homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

BH2008/03449 Land to rear of 107 Boundary Road



Date: 20/01/2009 09:03:04

Scale 1:1250



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<u>No:</u>	BH2008/03117	<u>Ward:</u>	NORTH PORTSLADE
<u>App Type</u>	Full Planning		
<u>Address:</u>	323-325 Mile Oak Road, Portslade		
<u>Proposal:</u>	Construction of 3 storey block to create nine flats following demolition of existing building.		
<u>Officer:</u>	Jason Hawkes, tel: 292153	<u>Received Date:</u>	26 September 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31 December 2008
<u>Agent:</u>	Fluid Architecture Ltd., Orlingbury House Lewes Road, Forest Row		
<u>Applicant:</u>	Mr Michael Goble, 321 Mile Oak Road, Portslade		

1 RECOMMENDATION

That the committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **Refuse** planning permission for the following reasons:

1. The proposed development would result in an overdevelopment of the site by reason of its cramped form, bulk, scale and poor design representing an incongruous feature that fails to respect the context of its setting which would be out of keeping with the surrounding area. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3 and HO4 of the Brighton & Hove Local Plan.
2. The proposed development would by reason of its height, scale and positioning in close proximity to the western boundary of the site lead to overshadowing, a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of existing and future residents. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
3. Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. The scheme fails to fully incorporate lifetime home standards to the design of the flats. The scheme is therefore contrary to the above policy.
4. The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.
5. Policy HO6 of the Brighton & Hove Local Plan requires the provision for outdoor recreation space. It is considered that it would be appropriate and practicable for a proportion of the outdoor recreation space to be provided on-site in this location. The proposal would thereby be contrary

to the policy, to the detriment of the amenities of the future occupiers of the properties

Informative:

1. This decision is based on Sustainability Statement and Checklist, Design and Access Statement, Biodiversity First Impression List, Loss retail Usage Summary, Waste Minimisation Statement and drawing nos.f08-595-50A, 51, 52, 55A, 56, 60A, 65A, 71, 100A, 101A, 102A, 103A, 105A, 106A, 107A, 108A & 700 received on the 26th September, 1st & 29th October and the 5th November 2008.

2 THE SITE

The application relates to a vacant single storey A1 retail unit with first floor residential accommodation, which is located on the west side of Mile Oak Road approximately 60 metres from the junction with Oakdene Crescent. Immediately to the north of the site is Mile Oak Inn which has a large car park area. South of the site is Southon Close which slopes up the hill and divides the application site from 319 Mile Oak Road. To the rear of the site is a bungalow at a raised ground level. The surrounding area is predominately residential comprised of low rise housing.

3 RELEVANT HISTORY

Planning permission was refused in August 2002 for the demolition of the existing shop and maisonette at 325 Mile Oak Road and construction of two houses (similar proposal at 323 Mile Oak Road for the construction of two further houses BH2002/01063/FP) (ref: **BH2002/01076/FP**).

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Local Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
2. The proposal does not provide an adequate parking layout within the site and would also result in dangers to pedestrians and vehicles using the adjacent classified road. The proposal is therefore contrary to policies TR17 of the Hove Borough Local Plan and TR (Safe Development) of the Brighton & Hove Local Plan Second Deposit Draft 2001.
3. The proposal, sited as it is in advance of the general line of buildings fronting the street and out of character with the design of surrounding buildings will be unduly prominent and detrimental to the visual appearance of the street scene. The proposal is therefore contrary to policy BE1 of the Hove Borough Local Plan and policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in August 2002 for the demolition of existing shop and maisonette at 323 Mile Oak Road and construction of two houses (similar proposal at 325 Mile Oak Road for the construction of 2 further houses BH2002/01076/FP) (ref: **BH2002/01063/FP**). The reasons for refusal

were as follows:

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Local Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.
2. The proposal does not provide an adequate parking layout within the site and would also result in dangers to pedestrians and vehicles using the adjacent classified road. The proposal is therefore contrary to policies TR17 of the Hove Borough Local Plan and TR (Safe Development) of the Brighton & Hove Local Plan Second Deposit Draft 2001.
3. The proposal, sited as it is in advance of the general line of buildings fronting the street and out of character with the design of surrounding buildings will be unduly prominent and detrimental to the visual appearance of the street scene. The proposal is therefore contrary to policy BE1 of the Hove Borough Local Plan and policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in December 2003 for the demolition of shop, maisonette, construction of two dwellings with crossovers. Amendments to previous refusal BH2002/01076/FP (ref: **BH2003/02600/FP**).

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in December 2003 for the demolition of shop & maisonette, construction of two dwellings with crossovers. Amendments to previous refusal BH2002/01063/FP (ref: **BH2003/02603/FP**).

1. The proposed loss of the existing retail shop is contrary to current policy that seeks to resist the loss of individual shops. The site is not within easy walking distance of comparable shops and the proposal fails to demonstrate non-viability or sufficient marketing of the existing retail unit and is therefore contrary to policies S13 of the Hove Borough Plan and SR9 of the Brighton & Hove Local Plan Second Deposit Draft 2001.

Planning permission was refused in October 2006 for the demolition of shop and flat and construction of three storey block of seven flats (ref: **BH2006/02327**). The reasons for refusal were as follows:

1. The shop unit is classified as an individual shop in the Brighton & Hove Local Plan. The proposal would be contrary to policy SR8 of the Brighton & Hove Local Plan which seeks to restrict the loss of individual shops unless it has been demonstrated that the use as an A1 shop is no longer viable and is within easy walking distance of a local, district, town centre or the regional shopping centre. Applicants are expected to demonstrate

active marketing of the unit on competitive terms. No information has been submitted with the application to demonstrate the unit is no longer viable.

2. The proposal would result in an overdevelopment of this site by reason of its cramped form, inadequate plot size in relation to neighbouring properties and the number of units proposed, would fail to respect the context of its setting and would be out of keeping with surrounding buildings. Furthermore, the communal amenity provided for the proposed units is not considered to be appropriate to the scale and character of the proposed accommodation. The proposed development would therefore be contrary to policies QD1, QD2, QD3, HO3, HO4 and HO5 of the Brighton & Hove Local Plan.
3. The submitted plans accompanying the application fail to adequately demonstrate how the development will appear in context with the surrounding area since no strategic street scenes with views of the proposal in the context of neighbouring properties have been submitted. The proposal is therefore contrary to planning policies QD1, QD2, QD3 and QD5 of the Brighton & Hove Local Plan.
4. The proposed development would by reason of its design, bulk, materials and detailing be out of keeping with surrounding development and represents an incongruous feature that fails to respect the context of its setting. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5 of the Brighton & Hove Local Plan.
5. The proposal represents a poor mix of units with six one bedroom units, and one two bedroom unit. The accommodation is therefore considered below the standard that the council would reasonably expect and contrary to policies HO3, HO4, HO5 of the Brighton & Hove Local Plan.
6. The proposed development would by reason of its height, layout, orientation and scale lead to overshadowing, a significant overbearing effect and increased sense of enclosure to neighbouring properties to the detriment of the living conditions of occupiers to the rear. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
7. The proposed development would by reason of height, scale, layout, number of dwellings and internal floor layouts of flats lead to a significant level of overlooking and consequential loss of privacy to the occupiers to the rear to the detriment of neighbouring residential amenity. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
8. Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to a lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alterations. No information has been submitted with the application to demonstrate how the requirements of policy HO13 have been met throughout the proposed development.
9. The applicant has failed to demonstrate how the development will fully meet sustainability objectives in terms of efficiency in use of energy and materials as required by policy SU2 of the Brighton Local Plan and

Supplementary Planning Guidance Note 21: Brighton & Hove Sustainability Checklist.

10. Policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste requires the submission of a Waste Minimisation Statement with the application. This should demonstrate how the elements of sustainable waste management, including demolition and re-use of waste has been incorporated into the scheme. No information has been submitted with the application to demonstrate how the requirements of policy SU13 and SPD 03 have been met.

In May 2008, planning permission was allowed for the construction of a 3-storey block to create nine flats following demolition of existing building (**BH2007/02497**). The application was recommended for refusal and approved by the Planning Committee.

4 THE APPLICATION

Planning permission is sought for a revised scheme for the construction of a three storey block of flats to form nine self-contained units following the demolition of the existing building. The accommodation comprises of four, one bedroom units and five, two bedroom units. The scheme includes cycle and refuse storage facilities to the rear.

Permission was granted at committee for a three-storey block of nine flats in May 2008 (**BH2007/02497**). The applicant has stated that this scheme cannot be implemented due to the dimensions of the site since the development would have encroached upon land not in the ownership of the applicant. Moreover, the scheme approved did not comply with standards set for affordable housing units, and the prospective purchaser interested in the site is a Registered Social Landlord.

The amended scheme is for a three-storey block which differs in design and layout to the previously approved scheme.

5 CONSULTATIONS

External:

Neighbours: One letter objection has been received from **344 Mile Oak Road** on that grounds that no off road car parking spaces have been included in the application. The application needs to take into account the parking situation in evenings and weekends which is almost at saturation point.

21 standard letters stating support have been received from **32, 47 & 57 Overdown Road, 7 Hazel Close, 42 Drove Crescent, 79 North Farm Road, 49 Thornhill Rise, 82 & 86 Oakdene Crescent, The Mile Oak Inn (x2), Mile Oak Road, 321, 323, 325 & 363 Mile Oak Road, 76 Wickhurst Rise and 36 Beechers Road (x2).**

Internal:

Environmental Health: No comment.

Planning Policy: The comments relate to several earlier proposals but more recently where a similar scheme was approved on the site BH2007/02327 at committee. On the whole, it is considered that policy SR8 is met however it is considered that the applicant should more adequately demonstrate that policies HO5 'Private Amenity Space' and policy HO7 'Car Free Housing' have been addressed. As per previous comments, it is considered that policy SR8 is met. The vacant A1 unit is considered as an individual shop as it is not in a cluster of 3 or more shops. The proposal therefore needs to satisfy policy SR8 in the adopted local plan. In terms of criteria a) it is considered that the unit is not within easy walking distance of a local, district, town or regional shopping centre. However, there is a comparable on the opposite side of the road and a shopping parade in nearby Graham Avenue within 400m of the unit. National guidance in the form of PPS6, however, states that 300m is an acceptable walking distance. In view of the location of a comparable shop it is therefore considered that the proposal meets criteria a). In terms of criteria b) the applicant needs to demonstrate that the A1 unit is no longer economically viable in this location. The applicant has provided information which demonstrates that the retail unit has been actively marketed (for at least 12 months) and that there appears to be no demand for the unit. Criteria b) is therefore satisfied. In terms of criteria c) the proposal must not be significantly detrimental to the amenities of the occupiers of nearby properties or the general character of the area.

Policy HO5 seeks to ensure that all new residential units are required to provide private useable amenity space where appropriate to the scale and character of the development. The plans provided only seem to provide balconies for the 2 bed flats. The majority of the flats provided do not therefore have private useable amenity space. This should be clarified as at present it is considered that policy HO5 is not met.

Policy HO7 relates to car free housing. The applicant states that the proposal is car free however compliance with the policy does not appear to have been addressed in the application. The applicant states that the Lifetime Homes standard has been met in accordance with policy HO13. The council's Access Officer will be able to verify compliance. Finally, since the last proposal, the applicant has submitted a Sustainability Checklist which appears to be adequate and states that Code for Sustainable Homes Level 3 will be met.

Access Consultant: The ground floor plan and the elevation both seem to show a step at the entrance. There should be a 300mm space between the wall and the leading edge of all doors that open towards the user. There are at least 8 doors which do not comply. Although there technically is such a space beside the main entrance door it is rendered unusable because of the closeness to the stair balustrade which effectively operates in the same way a wall would in preventing a wheelchair user reaching the door handle from a position where they could pull the door open without it encountering the foot rest on the wheelchair.

Also, the stairs claim to be capable of accepting a future chair lift but it would be very difficult to position a wheelchair in the right place to be able to access such a lift because of the lack of space between the foot of the stairs the wall. The bathrooms should be designed so that it is possible to achieve side transfer from a wheelchair to the WC, either as built or by easy modification of the layout. It is difficult to see how the bathroom to Unit 9 could be made to comply.

6 PLANNING POLICIES

Planning Policy Statements:

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town Centres

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
SR8	Individual shops

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Document:

SPD03:	Construction and Demolition Waste
SPD08:	Sustainable Building Design

Planning Advice Note:

7 CONSIDERATIONS

The determining issues relate to firstly, whether the proposal accords with local plan policies; secondly, whether the design of the development is considered acceptable; thirdly, whether the proposal will be detrimental to amenity and finally, the impact the proposal will have on transport.

Principle of development:

National Planning Policy on Housing (PPS3) and Local Plan policy QD3 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which are vacant or derelict and land which is currently in use but which has the potential for re-development. Therefore the principle of the re-development of this site for additional housing is not in question. PPS3 states that a development such as this should be integrated with and complimentary to neighbouring buildings and the local area more generally in terms of scale, density, layout and access and that, if done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. However, PPS3 states that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Therefore, the tests for this proposal in terms of design, are:

- whether it would be integrated with and complimentary to the area;
- whether it would compromise the quality of the local environment;
- whether it would be inappropriate in its context; and
- whether it would fail to improve the character and quality of the area.

These matters are all considered under the heading of design issues below.

The vacant A1 unit is considered as an individual shop since it is not located in a cluster of three or more shops. Policy SR8 of the Brighton & Hove Local Plan relates to individual shops and permits the change of use of individual shops from Class A1 providing all of the following criteria are met:

- a) the shop is within easy walking distance of a local, district, town centre or the regional shopping centre and local residents within its catchment would still be within easy walking distance of a comparable shop;
- b) it has been adequately demonstrated that an A1 retail use is no longer economically viable in that particular unit;
- c) the development would not be significantly detrimental to the amenities of occupiers of nearby residential properties or the general character of the area.

In terms of criteria a) the unit is not within easy walking distance of a local, district, town or regional shopping centre. However, there is a parade of shops located approximately 100 metres north of the site in which a comparable shop is located. In addition, there is a shopping parade in nearby Graham Avenue within 400m of the site. However, PPS6 'Planning for Town

Centres' states that in most cases, up to 300m is considered to be an 'easy walking distance.' Whilst the distance is greater than the accepted distance in PPS6, given the close proximity of a comparable shop to the site visit, it is not considered appropriate to raise an objection to the scheme in respect of criteria a) of policy SR8 of the Brighton & Hove Local Plan.

Turning to the second criteria of policy SR8, the applicants have submitted a suitable marketing report. The supporting documentation accompanying the application states that the premises have been marketed by Parsons Sons & Basley since December 2003 and this is verified by a letter from Parsons Sons & Basley. Further marketing of the premises commenced in April 2005. Copies of adverts are also included with the letter with the premises also included in targeted mail circulars. The supporting letter from Parsons Sons & Basley states that the price has been reduced to encourage interest and the only interest in the premises has been the applicants of the current scheme. The documentation submitted is the same as that submitted for the previous scheme in July 2007. It is not felt that the circumstances have significantly changed to request a more recent report for the last 12 months. It is therefore, considered that the scheme accords with criterion b) of policy SR8.

In terms of the third criteria, an assessment in terms of amenity will be considered under the heading of impact on amenity below.

Standard of accommodation

Policy HO3 of the Brighton & Hove Local Plan requires new residential development to incorporate a mix of dwelling types and sizes that reflects and responds to Brighton & Hove's housing needs. The proposal includes nine residential units, of which four would be one bedroom units and five would be two bedroom units. The Housing Needs Study provides an indication of the mix of units required to meet the housing need within the city, which includes a need of one bedroom apartments. An appropriate mix of units includes 30% for one bedroom units, 40% for two bedroom units and 30% for three bedroom units. Whilst some concern is raised in respect of the lack of three bedroom units, this is not considered to justify refusal of this application in this instance. Since, the thrust of policy HO3 of the Brighton & Hove Local Plan is to secure more residential units which are suitable for family occupation, the provision of four one bedroom units and five two bedroom units is considered acceptable in this instance.

Policy HO5 of the Brighton & Hove Local Plan requires the provision of private usable amenity space in new residential development where appropriate to the scale and character of the development. For the purposes of this policy, balconies are taken into account. Not all of the units would benefit from private amenity space. Three of the ground floor units would have access to small patio areas to the front and rear and three two-bedroom units at first and second floor level would benefit from balconies facing north east. The three one-bedroom units would not benefit from any form of private amenity space.

Whilst policy HO5 refers to the provision of private usable amenity space where appropriate to the scheme and character of the development, it is considered that a new build development should incorporate private amenity space for all units. Flexibility in providing amenity space is exercised more generally in conversions, since a conversion would present additional constraints compared to a new build development, particularly if altering the building would have a detrimental impact on the building or surrounding area. The proposal is therefore considered contrary to policy HO5 of the Brighton & Hove Local Plan. The provision of limited and small private amenity space is compounded further by the absence of any communal amenity space. Policy HO6 of the Brighton & Hove Local Plan also requires the provision of outdoor recreation space in housing spaces and states “new residential development will not be permitted unless the requirement for outdoor recreation space, generated by the development, is suitably provided.” Since no open space is provided with the scheme, the application fails to accord with policy HO6 of the Brighton & Hove Local Plan.

Policy HO13 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standards. There are sixteen standards relating to lifetime homes and as a new build development, all of the standards must be incorporated into the design. The supporting documentation accompanying the application states that the scheme fully complies with lifetime homes standards.

There are a number of instances, however, in which the scheme does not comply with Lifetime Home Standards. The Council’s Access Consultant has commented on the scheme. He has stated that there should be a 300mm space between the wall and the leading edge of all doors that open towards the user. There are at least 8 doors which do not comply. Although there technically is such a space beside the main entrance door it is rendered unusable because of the closeness to the stair balustrade which effectively operates in the same way as a wall would in preventing a wheelchair user reaching the door handle from a position where they could pull the door open without it encountering the foot rest on the wheelchair.

Also, the stairs claim to be capable of accepting a future chair lift but it would be very difficult to position a wheelchair in the right place to be able to access such a lift because of the lack of space between the foot of the stairs the wall. The bathrooms should be designed so that it is possible to achieve side transfer from a wheelchair to the WC, either as built or by easy modification of the layout. It is difficult to see how the bathroom to Unit 9 could be made to comply. Having regard to the Access Consultant’s comments, the proposed accommodation does not comply with policy HO13 of the Brighton & Hove Local Plan.

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. Adequate information has been submitted with the application to demonstrate how these requirements have been met. The scheme is therefore in accordance with the above policy.

Policy SU2 requires developments proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 08 on Sustainable Building Design requires new build residential developments between 3-9 units to achieve the following:

- Zero net annual CO2 from energy use
- Level 3 of the Code for Sustainable Homes
- Lifetime Homes Standards
- Minimise the 'heat island effect' via a contribution towards off-site tree planting, and
- Considerate Construction Scheme

The Sustainability Checklist states that the scheme scores 71% which is 'good'. In terms of the minimum requirements, the checklist indicates how the scheme will reduce CO2 emissions through improvements in thermal insulation, careful design and the use of mechanical ventilation and heat recovery air source pumps. The scheme does not fully meet Lifetime Homes and this is recommended as a reason for refusal in itself. The Checklist does outline how the scheme will reduce the heat island effect which includes using a timber frame construction and rendering in a light colour to minimise solar gain. In addition, windows have been orientated away from the south elevation to reduce the impact of the sun. A canopy has been included over the front entrance. It is felt that the southern elevation should maximise solar gain and include canopies to the windows which form solar shading which could control the impact of the sun in the summer months. Additionally, the Statement is acceptable in all other respects and states that the scheme will meet Code Level of the Code for Sustainable Homes. The scheme is therefore in accordance with the policy and SPD.

The applicant has advised that the accommodation would provide starter homes in the area, however, the accommodation is not affordable as defined by policy HO2 of the Brighton & Hove Local Plan. As such the Local Planning Authority would have no control in respect of occupancy or how much the units would be. In terms of affordable housing, Housing Strategy require affordable housing to meet Housing Corporation Scheme Development Standards, meet Eco Homes 'very good' rating, incorporate Joseph Rowntree 'Lifetime Home' standards and meet Secure by Design principles. Furthermore, the units should meet internal minimum standards, which include 51 sq metres for one bedroom units; 51 sq metres for 1 bedroom wheelchair units; 66 sq metres for two bedroom units; and, 71 sq metres for two bedroom wheelchair units. None of the units would meet the internal minimum standards.

Design:

Policy QD1 of the Brighton & Hove Local Plan states 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.” Furthermore, the policy advises that “unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged.” The surrounding area is comprised of predominantly two storey traditional houses with a two-storey public house to the north west of the application site.

As in the previous scheme, whilst a modern contemporary design solution is considered acceptable in principle and supported by local plan policies, the scale, bulk and footprint of the development is considered inappropriate and would appear as an overdominant structure in the context of the immediately adjacent sites.

Policy QD2 of the Brighton & Hove Local Plan states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings. The scale of the development bears no relation to the height and scale of the immediately adjacent sites.

As in the previous application, there is concern that the extent of the building and its position in the plot which would create an overly prominent structure, providing little relief between the development and the boundaries and would appear overly dominant. This would be compounded further by the block design of the side elevations which would provide break in the design. The plot size is similar to that proposed in the previous scheme. The building is within 1350mm of the southern boundary and is set back from Mile Oak Road to allow two small gardens for ground floor flats. The building is also 5825mm away from the western boundary, this is also a minor reduction when compared to the previous approved scheme. The height has also been reduced slightly in overall size from a maximum of 10m to 9.3m and the main entrance has been moved to the side south facing elevation onto Southon Close. The applicants have stated that moving the entrance to the side allows pedestrian access to the rear refuse store and adds interest to an ‘uninteresting elevation’. However, concern is raised in respect of the new entrance moving from the front elevation to the side.

The scheme also includes coloured wall panels and balcony screens as well as a variation of window design to add further visual interest. The building is proposed with a mix of external facing materials of white render and red brick with grey roof sheeting and grey UPVC windows. The scheme is different in design and layout to the previous scheme and is also slightly smaller in size. However, the reduction in size is not significant enough to overcome the Council’s concerns regarding the bulk of the proposal. It is still felt that the

scheme results in an overdevelopment of the site to the detriment of the surrounding area which is predominately comprised of much smaller dwelling houses and buildings. The lack of communal space and private amenity space attached to the scheme is further evidence that the proposal represents an overdevelopment of the site.

Impact on Amenity:

Policy QD27 aims to protect the amenity of adjacent residents. A distance of 13 metres currently separates the rear of the two storey element of the existing building and the bungalow to the rear of the site. In terms of the current scheme, a distance of 15 metres would separate the proposed rear three-storey elevation of the building and the bungalow to the rear of the site. This compares to a distance of approximately 13m when compared to the previous scheme. The overall height of the building has also been reduced from a maximum of 10m to 9.3m. Notwithstanding this reduction, the building will still form an imposing and overbearing structure on the property to the bungalow to the rear and is considered to have a detrimental impact on neighbouring amenity by reason of building bulk and increased sense of enclosure.

In terms of overlooking and loss of privacy, the plans and supporting documentation accompanying the application suggests that small, high level windows are proposed in the rear elevations. These windows allow light into the rear rooms with no direct overlooking of adjacent residential properties. There will be one second floor bedroom window and small narrow windows facing rear. Whilst these windows could be obscured glazed to overcome any overlooking issues, the bedroom windows at second floor level is the only window serving this room. Obscure glazing this window would raise concerns regarding the standard of accommodation provided.

In terms of the properties to the side, the proposal is not considered to result in a detrimental impact, since there are no windows facing the proposal in the side elevation of no. 319 Mile Oak Road. Furthermore, the relationship between the proposal and the dwellings on the opposite side of the road is considered acceptable and unlikely to result in overlooking and loss of light.

Traffic:

Concerns have been raised from neighbouring occupiers regarding increased parking problems as a result of the development since the scheme does not include any car parking. Since the site is not located within a Controlled Parking Zone, the Local Planning Authority cannot require the development to be car free. Policy HO7 is clear and states car free housing will only be permitted where it can be demonstrated that the development will remain genuinely car free over the long term. Since the site is not located within a Controlled Parking Zone, this cannot be enforced. The traffic manager has commented on the scheme and does not raise an objection to the scheme providing the applicant provides a contribution towards the sustainable transport strategy.

Conclusion:

Whilst it is accepted that the previous use of the site is no longer viable and the redevelopment of the site is considered acceptable in principle, the proposed development by reason of site coverage and scale and poor design is out of keeping with the surrounding area. Furthermore, the depth and scale of the proposed building in close proximity to the rear boundary of the site would result in an overbearing development which would result in an increased sense of enclosure and increased levels of overlooking that is detrimental to neighbouring amenity. In addition, concern is raised in respect of the scheme's failure to comply with lifetime home standards. The application is therefore recommended for refusal.

8 EQUALITIES IMPLICATIONS

All the proposed units should meet Lifetime Homes standards in accordance with policy HO13 of the Brighton & Hove Local Plan.

BH2008/03117 323-325 Mile Oak Road



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<u>No:</u>	BH2008/02761	<u>Ward:</u>	STANFORD
<u>App Type:</u>	Full Planning		
<u>Address:</u>	49 Hill Drive, Hove		
<u>Proposal:</u>	Addition of second storey to form 4 bedrooms including formation of balcony to rear elevation. (Resubmission of BH2008/01385).		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	18 August 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 October 2008
<u>Agent:</u>	Mel Humphrey MRICS MBE, 39 Northease Drive, Hove		
<u>Applicant:</u>	Mr Rob Star, 49 Hill Drive, Hove		

Councillor Vanessa Brown has requested the application be determined by Planning Committee.

The application was deferred at the last Committee meeting to allow members to undertake a site visit.

1 RECOMMENDATION

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

1. The proposed additional storey, by virtue of its bulk, form and massing, would give the house an over-extended appearance. The relationship between the extension and the existing features of the property is incongruous and the development would give the building a top-heavy appearance to the detriment of the appearance of the property. Furthermore, when viewed in the context of neighbouring houses the property would appear overextended, to the detriment of the street-scene. The proposal is contrary to policy QD1, QD14 and Supplementary Planning Guidance Note 1 on Roof Alterations and Extensions.

Informatives:

- I. This decision is based on un-numbered drawings received on the 18th August 2008.

2 THE SITE

This area is characterised by detached single dwelling houses set in good-sized plots. The built form of the houses varies and roof lines appear to be staggered with land levels falling to south. The existing building is predominantly arranged on the ground floor.

Levels slope down to the south and the gardens slope up to the rear.

3 RELEVANT HISTORY

BH1999/01184: Conversion of garage into living accommodation and extension over – approved 2/7/1999.

BH2001/00918: Replacement garage at the front of the property with extension over, conversion with three dormer windows – approved 18/06/2001.

BH2002/00377: Erection of new front wall, railings and gate – approved 07/06/2002.

BH2008/01385: Additional storey to form 4 bedrooms Refused on the 17 July 2008 for the following reason:

The proposed roof extension, by virtue of its bulk, form and massing, gives the house an over-extended appearance. The relationship between the extension and the existing features of the property is incongruous and the development would give the building a top-heavy appearance to the detriment of the street-scene. The proposal is contrary to policy QD1, QD14 and Supplementary Planning Guidance Note 1 on Roof Alterations and Extensions.

4 THE APPLICATION

Planning permission is sought for roof extensions to the existing house to create additional rooms in the roof. The ridge line would be raised by 2 metres. A balcony would be formed on the rear of the property enclosed by 1.8 metre screen.

The application was the subject of pre-application advice and has been submitted in an attempt to respond to the reasons for refusal on the previous scheme.

5 CONSULTATIONS

External

Neighbours: 44 Hill Drive object to the application stating that the existing property is a dominant two storey structure, the proposal would turn the property in to a massive, overpowering block, the abandoned site at no.47 is an eyesore but this proposal would be huge in comparison, overbearing and will dominate this property.

2, 26, 28, 40, 59, Hill Drive, Flat 6, 5 First Avenue, 37 Brittany Road, 46 Fernwood Rise, 27 Willington Avenue, Bexhill on Sea, 46 John Repton Gardens Bristol, support the scheme for the following reasons:

- The development would improve the appearance of the house,
- It would provide additional family accommodation,
- The proposal would not give the property an over-extended appearance,
- It is a well-designed proposal
- It would be a positive contribute to the street scene

Internal

Councillor Vanessa Brown has expressed her support for the application for the following reasons that the proposal would improve the street scene as the

heights would be properly staggered down the hill and the house would be lower than no.51 Hill Drive, and the house would be overly dominant. At the time Councillor Brown believed that there were no objections.

Councillor Jayne Bennett comments on a concerned over the roof height of the proposal and has requested that members undertake a site visit.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Design – quality of development and design statements
QD14	Extensions and alterations
QD27	Protection of Amenity
SU13	Minimising and reuse of construction industry waste

Supplementary Planning Document

SPD 03	Construction and Demolition Waste
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Supplementary Planning Guidance

SPG BH1	Roof Alterations and Extensions
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7 CONSIDERATIONS

The determining issues relate to the design and appearance of the proposed roof extension including the impact on the street scene and the impact of the extensions on the residential amenity of neighbouring properties must also be assessed.

Design and Appearance

The previous application was refused on the grounds of design and appearance including the impact on streetscene. A bulky roof formation was proposed which extended the ridge by 3.5 metres and gave the property a top-heavy appearance. The current submission would extend the ridge by 2 metres, thereby still representing a substantial roof extension.

The plot is approximately 20 metres in width, which is generally wider than the others in street; 15 metres is more typical for this side of the street. Presently the shallow ridge of the roof, makes the existing house have a relatively low profile in the street. Nevertheless this property is set forward in the building line which means that any addition in the bulk and form of this property will very prominent in the streetscene. However, the principal roof ridge aligns broadly with the ridges of adjoining properties. Projecting forward are the two front gable projections which currently rise to meet the ridge line of the main building. As existing, this property has an appropriately proportioned front elevation, with the building itself having a horizontal emphasis which is appropriate for the plot. The additional storey would add significant bulk to the top half of the property. Whilst the bulk would be set back from the front gable projections, it would nevertheless appear excessive.

The application is accompanied by a streetscene showing the property in the

context the surrounding houses. The drawing confirms that the mass of the extension would have an un-acceptable dominance and would give the property an overextended appearance. This would in turn harm the appearance of the surrounding area.

It is acknowledged that the neighbouring property to the north is located on significantly higher ground and the neighbouring property to the south is under reconstruction. The contextual drawings demonstrate that despite the raising of the ridge, no.49 would still have a higher ridge level than no.47 to the south and lower than no.51 to the north therefore the staggering of the rooflines down the street will remain in place.

Impact on amenity

With regard to the impact of the neighbouring properties, the most impact would be on the property to the south west, 47 Hill Drive. This property, previously a bungalow, is currently under construction and when completed it would be arranged as a 2 storey house. The application would result in a significant increase in bulk which would cause some enclosure to this property, but which is not considered to be so significant to warrant refusal of the application. In addition, the side windows which are proposed to be inserted at first floor level would serve the bathrooms and en-suite and therefore could be obscurely glazed to prevent overlooking.

The space between 49 Hill Drive and 51 Hill Drive, to the north, together with the change in land levels is considered to sufficient to ensure that the extension would not have a detrimental impact on this property. There is a window in the southern elevation of this property which may be affected by increased enclosure, but not to a significant degree. Loss of privacy is not a significant impact in this instance.

Of concern is the balcony to the first floor rear elevation which would provide elevated private amenity space which would in turn give rise to potential noise and disturbance and overlooking. A 1.8 metre screen would prevent views back in to the neighbouring properties. Whilst the potential for noise and disturbance would remain, the distance to the boundaries of neighbouring properties (over 4.5 metres) would prevent this feature being significantly un-neighbourly and causing a loss of privacy.

Conclusion

In conclusion, the proposed extension would give the property an overly prominent appearance in the street scene and the horizontal emphasis of the building, which is appropriate for the wide plot, would be lost. Refusal is therefore recommended.

9 EQUALITIES IMPLICATIONS

None identified.



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Nicola Hurley

From: Clare Simpson [Clare.Simpson@brighton-hove.gov.uk]
Sent: 21 January 2009 10:10
To: Nicola Hurley
Subject: FW: BH2008/02761 49 Hill Drive, Hove

From: Victoria Golding [mailto:Victoria.J.Golding@brighton-hove.gov.uk] **On Behalf Of** Vanessa Brown
Sent: 13 January 2009 11:03
To: Clare Simpson
Subject: BH2008/02761 49 Hill Drive, Hove

Dear Ms Simpson

Re: BH2008/02761 - 49 Hill Drive, Hove

I would like to clarify why I asked for this application to be sent to Committee.

I believe this application should be passed. It will, as the report states, make 49 Hill Drive a large house but this is situated in a row of very large tall houses. At the moment this basically one storey house is much lower than the house further up the hill and the house below, when finished, will also be higher. If this application is passed it will improve the streetscape as the heights of the roofs of the houses will be staggered properly down the hill. This house will still be lower than the next door house at No 51 Hill Drive.

This house is on a particularly large plot set well back from the road so I do not consider that it would be overly dominant.

The surrounding neighbours are all supportive of the scheme and there has been no objections. I therefore believe this application should be passed.

Yours sincerely

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

<u>No:</u>	BH2008/03384	<u>Ward:</u>	STANFORD
<u>App Type</u>	Full Planning		
<u>Address:</u>	42 Tongdean Avenue Hove		
<u>Proposal:</u>	Proposed demolition of existing bungalow and erection of a pair of semi-detached dwellings with garages and cycle store (Resubmission of BH2008/00596).		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	20 October 2008
<u>Con Area:</u>	Tongdean Area	<u>Expiry Date:</u>	31 December 2008
<u>Agent:</u>	Miss Asia Jedrzejec, Morgan Carn Partnership, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Mr & Mrs Bernstein, 42 Tongdean Avenue, Hove		

Councillor Vanessa Brown has requested that the application be determined by the Planning Committee

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. BH02.01 No permitted development (extensions) (amenity).
3. BH12.07 No permitted development (extensions)- Cons- Area (amenity and character).
4. BH02.05 Obscured glass (side windows first and second floor).
5. BH02.07 Refuse and recycling storage (facilities).
6. BH04.01 Lifetime Homes.
7. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential Code Level 3 .
8. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential).
9. BH05.08 Waste Minimisation Statement (1-4 housing units or less than 500sq m floorspace).
10. BH05.10 Hardsurfaces.
11. BH06.03 Cycle parking facilities to be implemented.
12. BH06.04 Sustainable transport measures.
13. BH11.01 Landscaping / planting scheme.
14. BH11.02 Landscaping / planting (implementation / maintenance).
15. BH11.03 Protection of existing trees.
16. BH12.01 Samples of Materials – Cons Area.
17. For the avoidance of doubt access to the flat roof over the living room

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.

18. Before development commences, full details of the method of enclosure to the second floor terrace shall be submitted to and approved by the Local Planning Authority in writing. The details shall include a suitable method for screening the terraces to preserve the privacy of neighbouring properties.

Reason: As insufficient information has been submitted and to preserve the privacy of neighbouring properties and to comply with policy QD27 of the Brighton and Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 0794, E01- E06 P01 – P14 submitted on 20th October 2008, Arboriculture Report, Architectural Statement, Waste Minimisation Statement, Sustainability Checklist, Lifetime Homes Checklist, Design and Access Statement and Biodiversity Checklist received on 20th October, and Heritage Statement received on 5th November 2008.
2. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brightonhove.gov.uk).
3. The applicant is advised that the requirements of Condition 12 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £2,000 to fund improved sustainable transport infrastructure in the vicinity.
4. 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:

QD1	Development design
QD2	Neighbourhood design
QD3	Efficient and effective use of space
QD5	Design – Street Frontages
QD15	Landscape Design
QD16	Tress and Hedgerows

QD27	Protection of amenity
QD28	Planning obligations
HO5	Private amenity space
HO3	Dwelling type and size
HO4	Dwelling densities
HO13	Accessible housing and lifetime homes
SU2	Efficiency of development in the use of energy, water and minerals
SU4	Surface run-off and flood risk
SU10	Noise Nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
TR1	Development and the demand for travel
TR7	Safe development
TR12	Cycle access and parking
TR19	Parking Standards
<u>Supplementary Planning Guidance</u>	
SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design; and

ii) for the following reasons:

On balance, it is considered that the proposed development to form a pair of semi-detached houses is acceptable. The design is of architectural merit, will adequately contribute to the streetscene and would preserve the character and appearance of the Tongdean Conservation Area. The development would not harm the residential amenity of neighbouring occupiers, and the standard of accommodation is acceptable

2 THE SITE

The application relates to a site on the south west of Tongdean Avenue with approximately 27 metres of frontage. The existing bungalow is located centrally in the plot but set back from the road when compared to neighbouring properties with a garage projecting forward. Two storey detached properties characterise the area. The existing bungalow is very low-key in the streetscene due to its height and the significant amount of mature vegetation in the front of the cartilage of the building.

The property lies within the Tongdean Conservation Area.

3 RELEVANT HISTORY

An application for Conservation Area Consent is registered for the demolition of the existing bungalow (ref: **BH2008/03381**).

BH2008/00596 Proposed demolition of existing bungalow and erection of two detached dwellings with garages and cycle store.

Refused on the 28th April 2008 for the following reasons:

1) The subdivision of the site to form two plots containing three-storey

properties is considered to be an inappropriate development of the site. The resultant plot sizes fail to respect the prevailing character of this the part of Tongdean Avenue which is characterised by large plots with generous spacing between buildings. As a result two properties on the site appear cramped-in and detrimental to the street scene and the character of the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.

- 2) The proposed houses by virtue of their scale, height and design, fail to relate to adequately to the neighbouring properties. The properties appear excessively high and due to their relatively narrow form appear disproportionate when compared to the wider house which characterise the area. In addition the ridge heights of the properties fail to bridge the height differences of no.40 and no.44 Tongdean Avenue. As a result two properties which are unduly high and which have strong vertical emphasis appear out of character of with the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.
- 3) The proposed roof terraces to the rear of the new properties by virtue of their size and elevated position will give rise to extended views of gardens of neighbouring properties causing a loss of privacy. This element of the design is considered un-neighbourly and contrary to policies QD3 and QD27 of the Brighton & Hove Local Plan,
- 4) Notwithstanding the inaccuracies in the submitted Arboriculture report, the proposed development involves the loss of a large number of mature and semi-mature trees which are considered to make a positive contribution to the Conservation Area. In the absence of sufficient justification and in the absence of a future landscaping plan for the site, the applicant has failed to demonstrate that the loss of the trees will not harm the character and appearance of the site and the surrounding area. The development is therefore contrary to policies QD15, QD16 and HE6 of the Brighton & Hove Local Plan.

BH2008/00599 Demolition of existing bungalow. Refused 28th April 2008 for the following reason:

- 1) Policy HE8 of the Brighton & Hove Local Plan relates to demolition in conservation areas and states that demolition will not be considered without acceptable detailed plans for the site's development. In the absence of an approved planning application for the redevelopment of the site, the demolition of the building would be premature and result in an empty site, contrary to the policy, to the detriment of the visual amenities of the Tongdean Avenue Conservation Area.

4 THE APPLICATION

Full planning permission is sought for the proposed demolition of existing bungalow and erection of a pair of semi-detached dwellings with garages and cycle store. A modern approach is proposed with flat roofs and rendered walls. Accommodation would be arranged over three floors, with an integral

garage, and small basement. Balconies are proposed for the front elevation.

5 CONSULTATIONS

External: 44, 48, and 53 Tongdean Avenue, object to the application for the following reasons:

- The style is not consistent with the other houses in the Conservation Area with flat roofs, boxy appearance and windows in the top storey,
- Two units on the site does not conform to the norm for the conservation area,
- The existing bungalow has similar material to the adjoining property at no.44,
- Overtime the building would cease to be read as one which would be out of character,
- It would set a precedent for other subdivisions in the area,
- Mistakes have been made at no.52 Tongdean Avenue which should not be replicated,
- Some of the tree protection measures cannot be achieved and some of the trees which will have to be felled are not marked on the plan to be felled,
- A biodiversity assessment should be submitted with the application
- The increase in the bulk, form and massing would have an impact on bathroom and bedroom window of 44 Tongdean Avenue,
- The development would result in a loss of light and an increased sense of enclosure,
- The front terraces would result in a loss of privacy to the bedroom and bathroom windows of 44 Tongdean Road,
- Side flat roofs could be used as terraces would significantly harm the neighbouring properties.

CAG: No objection – the existing bungalow makes no positive impact to the street scene. The group welcomes the contemporary design of the proposal which they find acceptable in an area of mixed architectural styles and qualities. The plot is considered to have a sufficient space to accommodate two dwellings

Internal:

Councillor Vanessa Brown objects to the application. A copy of the email is attached.

Conservation & Design: Although this conservation area contains buildings of a range of architectural styles, the existing bungalow on this site falls outside this range due to its scale, style and materials. Apart from the garages, the forward most part of the building, it is largely hidden within the site by mature planting, contrasting with the bold presence of most of its neighbours. The site is considered suitable for redevelopment in a manner in keeping with the rest of the conservation area and the demolition of the building is not resisted but should not be given consent until a suitable replacement development is approved.

The proposed redevelopment is for two semi-detached dwellings and the overall bulk of the building fits in better with the conservation area than the previous scheme of two separate dwellings did, however it is still considered that the subdivision of the plot would be apparent due to boundaries, the doubling up of entrances and driveways, but this could be minimised by withdrawing permitted development rights.

The contemporary architectural styles can be accommodated in this conservation area, which is already noted for its variety.

It is cautiously considered that this proposal is acceptable, subject to the controls suggested.

Traffic Manager: No objection subject to conditions and a contribution towards sustainable transport infrastructure.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

QD1	Development design
QD2	Neighbourhood design
QD3	Efficient and effective use of space
QD5	Design – Street Frontages
QD15	Landscape Design
QD16	Tress and Hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO5	Private amenity space
HO3	Dwelling type and size
HO4	Dwelling densities
HO13	Accessible housing and lifetime homes
SU2	Efficiency of development in the use of energy, water and minerals
SU4	Surface run-off and flood risk
SU10	Noise Nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
TR1	Development and the demand for travel
TR7	Safe development
TR12	Cycle access and parking
TR19	Parking Standards

Supplementary Planning Documents

SPD03	Construction and Demolition Waste
SPD08	Sustainable Building Design

Planning Advice Note

PAN03	Accessible Housing and Lifetime Homes
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7 CONSIDERATIONS

The determining issues relate to the principle of the works, impact of the proposed works on the character and appearance street scene and wider conservation area, the impact of on the residential amenity of neighbouring properties, and the standard of accommodation in relation to the policies in the local plan.

The principle of the development

Planning Policy Guidance 3 advocates the better use of previously developed land for housing. This policy is largely reflected in local plan policies QD3 and HO4 of the Brighton & Hove Local Plan. QD3 and HO4 can support planning permission for higher density infill development in some circumstances. However, this must not result in 'town cramming' or cause other problems for neighbours or the future occupants of the proposed building, nor should it result in a development that is detrimental to its surroundings.

The existing bungalow makes little impact on the streetscene due to its low form and materials, and the bungalow appears very low key, especially against the two storey buildings either side. The mature planting in the front curtilage of the property screens the majority of the built form apart from the garage which extends forward. The demolition of the bungalow is not resisted as it is not of such architectural merit to require preservation.

The width of the plot is approximately 27 metres, and consistent with the plots on both sides of this area Tongdean Avenue, and this would be split down the middle. The location of the site is in an area where the plot widths contribute strongly to the character. It is noted that further down the road to the south east, the widths of these plots reduce towards Barrowfield Close, the boundary of the Conservation Area. However in this location, it is considered important that the width of the plot still compares to those in the vicinity. In this conservation area the wide plots would normally contain just one property.

Nevertheless, whilst the previous application proposed two houses, and was refused for the impact on the character of the conservation area, the current scheme is for a semi-detached pair. The building would be read as a single dwelling. Whilst there is still a challenge to ensure the scheme does not result in a prominent reduction in plot sizes, it is considered that there is no objection to the principle to a semi-detached pair of dwellings in this location.

Design and Appearance

A modern approach has been adopted and the design is of merit and due regard has been given to the need for the building to be viewed as a single structure, comparable to some of the larger single dwellings in the area.

The new building would be significantly more prominent in the street than the existing building. Any two-three storey development on the site would be prominent when compared to the existing low-rise bungalow, however when compared to other buildings in the street, two storeys is common. White

render with sandstone cladding is proposed for the elevations, a blue/grey standing steam flat roof, and aluminium windows with slate and sandstone is proposed. Many of the houses in the area are constructed at some time around the 1950's with a predominance of brick work, some render and hipped roofs. More recent development however has utilised modern building techniques and styles. There has been some examples of properties in the street being modernised with substantial extensions and alterations approved. Whilst there is no objection in principle to a modern approach in this location, given the stark comparison to materials of many of the neighbouring properties including the adjoining neighbours, the new dwellings would be prominent; however this is not a justifiable reason for refusal in isolation.

A street scene has been submitted with the application which shows the indicative heights of the development relative to the adjoining neighbours. The building has been designed to have a roof height approximately 1 metre higher than 40 Tongdean Avenue to the east and 1 metre lower than 44 Tongdean Avenue to the west. This results in a development which bridges the heights of the neighbouring properties, giving a staggered appearance, which is considered to be the right approach for this redevelopment.

There is a concern that the proposed building appears substantially wider than the neighbouring house to the east, 40 Tongdean Avenue, which is one of the narrower houses in this part of the street. Nevertheless, the separation distances between 40 Tongdean Avenue and the new building, together with retained vegetation helps to militate against this aspect of the scheme. The Conservation Advisory Group, broadly support the scheme, and the Conservation Officer has not raised an objection.

It is considered that treatment of the front curtilage of the site is fundamental to the acceptability of semi-detached properties on the site. The submitted details are acceptable in this regard, and will assist in giving the impression of large plots and open character which characterise the area.

The access for the two dwellings will have a similar appearance to many single dwellings in the area which have a U-shaped in-and-out driveway.

There has been a concern from neighbours that an approval for this development could set a precedent for other subdivision in the area. Whilst each application must be assessed on its merits, it is felt that the design of this specific proposal has addressed the issue of plot sizes well, and on balance, there is no justifiable reason for refusing the application on the grounds of design and appearance or impact on the Tongdean Conservation Area.

Impact on Amenity

The application represents a significant increase in bulk from the existing bungalow. The impact has attracted a number of objections from neighbouring properties, and the redevelopment from a bungalow to three

storey building, will result in an increased sense of enclosure to neighbouring properties. However as previously mentioned, the scale of the development in terms of height is comparable to neighbouring properties.

Two side windows in 44 Tongdean Avenue face the site, both will be affected by an increased sense of enclosure by the increased built form of the building. However one of the windows is a bathroom, the other a secondary window serving a bedroom. In any case, with a side-to-side separation distance of over 9 metres the overall impact is considered acceptable. Similarly, the side windows of 40 Tongdean Avenue are not considered significantly affected. There would be a separation distance of approximately 6 metres and the existing vegetation would continue to provide a good screen and soften the appearance of the development. Due to the orientation of the buildings, some loss of light to the windows in 44 Tongdean Avenue would result, however the general scale of the building is acceptable, and any significant loss of light to habitable rooms would not result.

The balconies proposed for the front of the building at first and second floor of the building, would be inset from the boundaries, preventing significant views back in to neighbouring properties and giving elevated views to the front of the property. Full details of screening the balustrade to serve the second floor terrace is required by condition. To the rear, no terraces are proposed, and for the avoidance of doubt the flat roof areas above the kitchen/ dining area must be conditioned to be used for access/maintenance only.

Much of the rear boundary is well-screened, and the impact of the larger buildings on properties in Meadow Close is not considered significant.

Environmental and sustainability concerns

A sustainability report has been submitted with the application. Included in the statement is a commitment to achieve Code for Sustainable Homes Level 3, compliant with Supplementary Planning Document on Sustainable Building Design. There has been a commitment to utilising green technologies, including solar collectors. Cycle parking, rainwater harvesting, and refuse/recycling facilities have been included in the proposal. A completed Sustainability Checklist has been submitted which shows good performance in many of the sections, including energy and water.

The applicant has submitted a Waste Minimisation Statement to show where construction and demolition waste could be minimised, however this is considered insufficient and amounts of waste have not been identified. Whilst demolition of the site excavation is likely to cause significant levels of waste, there is some potential for reuse and recycling, should the application be successful, it is considered important that the construction and demolition waste arising from the development is properly documented, and the submitted waste minimisation statement is elaborated upon. Current policies require that over 80% of waste is diverted away from landfill. A revised waste minimisation statement is therefore required by condition.

Standard of accommodation:

A Lifetime Homes Checklist has been submitted with the application.

The layout and design of the property is acceptable and would be broadly able to meet lifetime homes specifications in accordance with HO13 of the Brighton & Hove Local Plan. Door widths, leading edges, and corridor widths are all compliant with lifetime homes standards. There is an entrance level living area, WC, and potential to convert the office to bed space if necessary. The bathrooms generally have good proportions. Overall the accommodation provided is generous and could be easily adapted.

Natural light and ventilation is achieved in nearly all rooms, the exception being an internal WC on the ground floor, and ensuite to the first floor of each property. There is some opportunity for these rooms to receive borrowed light.

Transport

The Traffic Manager has not objected to the application with the access arrangements acceptable from highway safety point of view and off-street car parking provided for both properties. The proposal does however result in an increased demand on traffic and transport movements, and a financial contribution towards sustainable transport infrastructure has been requested by the Transport Team

Landscaping and trees

An Arboriculture Statement has been submitted with the application. The document identifies an excellent collection of trees on site. Worthy of specific mention is the Eucalyptus in the front curtilage of the property is very prominent in the streetscene and mature examples of Elm, Sycamore and Poplar in the rear garden which are to be retained. Primarily trees that are recommended to be felled are those needed to facilitate development. Some Disease has been identified in some of the trees, and these trees are also recommended to be felled. A location plan has been submitted with this application. The Council Arboriculture Team raise no objection to the works outlined in submitted report.

As previously identified, control over the boundary treatments, and hard and soft landscaping is required. It is disappointing that a detailed submission for a proposed landscaping scheme has not been submitted. However this will be sought by condition with the details to be agreed with consultation with the Arboriculture and Conservation and Design Teams.

One letter of representation has suggested that a full ecological report should be submitted with the applications. Whilst the site is well vegetated at present, there does not appear to be any protected species on site, and future landscaping plan will be expected to provide future wildlife habitat.

Conclusion

The proposal would result in a highly prominent addition to the street scene, but the design of the new building is acceptable and would preserve the character and appearance of the Conversation Area. There would not be significant harm to the residential amenity of neighbouring properties. Approval is recommended.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

On balance, it is considered that the proposed development to form a pair of semi-detached houses is acceptable. The design is of architectural merit, will adequately contribute to the streetscene and would preserve the character and appearance of the Tongdean Area. The development would not harm the residential amenity of neighbouring occupiers, and the standard of accommodation is acceptable

9 EQUALITIES IMPLICATIONS

The new houses would be compliant with Lifetime Homes Standards

BH2008/03384 42 Tongdean Avenue



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Nicola Hurley

From: Clare Simpson [Clare.Simpson@brighton-hove.gov.uk]
Sent: 21 January 2009 10:10
To: Nicola Hurley
Subject: FW: BH2008/03384 - 42 Tongean Avenue

From: Victoria Golding [mailto:Victoria.J.Golding@brighton-hove.gov.uk] **On Behalf Of** Vanessa Brown
Sent: 09 December 2008 10:55
To: Clare Simpson
Subject: BH2008/03384 - 42 Tongean Avenue

Dear Clare

Re: BH2008/03384 - 42 Tongdean Avenue

As a Councillor for Stanford Ward I am writing to object to this application. Tongdean Avenue is in a Conservation Area which is characterised by individually designed houses in large plots. Subdivision of these plots would destroy the character of the area. The tree survey shows that at least ten trees would have to be felled and again this would alter the leafy character of the area.

The proposed dwellings are also considerably larger and heigher than the existing bungalow and very close to the boundary. This will affect the natural light in the garden and create a sense of enclosure. It will also impact on the bedroom and bathroom windows.

If this application should be recommended for permission I would ask that it go before the Planning Committee.

Yours sincerely

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

<u>No:</u>	BH2008/03481	<u>Ward:</u>	STANFORD
<u>App Type</u>	Conservation Area Consent		
<u>Address:</u>	42 Tongdean Avenue, Hove		
<u>Proposal:</u>	Conservation Area Consent for demolition of existing bungalow.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Received Date:</u>	20 October 2008
<u>Con Area:</u>	Tongdean Area	<u>Expiry Date:</u>	02 January 2009
<u>Agent:</u>	Miss Asia Jedrzejec, 79 Stanford Avenue, Brighton		
<u>Applicant:</u>	Mr & Mrs Bernstein, 42 Tongdean Avenue, Hove		

1 RECOMMENDATION

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

Conditions

1. BH01.04 Conservation Area Consent.
2. BH12.08 No demolition until contract signed.

Informatives:

1. This decision is based on drawing nos 0794, E01- E07 and supporting statements submitted on 20th October 2008, and Heritage Statement received on 7th November 2008,
2. This decision to grant Conservation Area Consent has been taken:
 - i. having regard to the policies and proposals in the Brighton & Hove Local set out below:
HE8 Demolition in Conservation Area; and
 - ii. for the following reasons:
The existing bungalow is not worthy of preservation and an acceptable scheme to redevelop the site has been established.

2 THE SITE

The application relates to a site on the south west of Tongdean Avenue with approximately 27 metres of frontage. The existing bungalow is located centrally in the plot but set back from the road when compared to neighbouring properties with a garage projecting forward. Two storey detached properties characterise the area, and the existing bungalow is very low-key in the streetscene due to its height and the significant amount of mature vegetation in the front of the curtilage.

The property lies within the Tongdean Conservation Area.

3 RELEVANT HISTORY

A Full Planning application is registered for the construction of a pair of semi-detached dwellings (ref: **BH200803384**).

BH2008/00596: Proposed demolition of existing bungalow and erection of two detached dwellings with garages and cycle store.

Refused on the 28th April 2008 for the following reasons:

1. The subdivision of the site to form two plots containing three-storey properties is considered to be an inappropriate development of the site. The resultant plot sizes fail to respect the prevailing character of this the part of Tongdean Avenue which is characterised by large plots with generous spacing between buildings. As a result two properties on the site appear crammed-in and detrimental to the street scene and the character of the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.
2. The proposed houses by virtue of their scale, height and design, fail to relate to adequately to the neighbouring properties. The properties appear excessively high and due to their relatively narrow form appear disproportionate when compared to the wider house which characterise the area. In addition the ridge heights of the properties fail to bridge the height differences of no.40 and no.44 Tongdean Avenue. As a result two properties which are unduly high and which have strong vertical emphasis appear out of character of with the Tongdean Conservation Area. The development is contrary to policies QD1, QD2, QD3, HO3 HO4, and HE6 of the Brighton & Hove Local Plan.
3. The proposed roof terraces to the rear of the new properties by virtue of their size and elevated position will give rise to extended views of gardens of neighbouring properties causing a loss of privacy. This element of the design is considered un-neighbourly and contrary to policies QD3 and QD27 of the Brighton & Hove Local Plan,
4. Notwithstanding the inaccuracies in the submitted Arboriculture report, the proposed development involves the loss of a large number of mature and semi-mature trees which are considered to make a positive contribution to the Conservation Area. In the absence of sufficient justification and in the absence of a future landscaping plan for the site, the applicant has failed to demonstrate that the loss of the trees will not harm the character and appearance of the site and the surrounding area. The development is therefore contrary to policies QD15, QD16 and HE6 of the Brighton & Hove Local Plan.

BH2008/00599: Demolition of existing bungalow. Refused 28th April 2008 for the following reason:

1. Policy HE8 of the Brighton & Hove Local Plan relates to demolition in conservation areas and states that demolition will not be considered

without acceptable detailed plans for the site's development. In the absence of an approved planning application for the redevelopment of the site, the demolition of the building would be premature and result in an empty site, contrary to the policy, to the detriment of the visual amenities of the Tongdean Avenue Conservation Area.

4 THE APPLICATION

Conservation area consent is sought for the demolition of the existing building.

5 CONSULTATIONS

External:

Neighbours: None received.

CAG: No objection – the existing bungalow makes no positive impact to the street scene. The group welcomes the contemporary design of the proposal which they find acceptable in an area of mixed architectural styles and qualities. The plot is considered to have a sufficient space to accommodate two dwellings.

Internal:

Conservation & Design: Although this conservation area contains buildings of a range of architectural styles, the existing bungalow on this site falls outside this range due to its scale, style and materials. Apart from the garages, the forward most part of the building, it is largely hidden within the site by mature planting, contrasting with the bold presence of most of its neighbours. The site is considered suitable for redevelopment in a manner in keeping with the rest of the conservation area and the demolition of the building is not resisted but should not be given consent until a suitable replacement development is approved.

The proposed redevelopment is for two semi-detached dwellings and the overall bulk of the building fits in better with the conservation area than the previous scheme of two separate dwellings did, however it is still considered that the subdivision of the plot would be apparent due to boundaries, the doubling up of entrances and driveways, but this could be minimised by withdrawing permitted development rights.

The contemporary architectural styles can be accommodated in this conservation area, which is already noted for its variety.

It is cautiously considered that this proposal is acceptable, subject to the controls suggested.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

HE8 Development in Conservation Areas

7 CONSIDERATIONS

The main issue for consideration is whether the loss of the existing building on the site would adversely affect the character and appearance of the Tongdean Conservation Area.

Policy HE8 states that buildings which make a positive contribution to the character of conservation areas should be retained.

The existing bungalow makes little impact on the streetscene due to its low form and materials, and the bungalow appears very low key, especially against the two storey buildings either side. The mature planting in the front curtilage of the property screens the majority of the built form from the street. Whilst the existing building is not harmful to the character of the area, the demolition of the bungalow is not resisted as it is not of such architectural merit to require preservation.

Policy HE8 of the Brighton & Hove Local Plan also states that demolition will not be considered without acceptable detailed plans for the site's development. The accompanying planning permission for a pair of semi-detached dwellings is considered acceptable on design, and on amenity grounds. The full planning application (**BH2008/03384**) for the construction of a pair of semi-detached dwellings is recommended for approval. Provided that the scheme to redevelop the site gains approval, it is considered that the demolition of the existing bungalow is acceptable. A condition to ensure that contracts are in place prior to development is required which would ensure that a vacant plot is not left for a prolonged period of time. This would ensure works to redevelop the site follow promptly after the demolition of the existing building.

8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The existing bungalow is not worthy of preservation and an acceptable scheme to redevelop the site has been established.

9 EQUALITIES IMPLICATIONS

N/A.

BH2008/03481 42 Tongdean Avenue



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<u>No:</u>	BH2007/03485	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	159 Edward Street, Brighton		
<u>Proposal:</u>	Change of use from shop to sui generis mixed use incorporating coffee/sandwich bar, jazz club, bar, music editing suite and ancillary accommodation. Formation of new first floor level accommodation, including insertion of dormer windows and rooflights, rear extension to basement level and construction of rear emergency stairway.		
<u>Officer:</u>	Liz Holt, tel: 291709	<u>Received Date:</u>	17 September 2007
<u>Con Area:</u>	East Cliff	<u>Expiry Date:</u>	17 December 2007
<u>Agent:</u>	Design LSM, Bath House, 58 Livingston Road, Hove		
<u>Applicant:</u>	Mr AM Lavender, 91 Leahurst Court Road, Brighton		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 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. BH13.01 Samples of Materials – Cons Area.
3. BH12.05 Rooflights – Cons Area.
4. Notwithstanding condition 3 or the drawings submitted as part of the application the rooflights hereby approved 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. Notwithstanding drawings submitted as part of the application the first floor window within the south elevation of the property hereby approved shall not be glazed otherwise than with obscured glass, the side windows shall be fixed shut and the middle bottom hung inward opening and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
6. Prior to the opening of the uses hereby approved the obscurely glazed balustrade hereby approved, to be located to the western side of the rear terrace, shall be installed and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
7. Noise mitigation measures shall be carried out in accordance with the

specifications detailed in the acoustic reports dated the 14th November 2005 prepared by Acoustic Design Services Limited and 18th August 2008 prepared by Acoustic Associates. Noise mitigation measures shall also be carried out in accordance with the specifications detailed on the Urban Arc Limited plans submitted on the 23rd of December 2008.

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.

8. The basement jazz club, ground floor bar and first floor music editing suite shall not be open or in use except between the hours of 20:00 to 01:00 the following day on Monday to Saturday (inclusive) and 20:00 to 23:00 on Sundays and Bank Holidays.

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.

9. The ground floor café shall not be open or in use except between the hours of 08:00 to 18:00 each day of the week.

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.

10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any amendments thereto, this premises shall be used as a mixed use coffee/sandwich bar and jazz club only and for no other purpose including any Sui Generis use. Reason: The Local Planning Authority would wish to retain control over any subsequent use of these premises in the interests of safeguarding the amenities of the local residents and the local area in accordance with policy QD27 of the Brighton & Hove Local Plan.

11. Other than for purposes of access and egress, the rear ground floor door, serving the rear terrace, shall remain closed.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

12. All plant and machinery shall operate at least 5dB(A) below the background noise level (expressed as an L90).

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

13. During the premises opening hours all rear ground floor windows shall be closed.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

14. All fire doors at the rear of the premises, shall remain closed and not be opened for any purpose, other than for emergency access and for deliveries/collections to and from the beer chiller and refuse room.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local

Plan.

15. The rear ground floor terrace area shall not be used by customers for any purpose, other than for emergency access.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

16. The rear ground floor terrace area shall not be used by staff as an external amenity area or as a smoking area.

Reason: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

17. BH02.07 Refuse and recycling storage (facilities).

Informatives:

1. This decision is based on drawing nos. 070902_002, 070902_003 and 070902_004 and Fakro Conservation Window Details submitted on the 17th September 2007 drawing nos. 070902_001RevA and 070902_005 and a Design and Access Statement submitted on the 22nd October 2007, an Acoustic report by Acoustic Design Services Ltd submitted on the 25th June 2008, an Acoustic Report by Acoustic Associates submitted on the 9th September 2008, drawing nos. 070902_P_006RevC, 070902_P_008RevB, 070902_P_011RevB and 070902_P_012RevB and an accompanying letter submitted on the 23rd October 2008 and drawing nos. 070902_P_007RevD, 070902_P_009RevC and 070902_P_010RevC submitted on the 8th January 2009 and an e-mail and attached photograph park13_7_08_681 received on the 13th January 2009.

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

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

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
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD5	Design – street frontages
QD14	Extensions and alterations

QD16 Trees and hedgerows
QD27 Protection of amenity
QD28 Planning Obligations
SR13 Nightclubs
HE6 Development within or affecting the setting of Conservation Area

Supplementary Planning Document

SPD03 Construction and Demolition Waste

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste; and

(ii) for the following reasons:-

The proposed extensions and alterations to the property are considered not to be of detriment to the character and appearance of the host property or the wider area, including the surrounding Conservation Area.

Following the submission of annotated plans showing sound attenuation measures, two acoustic reports and subject to the compliance with attached conditions it is considered that the proposed use of the property will not have a significant adverse impact upon the amenities of local residents.

2 THE SITE

The application site comprises a two storey (ground and basement level) commercial unit fronting onto Edward Street, adjacent to the north west corner of Dorset Gardens.

To the west, the site adjoins a four storey (including basement) building in predominantly residential use that fronts George Street. A narrow gap provides separation between the application site and this neighbouring building. The basement level in this area between the two buildings has been excavated, to reveal the basement levels of the buildings.

The site is located within the East Cliff Conservation Area.

3 RELEVANT HISTORY

12.246.1479: Change of use from shop to printing works – approved 3/5/55.

63.1116: Use as light industry – approved 16/7/63.

63.2298: Change of use from manufacture of plastic sequins to betting office – approved 17/12/63.

65.231: Change of use from betting office to use as a shop for storage and wholesale and retail sale of tea and coffee and tea and coffee equipment – approved 16/2/65.

BH2005/05471: Extension to rear basement level and change of use from store to Jazz Club (D2). Minded to Grant at the 23/11/05 Planning Sub-Committee subject to the receipt of satisfactory and comprehensive sound

attenuation details.

BH2006/00916: Formation of mansard roof to create first floor to house editing suite, staff room and office. Refused 16/05/2006 on grounds including the scale, bulk and design of the proposed mansard roof and proposed rooflights being of detriment to the host property and the wider area including the Conservation Area and the adverse impacts of the proposed mansard roof upon the amenities of neighbouring properties.

BH2006/03862: Formation of mansard roof to create first floor to house editing suite office, band room and bathroom (resubmission of application BH2006/00916). Refused 24/01/2007 on grounds including the design of the proposed mansard roof being asymmetrical, an incongruous extension and of detriment to the character and appearance of the host property and the wider area including the surrounding Conservation Area and the adverse impact of the mansard roof of the amenities of the neighbouring properties.

4 THE APPLICATION

The application seeks permission for the formation of new first floor accommodation within the existing building in order to provide a music editing suite and other ancillary staff facilities, in addition to the change of use from an existing store to a sui generis mixed use premises incorporating a coffee/sandwich bar and bar at ground floor level and a jazz club at basement level.

Two lead clad barrel domed dormers and an extract outlet are proposed along the eastern roof slope and three conservation rooflights and an intake fan to the western roof slope. Two new windows are proposed in the southern elevation at ground level and at roofspace level.

Development is proposed within the basement to provide accommodation for a jazz club venue. An external emergency stairway is also proposed at the basement level.

Parts of this application, namely the use of the ground floor level as a coffee/sandwich bar, the basement as a jazz club and an extension to the rear of the basement level, were incorporated within the earlier application BH2005/0547. This application went before Planning Sub-Committee, resulting in a resolution of minded to grant, subject to approval of an acceptable scheme of acoustic insulation. This application has yet to be determined as the applicant failed to submitted sufficient acoustic details.

The current application proposes amendments to the earlier internal layout of the premises as it is now proposed to provide sanitary accommodation within the basement in place of the bar and the bar relocated to ground floor level at the northern end of the building. A small dispensing bar is proposed within the basement under the staircase that would be linked to the ground floor by a dumb waiter. The plans indicate that the proposed basement jazz club would accommodate seating for 44 persons with some additional seating in the bar area at ground floor level.

5 CONSULTATIONS

External:

Neighbours: Six letters of objection have been received from:

18 George Street, objects on the grounds of noise disturbance and public nuisance affecting those living in the immediate area. A venue in Edward Street will increase the flow of people through George Street from St. James Street. Potential increase for a further increase in crime, disorder and public safety issues. Also objects to the proposal as it requires the removal of trees from the park within Dorset Gardens to make way for a fire escape.

36 George Street, (2 e-mails received) objects on grounds that the jazz bar will add to noise pollution in the area both from people going to and from the premises and people smoking outside of the property, issues of crime and disorder, public safety issues and protection of children from harm. The proposed change of use will add to the problems already been encountered from patrons of the public house next door.

38 George Street, objects as the new first floor level accommodation will limit the amount of natural daylight to the kitchen and first floor, which is already dark during the winter months. The noise from the jazz club will affect the rear of the property which contains bedrooms. Also objects on grounds of crime and disorder including safety aspects for their property and on grounds of public safety with regards to George Street being used as a thoroughfare and the blocking of their means of escape as a result of the new building.

39 George Street, objects as concerned that the proposed first floor extension may overshadow property and overlook bedrooms. This establishment will in part be a late-night venue which will inevitably lead to an increase in pedestrian traffic along what is primarily residential street at the northern end. Due to intoxication on departure from the premises will lead to various acts of anti-social behaviour.

6 Dorset Gardens, objects on grounds of noise disturbance of the use of the premises and people coming and going from the property, increased litter pollution, increased anti-social behaviour and any change affecting Dorset Gardens as a public park widely used by the surrounding community in addition to the felling of trees to accommodate the proposed extension and proposed fire escape.

1 letter of objection from an **unknown address** on the grounds that customers of the club will access it via residential streets such as George Street and Dorset Gardens and cause noise disturbance, commit crime and other forms of anti-social behaviour and this is a community with families with vulnerable people which should be protected. Also objects on grounds of loss of trees within Dorset Gardens and the use of the fire escape as a smoking area.

CAG: No comment.

Sussex Police Crime Prevention Design Adviser: No major concerns with the scheme.

Internal:

Traffic Manager: No highway comments.

Conservation and Design: No objections. The proposed roof and dormers will not be visible behind the existing decorative fascia and appear not be able to be viewed from the Edward Street elevation. The two large dormers facing north have a similar impact on Dorset Gardens that the adjacent building has – behind 39a & 40 George Street, as this has similar large roof windows facing the Gardens. The conservation rooflights face the rear of the buildings on George Street and therefore have a minimum impact on the character of the conservation area. The previous application, BH2006/00916, had an asymmetrical mansard and was highly visible from Edward Street. It is encouraging that these elements of the proposals have been removed. Recommend samples condition.

Environmental Health:

(Comments 27/11/2008 following submission of acoustic details) The site is in close proximity to residential accommodation. Is satisfied that if the works specified in the acoustic reports and the October 2008 plans are executed then have no objection. This is in addition to recommended conditions covering the implementation of the noise mitigation measures, the opening hours of the premises, the use of plant and machinery, the use of the rear terrace area, the use of the rear ground floor door and fire doors and the opening of ground floor windows during opening hours.

Arboriculturist:

(Comments 14/01/2009) As the applicant has assured that the park will not be used by builder have no objection in relation to the proposed development. Regardless of the proposed development the trees located in close proximity to the wall will need to be removed as they will eventually lead to damage of the wall. The Council and the applicant are currently in discussion with regards to their removal.

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
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites

QD5	Design – street frontages
QD14	Extensions and alterations
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning Obligations
SR13	Nightclubs
HE6	Development within or affecting the setting of Conservation Area

Supplementary Planning Document

SPD03 Construction and Demolition Waste

Supplementary Planning Guidance

SPGBH1 Roof Alterations and Extensions

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Construction industry waste

7 **CONSIDERATIONS**

Background

The application relates to an unusual building with the appearance of a shop with a relatively large basement area underneath. The site adjoins Dorset Gardens on one side and there is a blank frontage on the other side. Edward Street includes a number of retail uses on the same side as no. 159 but they are scattered along the frontage and the street does not have the appearance of a continuous shopping frontage.

The building has operated in various uses since 1947 including use as a printing works, light industrial use and as a betting shop. The most recently approved use was for the retail and wholesale of tea and coffee and associated equipment. This use continued until March 2005 when the site was put on the market. It was acquired by the applicant in the summer of 2005.

Application BH2005/05471 sought planning permission for an extension at the rear of the basement level and the change of use from store to a jazz club at basement level and sandwich bar at ground floor level. The application was minded to grant at the 23rd of November 2005 Sub-Committee subject to the receipt of a satisfactory and comprehensive attenuation report and compliance with recommended conditions. Although sound attenuation information has been submitted in relation to this application the details are not considered acceptable and as such the application is yet to be determined.

In 2006 two applications were submitted (BH2006/00916 and BH2006/03862) which sought permission for the construction of a mansard roof in order to provide an additional usable level for the property. For reasons set out above both of these applications were refused.

The current application originally sought planning permission for the formation of new first floor accommodation within existing building, with new basement sanitary accommodation and external emergency staircase to serve the jazz club venue. As the 2005 application is yet to be determined, the current application has been amended in order to refer to all the alterations and extensions to the property, in addition to the proposed change of use.

The 2005 application sought permission for a rear basement extension and the use of the basement level of the property as a jazz club with the ground floor level as a sandwich bar. The proposed application revises the 2005 development by way of the creation of a first floor level to the property and the ground floor comprising a coffee/sandwich bar during the day and a bar area for the proposed basement jazz club at night. The additional floor space created in the roof would relocate all staff servicing facilities to this area, thereby increasing the available public space at the ground and basement levels. The proposal is therefore considered to be materially different to the original 2005 application with a greater intensity of use proposed.

In the determination of the current application consideration must be given to the impacts of the proposal on the character and appearance of the host property and the wider area, including the surrounding Conservation Area, the impact of the intensification of the use of the site and the impacts upon the amenities of the neighbouring properties.

Intensification of use

The proposed intensification of use of the property as a sandwich bar in the day time and as a jazz club/bar at night has, in principle, been accepted as a result of the minded to grant decision at the earlier Planning Sub-Committee meeting.

The current application proposes a number of changes from the 2005 application (ref: BH2005/05471). The 2005 application proposed a café at ground level and jazz nightclub in the basement, essentially provided as two separate units. As set out above the 2005 resolution to grant was conditional on the submission and approval of noise attenuation measures.

The current application seeks permission for the jazz club to be accommodated across all levels of the property. The main part of the proposed jazz club would be located at basement level with the main bar at ground floor level. The ground floor level will also be used as a coffee/sandwich bar during the day before servicing the jazz club in the evening. In addition the proposed accommodation created at first floor level as a result of the proposal will provide a music editing suite and ancillary staff facilities for the property

Plans submitted indicate that within the basement level of the property around 44 seated persons could be accommodated. Additional seating would be provided within the café with bar stools along the western wall and within the

west window of the shopfront.

The relocation of the bar to the ground floor would require movement between basement and ground floor by the jazz club users. Consequently, the two floors are now viewed as a single unit over two floors. This contrasts with the 2005 scheme, which was viewed as a jazz club restricted to the basement level and a distinctly separate sandwich bar at ground floor level for day time use. Conversely during the day, the café would not be considered A1 by virtue of the fact that extensive seating is provided. The proposed use would now fall within the sui generis use class by reason of the mix of the A3 style day time cafe use on the ground floor and jazz club and bar in the evening.

Policy SR13 relates to new clubs or extensions to existing clubs. Under this policy a large club is defined as premises having a total or resultant net public floorspace in excess of 150m², excluding corridors, lobbies, stairwells, WCs, staff areas etc. Excluding all of the areas listed, the proposal would have a total net public floorspace below 150m². As a result of the public floorspace proposed the jazz club is defined as a small club under policy SR13 and therefore is subject to clauses b to e of the related policy.

Although the criteria of policy SR13 relevant to a small club state indicate that small clubs should not be permitted if the premises abut residential accommodation, as is the situation in this case, the 2005 application was viewed favourably by the Local Planning Authority. The Committee report noted the potential for the use to be unneighbourly, but the scheme was described and the recommendation justified, as a low key entertainment use. It is acknowledged that the development now proposed is materially different to that proposed in 2005, as a result of the creation of a first floor level and the use of the basement and ground floor areas as a sui generis use. However it is considered that the applicant has demonstrated that the intensification of the site can be accommodated within the site, though the submission of comprehensive annotated plans showing sound attenuation measures and the submission of two sound attenuation reports, without causing detriment to the amenities of adjoining residential properties, a view supported by the Council's Environmental Health Department.

Design

Brighton & Hove Local Plan policies QD1, QD2, QD3 and QD14 require a high standard of design for new development, in this case an extension and roof conversion to intensify the use of a site. Policy HE6 requires that new development within Conservation Areas preserves or enhances the character or appearance of the area.

At basement level the applicant intends to extend the property by way of a rear in-fill extension. The proposed extension will extend from the existing south facing elevation of the property by approximately 5.05m, will have a width of approximately 4.1m and a height of approximately 2.9m. The proposed rear extension will house the proposed sanitary facilities, a covered

fire escape staircase between the basement level and Dorset Garden's park and a beer and wine store. At ground floor level the roof of the proposed rear basement extension will be utilized as a decked area in addition to a small extension of approximately 1.2m in width being constructed to house the upper staircase related to the new fire escape and the beer chiller and refuse room. This flat roof extension will have a height of approximately 2.8m and will be constructed of a lead roof and horizontal board cladding. Due to the existing wall located between Dorset Garden's park and the site address only the upper most section of the proposed ground floor extension will be visible when viewed from areas to the east of the site. Overall it is considered that the proposed extensions will not be of detriment to the character or appearance of the host property or the wider area, including the surrounding Conservation Area.

The application proposes two sizeable lead clad barrel domed dormers in the eastern roof slope in addition to the insertion of an exhaust air outlet. The two dormers would be evenly spaced in the roof slope, one containing the staircase and the other containing the music editing suite and office.

The three conservation rooflights proposed in the western roof slope would serve the kitchen, bathroom and corridor. In addition a fresh air intake vent will be inserted within the west facing roofslope.

A large hardwood casement framed window is proposed at the southern end of the roof and would be positioned off centre towards the western side elevation.

The existing Redland 49 interlocking concrete tiles would be removed and replaced with natural grey slate tiles.

If the proposed scheme is overall considered acceptable, in order to ensure a satisfactory appearance to the property, it is recommended that a condition is attached to the approval requesting that samples of the proposed construction materials are submitted to and approved by the Local Planning Authority.

Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1) advises that roof extensions that alter the basic shape of the roof will not be accepted where it would lead to an imbalance between the appearance of dwellings or create a visually heavy roof. Dormers should be kept as small as possible and well contained within the roof slope, having a width no greater than the windows below and positioned carefully with regard to the arrangement of windows below and the shape of the roof. There should be no large areas of cladding either side of the window or below it. The guidance note also states that poorly designed or excessively bulky roof top additions can seriously harm the appearance of the property and have a harmful effect on the rest of the street.

The ridge line of the existing roof is centred towards the western side

elevation presenting a skewed roof line with the bulk of the roof positioned over the eastern half of the building. No windows are located along the western and eastern side elevations. The proposed dormers would align with the eaves and extend upward just short of the ridge height.

The two dormers would measure 2.2m in width and would occupy slightly less than half the roof length. Additions of this scale in the roof could have the potential to dominant the roof form of a small building such as this. The proposed dormers would appear as a substantial structure within the roof slope however, it is considered that the domed roof of the barrel dormers would reduce the scale and bulk of the sizeable dormers and the overall impact on the appearance of the subject building.

It would not be possible to accommodate two dormers of this size in the western roof slope due to the skewed roof line. Three conservation rooflights are proposed in the northern end of the western roof slope. The combination of dormers on one side of the roof and conservation rooflights on the others could have the potential to unbalance the appearance of the roof. However, as the roof is hidden behind a parapet at the front of the site and the eastern roof slope can only be viewed in isolation from the street the combination of the two roof structures alterations is considered by the Council's Conservation and Design Officer to be acceptable.

Ideally the rooflights should be evenly spaced within the roof slope. In this instance as the western roof slope would only be visible from the rear of the adjoining George Street terrace properties, the spacing of the rooflights as proposed would not be sustainable grounds for refusal.

The property is located within the East Cliff Conservation Area and adjoins Dorset Gardens, a public park to the east of the site. The proposed dormers would be visible when approaching the site from the eastern end of Edward Street and from within the neighbouring park.

The installation of the two barrel domed dormers in the western roof slope, while appearing as substantial additions to the roof of this small building are not considered to have an unacceptable impact on the character and appearance of the building within the street scene, the Conservation Area or the setting of the park.

The Conservation and Design Officer has raised no objection to the proposed alterations to the roof. Accordingly, this element of the scheme is considered to be acceptable in accordance with Brighton & Hove Local Plan policies QD2, QD3, QD14 and HE6.

Impact on neighbouring properties

Brighton & Hove Local Plan policy QD27 requires new development to respect existing levels of amenity of neighbouring properties.

The proposed extensions will in-fill areas located between the rear sections of properties located on George Street. The proposed ground floor extension will be located on the eastern side of the property, away from windows located in the rear elevations of properties located on George Street. Overall it is considered that the proposed extensions, both at basement and ground floor level will not have a significant adverse impact upon the amenities of the neighbouring properties.

The site adjoins 160 Edward Street and 37 and 38 George Street to the west and Dorset Gardens to the east. As was identified in the earlier refused application (ref: BH2006/03862), due to the close proximity of the roof to the neighbouring residential elevation and windows, any roof extension on the application site has significant potential to cause detriment to the living conditions of the neighbouring residential properties.

Presently the building physically adjoins the rear elevation of 160 Edward Street and is set back 1m from the rear of 37 and 38 George Street. The kitchen and landing windows of 160 Edward Street and 37 George Street look out over the sloping roof. The bedroom windows of both properties are located at second floor level.

In order to address concerns of overlooking and loss of privacy raised by the Local Planning Authority with regards to the rooflight windows the applicant has agreed that these window openings should consist of obscured glazing in order to mitigate any adverse impacts upon the amenities of the neighbouring properties. This issue can be controlled via a condition attached to the approval.

A window opening already exists at ground floor level within the south facing elevation of the property. As part of the proposal this window will be replaced with a window of a style and design to match that of the existing although it will consist of double glazing. In order to mitigate any adverse impacts upon the amenities of the neighbouring properties with regards to noise it is recommended that the window is not opened during hours of opening, an issue which can be controlled via a condition. It is acknowledged that oblique views towards neighbouring properties windows would be possible from the altered ground floor window however as this window opening already exists it is considered that the proposal will not have a significant adverse impact upon the amenities of the neighbouring properties as the views that will be achievable from the altered window opening will be the same as those which are presently gained from the same window opening. In addition an obscurely glazed balustrade will be located on the western side of the proposed rear terrace area. It is considered that the presence of this feature will also help to mitigate any significant adverse impacts with regards to overlooking or loss of privacy to neighbouring properties located directly to the west of the site. It is recommended that a condition be attached to the approval to ensure that the balustrade does consist of obscured glazing and that it is installed prior to the occupation of the premises.

Within the south facing elevation a new window opening will be created with the new first floor level of the property and will provide light and ventilation to the proposed staff/band room. This window will be subdivided into three window panes. In order to protect the amenities of the neighbouring properties and as a result of concerns raised by the Local Planning Authority the method of opening of the proposed window has been amended since submission resulting in the two side windows being fixed shut and the middle window to bottom hung and inward. In addition the whole window will consist of obscured glazing. A condition should be attached to the approval to ensure that these mitigation measures are implemented.

The proposed rear decked area will serve as a means of emergency escape and will provide access to the proposed beer chiller and refuse storage area. Information submitted as part of the application confirms that no access for the public will be allowed to the proposed terrace area other than for means of escape. A condition should be attached to ensure that this area remains prohibited to the public unless for means of emergency escape.

Third party objections raise significant concern regarding the impact of the proposed club adjoining residential properties in this otherwise relatively quiet location. As set out above plans submitted as part of the current application are annotated considerably with regards to sound attenuation. In addition two acoustic reports dated the 14th November 2005 and the 18th August 2008 have been submitted with regards to both the current application and that submitted in 2005. The annotated plans submitted as part of the current application and the acoustic reports are considered acceptable in accordance with policies of the Brighton & Hove Local Plan, a view supported by the Environmental Health subject to the compliance with recommended attached conditions.

Third party objectors also refer to anti-social behaviour increasing in the area as a result of the development if allowed. However Sussex Police, despite stating that the area is categorised as a medium/high risk crime area, do not have major concerns with regards to the proposal. In order to protect local residents from future developments which could have a significant adverse impact upon the amenities of the local residents, it is recommended that a condition is attached to the approval restricting the use of the premises to that which permission is sought.

Other Issues

Plans submitted as part of the application indicate the provision of refuse storage facilities. It is recommended that a condition is attached to the application to ensure that such facilities are actually provided.

Despite letters from third party objectors which include reference to the removal of trees in the adjacent Dorset Gardens park, in order to facilitate the creation of the proposed rear fire exit, the Council's Arboriculturist raises no objection to the removal of the trees in relation to the proposed development.

Regardless of the proposed development the Council and the applicant are currently in discussion with regards to the removal of trees located in close proximity to the shared wall as these trees will eventually lead to

As a result of the location of the property in relation to the city centre it is considered that future customers of the premises will have good access to public transport.

Conclusion

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

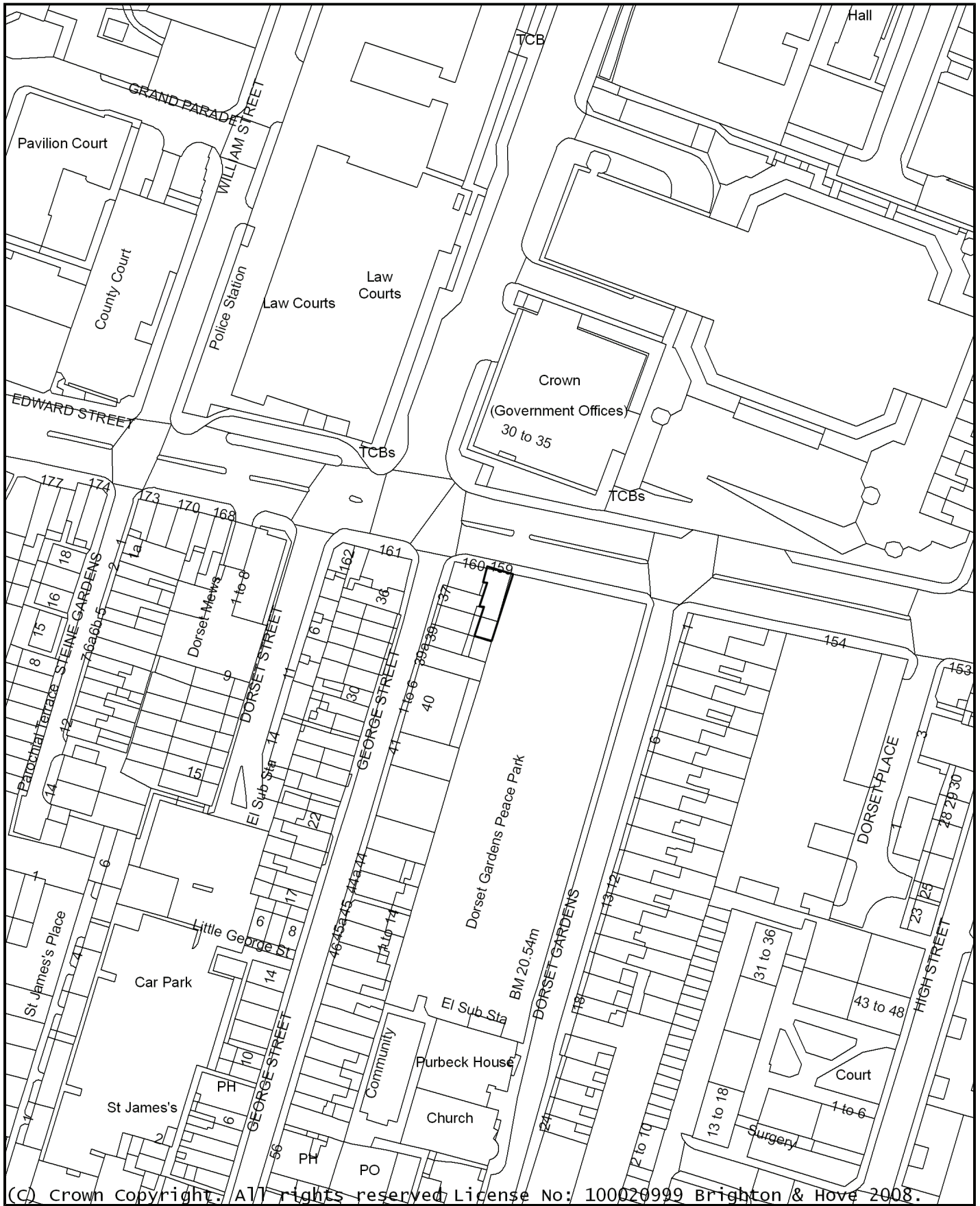
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed extensions and alterations to the property are considered not to be of detriment to the character and appearance of the host property or the wider area, including the surrounding Conservation Area.

Following the submission of annotated plans showing sound attenuation measures, two acoustic reports and subject to the compliance with attached conditions it is considered that the proposed use of the property will not have a significant adverse impact upon the amenities of local residents.

9 EQUALITIES IMPLICATIONS

Level access will be provided into the premises. Wheel chair access and mobility within the ground floor level of the property has been considered and a disabled WC provided. No wheel chair access provision to the proposed basement jazz club has been provided although it is stated that events will be screen at ground floor level.



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<u>No:</u>	BH2008/03129	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	100 St James's Street, Brighton		
<u>Proposal:</u>	Use of rear garden area for A3 Cafe - ancillary to existing sandwich bar (A1). Formation of new window opening to ground floor rear elevation.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Received Date:</u>	22 September 2008
<u>Con Area:</u>	East Cliff Conservation Area	<u>Expiry Date:</u>	17 November 2008
<u>Agent:</u>	Ms Julie Cattell, CJ Planning Ltd, 80 Rugby Road, Brighton		
<u>Applicant:</u>	Mr John Dewsbury, c/o CJ Planning Ltd, 80 Rugby 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 **Refuse** planning permission for the following reasons:

1. It is not considered that the proposed use of the garden area as a café (Class A3) would remain ancillary to the existing retail (Class A1) use and as such the proposal would result in the overall use of the premises changing from Class A1 to Class A3 which would, together with existing adjacent units, result in a high concentration of non-retail uses and a significant break of the prime retail frontage of more than 15 metres. The proposal would thereby undermine the primary shopping function and the vitality and viability of the St James's Street District Shopping Centre, contrary to policy SR5 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. PL01, PL02, PL03, design and access and waste minimisation statements submitted on 22.09.08.
2. This decision to refuse 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 and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD14 Extensions and alterations
 - QD27 Protection of amenity
 - SU9 Pollution and nuisance control
 - SU10 Noise nuisance
 - SR5 Town and district shopping centres

HE6 Development within or affecting the setting of conservation areas;
and

2 THE SITE

The site comprises a four storey terraced property located on the south side of St James's Street. The basement and ground floor levels are currently in commercial use and the upper floors appear to be residential accommodation. The application relates to part of the rear amenity area, in association with the ground and basement levels which is currently in use as a sandwich bar/takeaway unit, which includes seating. The upper floors are accessed via a separate entrance at the front of the site.

The site is located within the East Cliff Conservation Area. The site lies within the "prime retail frontage" of the St James's Street District Centre on the Local Plan Proposals Map. The area is characterised by a mix of commercial/retail uses at ground floor level and residential accommodation on the upper floors.

3 RELEVANT HISTORY

BH2001/02235/FP: Change of use from A1 (retail) to A3 (hot food sales) and erection of extract duct to rear of property – refused 26.10.01.

BH2006/00592: Change of use from takeaway cold food shop (A1) to restaurant/cafe/hot food takeaway (A3 and A5) – refused 06.06.06.

BH2006/02468: Change of use from take away cold food shop (A1) to restaurant/cafe/hot food take away (A3 and A5). (Resubmission of refused application BH2006/00592) – refused 15.09.06. Appeal dismissed 25.05.07.

Within the vicinity

115 St James's Street

BH2008/01039: Change of use from use class A1 (retail) to mixed A1/A3 coffee shop – refused 21.05.08. Appeal submitted.

4 THE APPLICATION

This application seeks consent for the change of use to Class A3 (restaurants and cafes) of part of the rear garden associated with the ground and basement levels of 100 St James's Street (which benefits from Class A1 consent/use). The area is 7.2m deep x 4.7m wide, and is approximately 50% of the rear garden area.

The application also includes the insertion of a new window opening in the ground floor of the rear elevation. The window itself would be timber framed, 1.2m wide x 1.2m high and of casement style.

The proposed opening hours are 07.00-19.30 Monday to Saturday and 08.00-19.30 Sunday and Bank Holidays.

There are also some minor internal alterations proposed to provide access to toilet facilities and the garden area without needing to pass through the kitchen, which involves creating an opening within an existing wall.

5 CONSULTATIONS

External

Neighbours: 11 letters of support have been received from the occupiers of the following properties: **Flat 3, 6 Attingworth Street; 7 Marine Gardens; 24 White Street; 302C Carden Avenue; 75 Marine Parade; 99 St James's Street; Flat 2, 10 Portland Place; 38 Sloane Court, Park Street; 194 Bannings Vale; 3 Challoners Close** and one with no address, on the following grounds:

- It would be of benefit to have use of the garden especially during the summer months;
- The garden would enhance a popular and thriving establishment;
- Customers could then enjoy the tranquillity away from the vibrancy of St James's Street;
- Other premises in the street already have outside dining areas operating successfully and without annoyance to adjacent properties; and
- There would be no disturbance or inconvenience arising from the proposed use.

In addition 9 letters of objection have been received from the occupiers of the following properties: **102 St James's Street; 101 St James's Street; 101a St James's Street; 17 Marine Parade; 19 Great College Street; one with no address; and from Griffith Smith Farrington Webb Solicitors on behalf of the occupiers of 101 St James's Street**, on the following grounds:

- The existing premises operates as an A3 use without the appropriate permission;
- The plans are inaccurate as they show an existing gate in the boundary wall which does not exist;
- There is only one toilet and access to it is through the kitchen which is wholly inappropriate on hygiene grounds;
- In order to create an access door (as shown on the plans as existing) would require the removal of part of an original flint wall;
- There are enough restaurant's and café's in the road and it would be more beneficial if there were more retail shops; and
- Noise and disturbance from the use would be unacceptable, particularly having regard to existing late licences within the area.

Cllr Fryer: It seems to me that having a terrace would be a minor addition to their existing sandwich shop and they feel confident that this would not turn them into a cafe, unlike Starbucks which is on a completely different scale and clearly is a cafe and, by nature of being a chain, does not enhance the character of the area.

Sussex Police – No comments to make.

Internal

Planning Policy: Would query the description of the application which is termed 'Use of rear garden area for A3 Cafe - ancillary to existing sandwich

bar (A1).’ It is clear that the application has been termed as such bearing in mind the lost appeal for the site (cou to A3 and A5 use) which was for the whole unit.

Secondly it is unclear in reality how this proposal would function. The rear garden looks like it is not covered, therefore in the winter or on days of bad weather there would be no one wanting to sit out. If the café to the rear was really a separate café it would be separated from the sandwich shop. As such the whole of the unit looks to be operating as a café. To the front of the unit there is a seating area which I would argue is not functioning as a sandwich shop as a sandwich shop should sell cold food for consumption off the premises.

Transport Planning: No highway authority comments.

Environmental Health: Note that there are no plans to prepare food on the premises and the only hot food will be soup, toasted sandwiches and jacket potatoes, which will be heated up.

The café is only open between 8.00am and 7.00pm and is in a commercial street although there is some surrounding residential. People noise is intermittent and varies in character; however this type of premises does not necessarily lend itself to noisy behaviour. Background noise at these times would be quite prominent and most residents would be at work for most of this time. Do not feel that the use of the rear garden area during these hours would result in a statutory noise nuisance.

No objection subject to conditions ensuring that the rear outdoor area should only be used between the hours of 8.00am and 7.00pm and that the area should be cleared by 7.00pm.

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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SR5	Town and district shopping centres
HE6	Development within or affecting the setting of conservation areas

7 CONSIDERATIONS

The main considerations in the determination of this application are the planning history, the relationship with the existing A1 unit, the principle of the change of use, impact on the existing property and wider area, amenity issues and highway issues.

Planning history

The planning history of the site includes three planning applications seeking to change the use of the ground and basement levels of the property from A1 to A3/A5. The most recent of these applications (BH2006/02468) was refused on the following grounds:

“The proposed use of the site as a café (Class A3) and takeaway (Class A5) would, together with existing adjacent units, result in a concentration of non-retail uses and a significant break of the prime retail frontage of more than 15 metres. The proposal would thereby undermine the primary shopping function and the vitality and viability of the St James’s Street District Shopping Centre”.

The applicants appealed this decision, which was duly dismissed on the same grounds.

It can therefore be seen that the principle of the change of use of the unit itself (that is the ground and basement levels) to a café (A3) is contrary to policy.

The decision at No. 115 (as identified within section 3) is also of relevance, as the site includes similar issues. This application was refused for the following reasons:

1. The proposed use of the site as a coffee shop, albeit as a claimed mixed use with an element of retail (Class A1) within the more conventional Restaurant and Café (Class A3) use, would, together with neighbouring existing units, result in a concentration of non-retail uses in this part of the St James's Street District Shopping Centre and a significant break in the prime retail frontage in excess of 15 metres. The proposal would therefore undermine the primary shopping function and the vitality and viability of the Centre, contrary to Planning Policy Statement 6 'Town Centres' and to policy SR5 of the adopted Brighton & Hove Local Plan 2005.
2. The Local Planning Authority does not consider, having regard to the number of such uses already established in this centre, that the proposal would significantly benefit its shopping function by adding to its diversity and vitality, encouraging combined trips or attracting pedestrian activity and the application does not therefore meet criteria c. of policy SR5 of the Brighton & Hove Local Plan.

This decision has now been appealed against by the applicants, and is to be heard at a Public Inquiry.

The occupiers of the unit, and the occupiers of other units within St James’s Street, including no. 115, are not material planning considerations.

The current proposal is similar in issues due to the fact that an A3 use has been demonstrated as unacceptable through its own planning history, and the current application seeks to incorporate an ancillary A3 element into the site, which as described in detail below, would be unacceptable.

Relationship with the existing A1 unit

The garden area subject to the change of use is clearly linked with the existing "A1" use to the ground and basement floors. The garden area could not operate in its own right as a self contained A3 use, as there would be no access, cooking or toilet facilities.

The use of the rear garden as Class A3 would significantly increase the eat-in function of the premises (as internal and external seating already exists to the front of the premises) to a point where the percentage split of A1 to A3 sales would be likely to tip the balance significantly towards A3. Thus the unit would effectively change to an A3 unit, which has been demonstrated as unacceptable through the relevant planning history of the site.

The supporting documents confirm that the applicant is aware that change of use to a café (A3) would be unacceptable.

It is therefore considered that the proposed use of the garden area as a café (Class A3) would not remain ancillary to or separate from the existing Class A1 use and as such would result in the overall use of the premises changing from Class A1 to Class A3. The site would then come under the remits of Policy SR5, which is dealt with below.

Principle of the change of use

Policy SR5 relates to Town and District Shopping Centres and states that it aims to maintain and enhance the defined prime frontages of the town and district centres, including the St James's Street District Centre.

It also confirms that change of use of existing Class A1 use shops to Class A2-A3 (now A2-A5), will be permitted provided all of the following criteria are met:

- a. A clear predominance of Class A1 uses would be maintained;
- b. As a result of the proposal there would not be a significant break in the shopping frontage of more than 15 metres;
- c. It would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and
- d. The development would not be materially detrimental to the amenities of occupiers of nearby properties or the general character of the area.

The St James's Street District Centre is a thriving centre with a mix of A1-A5 units. Having regard to the most recent survey of uses, dated 2008, plus an update on 12.11.08, a total of 58 units (out of 135) are in non-A1 use, which is 43%.

It can therefore be seen that there is a high concentration of non-A1 uses, although the proposal would maintain a prominence of A1 uses, and thus would conform to criterion a.

The site is adjoined to the west by a licenced café (Street Café) and fish and chip shop (The Daily Catch) and to the east by two retail units (florist and pet shop). The combined frontage of the two non-retail units, plus the subject site would be in excess of 15m, therefore would constitute a significant break in the retail frontage, contrary to criterion b.

The proposed use is unlikely to cause any harm to the vitality and viability of the St James's Street District Centre, and as such the development would confirm to criterion c.

With regard to criterion d, the impact on amenity, this issue is discussed below.

It can be seen that the development would fall foul of criterion b of policy SR5 and thus is unacceptable.

Impact on existing property and wider area

Policy QD14 relates to extensions and alterations, including the formation of rooms in the roof, and confirms that they will only be granted if the proposals are well sited, designed and detailed in relation to the host property.

The only alteration to the fabric of the building itself is the installation of a window in the ground floor of the rear elevation. This opening is to be a timber casement window, to match the size and profile of those on the upper floors. This alteration is considered acceptable, without causing harm to the host building or the wider East Cliff Conservation Area.

The plans also shows a new opening in the boundary wall between nos. 100 and 101 St James's Street. Whilst it is acknowledged there is a part opening in the wall, from 100, when viewed from no. 101 there is a continuous flint wall with no break in it. Therefore the plans submitted are inaccurate, as they include an annotation confirming there is an existing gate. The loss of this section of original wall would be regretted, however is not sufficient to warrant a reason for refusal.

Amenity issues

Policy QD27 relates to amenity issues and confirms that permission will not be granted for proposals which cause material nuisance and loss of amenity to adjacent, existing or proposed occupiers.

The properties immediately surrounding the site are in commercial use at ground floor level with ancillary or residential uses above. Objections from the neighbouring properties, citing noise and disturbance, have been lodged.

St James's Street is a busy street subject to noise and disturbance by the customers of other A3, A4 and A5 uses in the area, traffic (both vehicular and pedestrian), deliveries and buses. It is considered that, given the nature of the surrounding area, if permission were granted the proposed use of the garden

area as a café could be conditioned satisfactorily not to adversely impact on the living conditions of the neighbouring residential properties. The comments from the Environmental Health Department are noted and thus a condition restricting the use from 08.00-19.00 would be satisfactory, were the application to be recommended for approval.

Highway issues

TR1 requires that new development provides for the travel demand which it generates.

The site does not benefit from off street parking, however a loading bay is located directly in front of the site. It is not expected that a change of use such as this would generate any further traffic based upon the existing use and ground floor level. In addition, the Council's transport planning department has not raised an objection to the scheme and thus there are not considered to be any adverse highways implications.

8 REASONS FOR RECOMMENDATION TO REFUSE PERMISSION

The main issue is the impact of the proposed ancillary A3 use on the existing A1 unit, and the resulting impact on the overall use call of the site. As discussed above, the application would result in the creation of an overall A3 unit, which is contrary to Policy SR5.

It is considered that all other aspects of the proposal, including amenity, highways and impact on the host building and wider area are acceptable, without causing any detrimental impact.

9 EQUALITIES IMPLICATIONS

The garden area would not be accessible by all due to the existence of steps down to the garden area from ground floor level.



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<u>No:</u>	BH2008/02436	<u>Ward:</u>	WOODINGDEAN
<u>App Type</u>	Full Planning		
<u>Address:</u>	Land at and rear of 3 The Ridgway, Woodingdean		
<u>Proposal:</u>	Construction of 7 houses comprising a mix of three and four bedroom units with ground, first and roof space accommodation. Three houses with integral garages and provision of parking spaces with new access to The Ridgway and Balsdean Road.		
<u>Officer:</u>	David Alabi Tel: 290486	<u>Received Date:</u>	18 July 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	14 October 2008
<u>Agent:</u>	Chris Wojtulewski, Parker Dann, Unit S10 The Waterside Centre, North Street, Lewes		
<u>Applicant:</u>	David Sheridan, 30 Chalkland Rise, Woodingdean, 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:

1. BH01.01 Full Planning.
2. BH02.03 No permitted development (extensions) (amenity and character)
3. BH03.01 Samples of Materials Non-Cons Area.
4. BH02.07 Refuse and recycling storage (facilities).
5. BH04.01 Lifetime Homes.
6. BH05.01 Code for Sustainable Homes – Pre-Commencement (New build residential).
7. BH05.02 Code for Sustainable Homes – Pre-Occupation (New build residential).
8. Prior to the commencement of development, a scheme for rainwater recycling 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.

Reason: In the interests of the efficient use of water and in order to comply with policy SU2 of the Brighton & Hove Local Plan.

9. BH06.03 Cycling parking facilities to be implemented
10. BH06.04 Sustainable transport measures
11. Prior to the commencement of development, detailed drawings including levels, sections and constructional details of the proposed access road, surface water drainage, outfall disposal and street lighting 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 the interest of highway safety, to ensure satisfactory drainage and to comply with policies TR1, TR10, SU5 and SU15 of the

Brighton & Hove Local Plan.

12. BH05.07 Site Waste Management Plan (5+ housing units or 500sq m + floorspace).
13. BH06.01 Retention of parking area.
14. BH14.12 Archaeology (Watching brief).
15. 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. A minimum of two new trees shall be included for every tree that will be removed as part of the development.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
16. BH11.02 Landscaping / planting (implementation / maintenance).
17. No development shall commence until an Arboricultural Method Statement, including full details of measures to protect the existing trees during construction, has been submitted to and approved in writing by the Local Planning Authority. Protective 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 during the period of construction. The development shall be implemented in strict accordance with the approved Arboricultural Method Statement.
Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. AL-01, 01 Rev E, 02, 03, 05 Rev B, 06 Rev B, 08 Rev A and NJ/02b submitted on 18 July 2008, 04 Rev B submitted on 19 August 2008, 01 Rev F submitted on 14 November 2008 and the Sustainability Checklist submitted on 5 January 2009.
2. This decision to grant planning permission has been taken:
 - (i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below:

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
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 site
QD5	Design – street frontages
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
<u>Planning Policy Statements;</u>	
PPS1:	Delivering Sustainable Development
PPS3:	Housing
PAN03	Lifetime Homes
<u>Supplementary Planning Documents:</u>	
SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design
<u>Supplementary Planning Guidance:</u>	
SPGBH 4: Parking Standards; and	

(ii) for the following reasons:

The proposed scheme has addressed the main concerns that arose out of the previous application. The layout of the proposed buildings is more sympathetic to the character of the area and the proposal would not have any significant impact upon the amenities of neighbouring residential occupiers. The proposed development is now considered acceptable.

3. IN05.02 Informative: Code for Sustainable Homes.

4. The applicant is advised that the requirements of Condition 10 may be satisfied by the completion of a Unilateral Undertaking or Agreement under s106 of the Town and Country Planning Act 1990, to provide £14,000 to fund improved sustainable transport infrastructure in the vicinity.

2 THE SITE

The application relates to a 0.095 hectare site, which is located to the street front of The Ridgway between numbers 1 and 5, to the rear of the amenity space of dwellings in The Ridgway and which also has a large site frontage on Balsdean Road in Woodingdean.

The site rises steeply up from The Ridgway to the main body of the site (West to East); the rear gardens of dwellings in The Ridgway bordering the site are

retained behind a retaining wall above 1 metre in height. The land continues to slope upward backwards from the boundary with the dwellings in The Ridgway but at a much reduced rate.

The site is currently fenced off in Balsdean Road by a small timber constructed non boarded fence. The site is largely covered with overgrown grass and includes a number of mature trees which are subject of a Tree Preservation Order.

The dwellings in The Ridgway have a number of rear facing windows into the site, mostly from upper floor extensions.

3 RELEVANT HISTORY

83/212: O/A for the erection of bungalow – chalet with each double garage, frontage to Balsdean Road. Granted 05/04/1983.

96/1250/OA: Erection of semi-detached houses and 4 flats – granted – 25/02/1997.

BH2004/00240/FP: Erection of 2 semi-detached house and 4 flats – Refused 29/04/2004.

BH2004/02992/OA: Outline application to erect 7 no. dwellings – Granted 20/12/2004.

BH2005/01746/FP: Construction of 9 three-bedroom detached houses with new access and parking. – Refused – 04/08/2005.

BH2007/00652: Construction of 8 houses comprising a mix of 3 and 4 bedroom units with ground, first and roof space accommodation. 3 houses with integral garages and provision of parking spaces. New access to The Ridgway and Balsdean Road. Refused 04/12/07. Subsequent appeal dismissed 26/08/08.

4 THE APPLICATION

Full planning permission is sought for the erection of 7 dwellings.

The current scheme reverts back to the no. 7 dwellings approved in outline on the site in 2004. The proposal involves a mix of three and four bedroom houses incorporating accommodation in the roof space. Three of the houses include integral garages and the proposal includes the provision surface parking spaces access to which is to be gained by a new access to The Ridgway and Balsdean Road.

5 CONSULTATIONS

External:

Neighbours: Thirteen letters of objection from **2, 4, 13, 5, 17, 19, 21, 23 Balsdean Road (x2), 8 Bush Close, 5, 5a and 7 The Ridgway** on the grounds of:

- Highway safety concerns due to the busy doctors surgery adjacent to the site
- unsafe access
- Danger to the protected trees on site

- Over development of the site
- Loss of light to neighbouring dwellings
- The house types are not in keeping with the character of the area,
- The proposal creates additional vehicular traffic for which the local road network is not capable to meet the extra demand
- The development will place a heavy demand upon local infrastructure
- There are limited school places, doctors and dentist in the area
- The development will further burden the drainage and sewerage facilities in the area. The new planting will eventually undermine the foundations of neighbouring properties.

Internal:

Planning Policy:

The policy comments made for the earlier application (BH2005/01746/FP) referred to the grant of outline consent in 2004. If this outline is still extant then clearly that is a material consideration. However, there is insufficient information here to decide whether 9 units can be built on the site.

Dwelling type and size: The houses are referred to as being a mix – a terrace of three, 2 semi detached houses and four detached houses but no details of bedroom numbers has been given. This is only a mix if the houses are of different sizes not just whether they are attached to each other or not. There is no indication of their layouts and whether these will meet HO13, lifetime homes standards or policy SU2 energy efficient development.

Traffic Manager:

Would not wish to object subject to conditions covering cycle parking, details of the access road and parking area and retention of the parking area. A contribution of £14,000 is required towards sustainable transport provision.

Arboriculturalist:

The Arboriculturalist states that tree numbers T8 and T9, mature Sycamores are in poor health and that although they are covered by a preservation order, no objection is raised against their loss.

Tree number T7 appears to be in good condition and remains worthy of the Preservation Order. This tree will be lost as a result of the development, however a condition is recommended requiring the replacement of all trees removed as part of the development along with a full Arboricultural Method Statement detailing how the remaining preserved trees will be protected.

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

QD1	Design
QD2	Design – Key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – Strategic impact
QD15	Landscape design
QD16	Tree and hedgerows
QD20	Urban open space
QD27	Protection of amenity
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
SU15	Infrastructure
HO3	Dwelling type and size
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

Planning Policy Statements:

PPS1:	Delivering Sustainable Development
PPS3:	Housing
PAN03	Lifetime Homes

Supplementary Planning Documents:

SPD03:	Construction and Demolition Waste
SPD06:	Trees and Development Sites
SPD08:	Sustainable Building Design

Supplementary Planning Guidance:

SPGBH 4:	Parking Standards;
SPGBH21	Sustainability checklist

7 CONSIDERATIONS

The principle of development at this site was established by the outline permission which accepted the principle of seven dwellings on the site (BH2004/02992/OA), with siting and means of access approved at that stage. However, the subsequent proposal for development of the site to provide eight dwellings was rejected (BH2007/00652) and an appeal against the decision was dismissed. In that case the Inspector expressed concern that the two dwellings along the Balsdean elevation failed to address the road satisfactorily with side elevations failing to reflect the established pattern of properties along the road. The Inspector also stated that the proposed units 6 and 7 along the eastern boundary with number 2 Balsdean Road would increase the scope for overlooking of the neighbouring premises.

The current scheme differs from the previous scheme reference

BH2007/00652 in that the number of units has been reduced from 8 to 7, which is the same number approved for the outline scheme reference BH2004/02992/OA. In addition the issue of overlooking and privacy has been addressed with distances between the proposed unit 7 and house nos.1 and 2 The Ridgway being increased from 14.6 metres to 20 metres. The proposed secondary windows next to no.2 Balsdean Road to the east would be obscure glazed.

Clearly the principle of development of the site by the provision of 7 new dwellings has already been established. The issue in this case relates to whether the current proposal sufficiently overcomes the concerns raised by the Council and the Inspector in his decision letter. In this respect the main issues may be addressed as follows:

Character and Appearance

The Woodingdean area surrounding the application site is a low density residential suburb surrounded by downland with a relatively isolated feel. The area includes a mix of bungalows and two storey dwellings with traditional pitched roofs and dormer windows. While many of the buildings in the area are bungalows, there are a number of two storey houses within the vicinity of the site.

The principle of making more efficient use of land is established and echoes Government guidance expressed in Planning Policy Statement 3 (PPS3) and local policy QD3 which requires that new development makes efficient and effective use of a site.

In terms of the relationship of the proposed dwellings units 1 and 2 to neighbouring houses nos. 5 and 5a The Ridgway, the proposed dwellings would complement the layout and appearance of these dwellings, being of similar scale and overall design.

With regard to the Balsdean Road street frontage, the applicant has sought to reduce the impact of the proposed development on Balsdean Road by providing landscaping and tree planting to provide a screen between the proposed access and the proposed development within the site. It is considered that the proposed landscaped areas would provide a satisfactory transition between the Surgery at no.1 The Ridgway at the junction with Balsdean Road and the dwelling at no. 2 Balsdean Road. The proposed treatment of the street frontage would be complimentary to the street pattern and the setting of the existing buildings and is therefore considered acceptable.

Residential amenity

In order to address concerns expressed about overlooking and loss of privacy, the distance between facing windows of proposed unit 7 and Nos. 1 and 2 The Ridgway would be 20 metres. This distance is considered to be satisfactory and therefore issues relating to overlooking and loss of privacy

have now been resolved in relation to these units.

The distance between the proposed unit 3 and the existing houses 5 and 5a would be 15.1 metres and secondary flank windows are proposed to the western elevation of the proposed dwelling. A condition is included requiring these windows to be obscure glazed. It is considered that this would overcome concerns about overlooking. Again a similar condition is recommended with respect to both the western and southern windows to unit 7 as well as the eastern flank elevation to unit 6 next to number 2 Balsdean Road.

Policy HO5 requires that all new residential schemes have private usable amenity space appropriate to the scale and character of the development. Each of the proposed dwellings would benefit from private amenity space which is considered to be appropriate to the scale and character of the development. Units 1 and 2 would have more limited amenity space than the remainder of the development because of the topography of the site which means that access over a bridge is required to reach the amenity space. Moreover both units would benefit from front gardens of some 8 metres in depth.

Units 3-7 located to the southern/rear portion of the site would have additional access to the Home Zone areas which provide an additional area of amenity.

It is not considered that the proposed scheme would result in unacceptable harm to neighbouring occupiers in terms of the amount of development proposed, bulk, scale or issues relating to privacy. The relationship of the development to the existing dwellings would therefore be acceptable.

Transport issues

The proposed access points to units 1 and 2 off The Ridgway and the access from Balsdean Road is similar to the access forming part of the previous scheme. The Traffic Manager did not raise any objections to this proposal provided that sufficient parking was provided for the development.

Policy TR1 states that development proposals should provide for the demand for travel they create. In this case one car parking space is proposed for each unit along with 2 spaces for wheelchair bound drivers. This provision is considered acceptable and would be supplemented by secure cycle storage racks within the seven garages proposed as part of the development.

The central turning facilities within the site are to be given over to a 'Home Zone.' These zones work through the physical alteration of streets and roads in an area. The alterations or obstruction to vehicular traffic may include benches, flower beds, play areas, lamp posts, fences and trees. These alterations effectively force motorists to drive at slower speeds and with greater care. The Traffic Manager has requested further details of the parking/turning area, which will help to ensure that the Home Zone approach is successful.

Trees and landscaping

The loss of tree numbers T8 &T9 of Tree Preservation Order No.6 of 1997 is considered acceptable as these trees are in extremely poor health suffering from severe drought stress and peeling bark. However Tree T7 located to the eastern corner of the site where buildings 5 and 6 are proposed. It is not considered these buildings could be satisfactorily accommodated elsewhere on the site.

It is considered that satisfactory replacements could compensate for the loss of this and the other trees that would be lost as a result of this development and an appropriate condition is included to secure this.

The applicants have indicated increased landscaping and tree planting along the proposed new entrance off Balsdean Road. Details of this will be sought through the relevant condition.

Sustainability

It is expected that all proposals take into account the sustainability policies of the Local Planning Authority and that all new development such as this proposal should demonstrate a high level of sustainability. New development should seek measures that reduce demand for and consumption of energy, water, materials. The Local Planning Authority normally expects new residential development to achieve a Code for Sustainable Homes level 3 rating.

In accordance with the Council's sustainability requirement the applicant has submitted a pre-assessment checklist which addresses issues relating to climate change and energy.

The checklist confirms that the area lies within zone 1 (Low probability of flooding) of the Council's Strategic Flood Risk Assessment. In addition the applicant proposes the use of grass paviors which are porous materials that allow natural drainage.

In order to minimise the use of non renewable energy, high efficiency gas condensing boilers will be used. In addition cycle storage facilities are proposed within garages to provide alternatives to the car.

The checklist indicates that Level 3 of the Code for Sustainable Homes can be achieved. It is considered that the applicant has adequately addressed sustainability issues. Appropriate conditions are recommended.

8 EQUALITIES IMPLICATIONS

If granted the Local Planning Authority would expect that the new dwellings be built to the lifetime homes standards. The buildings would be required to meet Part M of the Building Regulations.

Land rear of 3 The Ridgway



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<u>No:</u>	BH2008/03380	<u>Ward:</u>	PRESTON PARK
<u>App Type</u>	Full Planning		
<u>Address:</u>	Wellend Villas, Springfield Road, Brighton		
<u>Proposal:</u>	Installation of 2 no. illuminated sculptures on the communal terraces to rear of the residential development.		
<u>Officer:</u>	Sonia Kanwar, tel: 292359	<u>Received Date:</u>	22 October 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	06 January 2009
<u>Agent:</u>	DRP Architects, 87-88 Upper Lewes Road, Brighton		
<u>Applicant:</u>	Southern Housing Group, Spire Court, Albion Way, Horsham		

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

Informatives:

1. This decision is based on drawing nos. 3168.PL.01 & 3168.EX.01 and the Design & Access Statement received on the 22nd October, the unnumbered drawing received on 11th November 2008, and drawings nos. 8829/01C, 8829/02C & 8829/03, the LED Uplighting Mounting Sketch and the photo received on the 15th December 2008.
2. This decision to grant Planning Permission has been taken:
 - i) having regard to the policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance:
Brighton & Hove Local Plan:
 - QD1 Design – quality of development and design statements
 - QD2 Design – key principles for neighbourhoods
 - QD6 Public Art
 - QD14 Extensions and alterations
 - QD15 Landscape design
 - QD27 Protection of Amenity; and
 - ii) for the following reasons:
The proposed sculptures would enhance the appearance of the rear communal terraces and provide an attractive environment for residents. No significant adverse impact upon neighbours would result and the proposal is accordance with development plan policies.

2 THE SITE

The application relates to Wellend Villas, a residential development in Springfield Road consisting of 3 no. three and four storey blocks. There are 2 no. communal courtyards above the underground car parks. Windows within the flats face onto the communal courtyards.

3 RELEVANT HISTORY

BH2004/00274/FP: Erection of two 6 storey buildings to form 74 flats and a shop (A1), basement parking for 39 cars and 110 bicycles with access from Springfield Road and associated landscaping. Approved 26/04/2004.

BH2004/02394/FP: Amendment to previously approved residential development scheme (BH2002/00562/FP granted 2/10/02 including reduction in size of proposed central block, increase in width of proposed block fronting Preston Road, alterations to external elevations and alteration of internal layouts. Approved 15/04/2005.

BH2005/06696: Satellite Dish for development (phase). Approved 09/02/2006.

4 THE APPLICATION

The application seeks consent for the installation of 2 no. illuminated sculptural trees sited on the communal terraces within the residential development.

5 CONSULTATIONS

External:

Neighbours: 9 no. written comments from **nos. 4, 41, 45, 49, 53, 76, 85, 87, 119 Wellend Villas** who object to the proposal on the following grounds:

- Light Pollution
- Loss of light/ Overshadowing
- Invasion of Privacy
- Waste of Electricity
- Cost of Electricity
- Maintenance Issues
- Attraction of “vagrants & hobos”
- Public Art should not be in private courtyard
- Reduction of Amenity Space
- Out of Scale with Rest of Development
- Inappropriate/ Unappealing Design
- Potential Vandalism/ Theft
- Insufficient Consultation

1 no. written expression of support from **no. 11 Stanford Court** who considers that the sculpture will be in-keeping with Wellend Villas and be a bright spot in an otherwise dark courtyard.

Internal:

Environmental Health: No Objections. The two Environmental Health considerations on external lighting are, first, the tendency of the source to produce unwanted light so that a habitable room in the vicinity is illuminated to the extent that it is, say, possible to read by the light, and 'glare' when looking from a window in the general direction of the source and finding the light dominating and obliterating any detail in the surroundings to an unreasonable extent.

The total wattage of each lighting installation dispersed over the sculpture is 3 watts x 18 = 54 watts which at a distance of say 15-20 ft would not cause problems of illumination within a room. Curtains or blinds which can be assumed in an urban location would eliminate any light spillage from the installation. Again, in considering the luminance of the source, the fact that it is dispersed, of low wattage and in an urban setting where there are other sources of light leads to a conclusion that there is unlikely to be a problem of dominance of the light source.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD6 Public Art
- QD14 Extensions and alterations
- QD15 Landscape design
- QD27 Protection of Amenity

7 CONSIDERATIONS

The main issues for consideration are the design and visual impact of the proposal and any impact upon neighbouring amenity.

Appearance

The application seeks consent for the installation of 2 no. illuminated sculptural trees sited on the communal terraces to rear of the residential development. They will be located on the raised decked areas above the underground car park.

Each sculpture will have 3 no. stainless steel polished branches and will be approximately 3.8 metres in height and 2 metres in width. They will be around the size of a small tree.

It is considered that the sculptures would enhance the appearance of the communal terraces which are currently quite bare and featureless. The trees are considered an attractive feature which will also be seen from the street by passersby.

Lighting

Each tree will have 18 no. concealed, controlled, exterior, colour change low energy led lights to light leaf surfaces. They will have a narrow beam optic

lens to focus light and will be lit from dusk until dawn (approx 8 hours per day). The applicant has stated that the power consumption per tree will be 50 watts which is approximately equivalent in running costs to a single 5 foot florescent tube.

Each tree trunk will be lit by 3 no. small uplights, 1 no. positioned on the decking between each branch.

Environmental Health have no objections to the development with regards to the impact of illumination within rooms of nearby properties, or the luminance or glare

The lighting is therefore not considered to significantly impact upon the neighbouring residential units.

Amenity

Policy QD14 of the Local Plan will not permit developments which would result in a significant loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties.

The sculptures are a minimum of 7 metres away from the nearest residential unit and, by virtue of their slim structure and unbulky appearance, are not considered to impact upon neighbouring properties in terms of loss of light or outlook. There are no issues relating to loss of privacy.

Therefore, for the reasons outlined above, the application is recommended for approval.

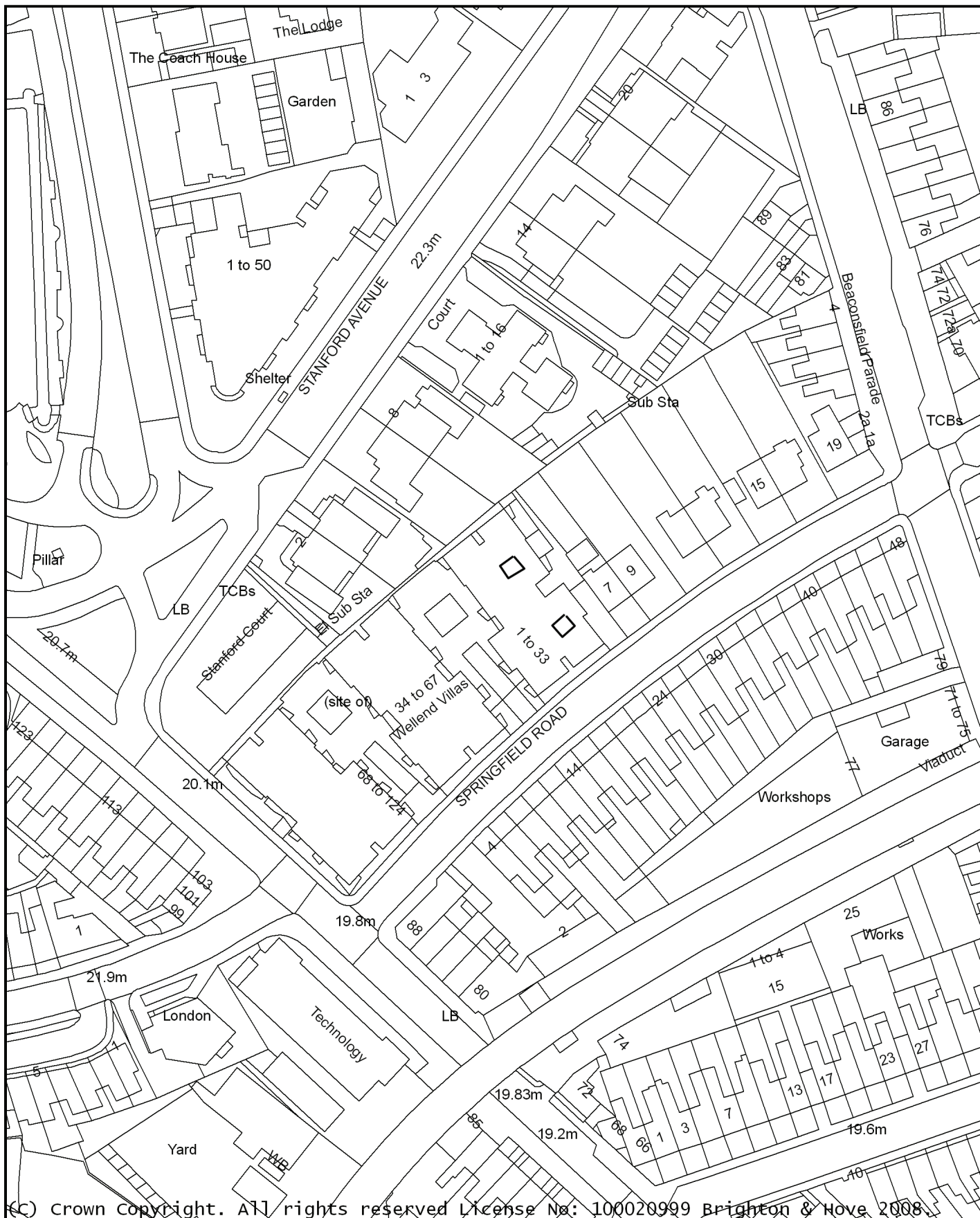
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

The proposed sculptures would enhance the appearance of the communal terraces and provide an attractive environment for residents. No significant adverse impact upon neighbours would result and the proposal is accordance with development plan policies.

9 EQUALITIES IMPLICATIONS

None identified.

BH2008/03380 Wellend Villas, Springfield Road



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No:	BH2008/02169	Ward:	GOLDSMID
App Type	Council Development (Full Planning)		
Address:	Davigdor Infants School, Somerhill Road, Hove		
Proposal:	Installation of mobile classroom unit for a temporary period of 2 years (retrospective).		
Officer:	Jason Hawkes, tel: 292153	Received Date:	25 June 2008
Con Area:	N/A	Expiry Date:	17 September 2008
Agent:	NPS Property Consultants, Castle House, Seaview Way, Woodingdean, Brighton		
Applicant:	Mr Ged Cotton, Davigdor County Infants School, Somerhill Road, Hove		

1 RECOMMENDATION

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

Conditions

1. The temporary classroom hereby permitted shall be removed and the land restored to its former condition on or before 30 September 2010 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The building hereby approved is not considered suitable as a permanent form of development to safeguard residential amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.

2. The south facing windows 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.

Informatives:

1. The list of approved plans are to be added to the late list.
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:

- | | |
|-----|---|
| SU2 | Efficiency of development in the use of energy, water and materials |
| SU9 | Pollution and noise 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
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity
<u>Supplementary Planning Documents:</u>	
SPD03	Construction and Demolition Waste
SPD07	Trees and Development sites
SPD08	Sustainable Building Design, and

(ii) for the following reasons:

Having regard to the accommodation needs of the school, the proposed classroom is deemed appropriate in terms of its design and impact on adjacent properties for a temporary period only.

3. The siting of the classrooms may have caused some damage to the root system of adjacent trees. The Council's Arboriculturist recommends that a watching brief is commenced for the next five years on the adjacent trees to ascertain their health and act accordingly to maintain their health.

2 THE SITE

The application relates to a temporary classroom which has been placed in the playing fields of Davigdor Infants School. The school shares its playing fields with Somerhill Junior School and is accessed from Somerhill Road. The temporary classroom is adjacent the southern boundary of the playing fields which borders the rear gardens of 19 & 21 Lansdowne Road.

3 RELEVANT HISTORY

Permission was granted for the construction of the school in 1986 (**3/86/0794**). Since then permission has been granted for extensions to the building. Most recently, permission was granted for the installation of lift shaft to the east elevation (**BH2003/02246/CD/FP**) and for a conservatory infill to a classroom patio area (**BH2006/02225**).

Planning permission is currently sought for a 2 storey extension to the front and provision of a temporary classroom to the rear (ref: **BH2008/02655**).

4 THE APPLICATION

Permission is sought retrospectively for the installation of a temporary classroom adjacent the southern boundary of the site. Two classrooms are provided within the portacabin both measuring 63.72 square metres. The unit also includes two stores, a lobby area and toilet facilities. Permission is sought to retain the classrooms for a temporary period of two years (until September 2010) whilst the school is expanded to accommodate an increase

in numbers.

5 CONSULTATIONS

External:

Neighbours: 12 representations have been received objecting to the proposal from **Red House Management, 21 Lansdowne Road, Flat 1, Flat 2 (x2), Flat 3 (x2), Flat 7, Flat 8 (x2), The Red House, 21 Lansdowne Road, 19A Lansdowne Road, 93 Holland Road and 10-11 Upper Square, Old Isleworth** (owner of flat at 21 Lansdowne Road). The following objections have been raised:

- The classrooms result in a noise disturbance disrupting the peace and quiet of the adjacent gardens and those working from home.
- The building is comprised of inappropriate materials for the area and is very 'ugly', spoiling the views and the appearance of the surrounding area.
- The building is too large (1.8 metres higher than the adjacent fence) and industrial looking, positioned too close to the boundary creating a hemmed in appearance and a loss of privacy.
- The building should be further from the boundary or positioned elsewhere within the school's grounds. The mobile classroom will fit in better with the school. It stands out adjacent the greenery of the trees and bushes along the boundary.
- The plans as originally submitted were incorrect.
- This is an unnecessary expansion of the school and is likely to be permanent.
- The scheme may set a precedent for further portacabins along the boundary.
- There are two windows facing south which look directly into adjacent gardens and north facing flat at the Red House creating a loss of privacy and overlooking.
- The need to accommodate additional children is appreciated. However, the position of the portacabin is inconsiderate for adjacent neighbouring properties. A better solution should be found. The school should have also consulted the neighbours prior to installing the mobile classroom.
- The placing of the unit stops residents from sunbathing in their gardens.

Councillor Melanie Davis has expressed concern that this application is retrospective and that the immediate adjacent properties weren't initially notified of the scheme.

Internal:

Environmental Health: Environmental Health have stated that they see no reason to have concerns about additional noise. Classrooms are not in themselves noisy and the hours of use could be controlled by condition to match normal school hours. Also, the rest of the grounds are allocated to school sports areas to which the new classrooms will provide a modest barrier.

Arboricultural Officer: The siting of the portacabin may have caused some

damage to the trees. However, this is uncertain and Arboricultural recommends an informative stating that the applicants should conduct a watching brief on the conditions of the next five years and take action accordingly to maintain the health of the trees.

6 PLANNING POLICIES

Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise 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
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD18	Species protection
QD27	Protection of amenity

Supplementary Planning Documents:

SPD03	Construction and Demolition Waste
SPD07	Trees and Development sites
SPD08	Sustainable Building Design

7 CONSIDERATIONS

The main considerations in this application are whether the scheme is appropriate in terms of its design in relation to the surrounding area and if the scheme has a detrimental impact on the amenity of any adjacent properties.

The classroom accommodation is required for the intake of additional students (aged 4 and 5). There is a current application for a permanent extension to the front of the building (application BH2008/02655). This extension will be able to house the additional intake of children. Consequently, the classrooms are only required for a temporary period until September 2010.

Design and siting:

The portacabin has been placed adjacent the southern boundary of the site. A number of considerations were taken into account by the school when placing the accommodation in this location. Placing the classrooms on the boundary of the site leaves the schools able to maximise the use of the play area. The play area is used by both Davigdor County Infant School and Somerhill Junior School. Due to the age of the children using the classrooms, toilet facilities were required within the unit and this required the need for accessible drainage. It was also felt that the position on the southern boundary allows easy access from the school.

The portacabin is 16.7m long, 9.8m wide and 3.5m high. It includes steps facing north and is composed of powder coated metal cladding in a cream colour with profiled metal sheet roof. The unit has UPVC windows on all elevations. The elevation facing into the playing fields contains 4 windows, the side elevations each have one window and the rear south facing elevation includes two windows.

The portacabin is to the rear of the school and is not visible from any street scene. However, as the playing fields are surrounded by residential properties, the portacabin is visible from the adjacent properties. Portacabins are normal additions within school grounds and it is not felt that the unit significantly detracts from the appearance of the school, which is modern in design, or significantly detract from the character and appearance of the surrounding area. Additionally, the portacabin is only required for a temporary period and its position on the boundary of the site lessens its visual impact to some degree. Having regard to the position of the portacabin and siting for a temporary period only, it is felt that the scheme is appropriate in terms of its design and appearance.

Impact on adjacent properties:

Policy QD27 of the Brighton & Hove Local Plan aims to protect the amenity of adjacent residents. The properties most affected are those located directly to the south of the site at 19 and 21 Lansdowne Road. These properties have rear gardens adjacent the site and windows facing the site which serve habitable rooms.

The classrooms straddle the boundaries of 19 and 21 Lansdowne Road. 19 Lansdowne Road includes an outbuilding at the end of its garden which forms a barrier between the portacabin and the property at no.19. Therefore, this property will not be significantly affected by the proposal. No.21 Lansdowne Road, known as the Red House, is comprised of 8 flats and is more affected by the proposal, as is reflected in the representations received. The portacabin is within 2.5m of the boundary and is 3.5m high. The portacabin is clearly visible from the garden of no.21 and from the north facing windows within the Red House. There are two substantial trees and a smaller tree along the boundary which do partly shield the portacabin. Due to the distance between the structure and the north facing windows at 21 Lansdowne Road, it is felt that the structure does not result in a significant loss of light or overshadowing to any habitable rooms within this property.

There was concern that the classrooms may result in a noise disturbance for adjacent properties. Environmental Health have commented that they see no reason to have concerns about additional noise. Classrooms are not in themselves noisy and the hours of use will match normal school hours. Also, the rest of the grounds are allocated to school sports areas to which the new classrooms will provide a modest barrier.

There was also concern that the windows in the south facing elevation lead to

overlooking into the adjacent garden and habitable rooms of 21 Lansdowne Road. To overcome this concern, the windows have been fitted with opaque film. This prevents any overlooking from the classrooms. To protect the amenity of adjacent properties, a condition is recommended that the south facing windows shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such.

The accommodation is needed for an intake of additional children and is only required for a temporary period, until September 2010. On this date, the portacabin will be removed and the ground restored to its original condition. It is hoped that the additional children will be able to be accommodated in a new extension to the school. If not, alternative solutions will be considered for providing the necessary number of school places in this part of Hove.

Overall, it is felt that having regard to the temporary need for additional accommodation and the lack of a suitable alternative site for the portacabin, the siting of the classrooms in this location is appropriate for a temporary period only and will not lead to a significant impact on the amenity of any adjacent properties.

Impact on trees:

The classroom accommodation is within close proximity of substantial trees along the southern boundary. The Council's Arboricultural Officer has commented that the siting of the unit may have caused damage to the root system of these trees. As it is not certain whether any damage has been done, it is not felt that the scheme can be recommended for refusal on these grounds. The Arboricultural Officer has recommended an informative that the applicants should conduct a watching brief on the conditions of the next five years is recommended and take action accordingly to maintain the trees.

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 to demonstrate how these requirements have been met. The scheme is therefore in accordance with policy SU13 and the supplementary planning document.

Conclusion:

On balance, having regard to the need for additional accommodation for the school for a temporary period only, the scheme is deemed appropriate and will not result in a significant impact on the amenity of any adjacent properties or significantly affect the visual amenity of the surrounding area.

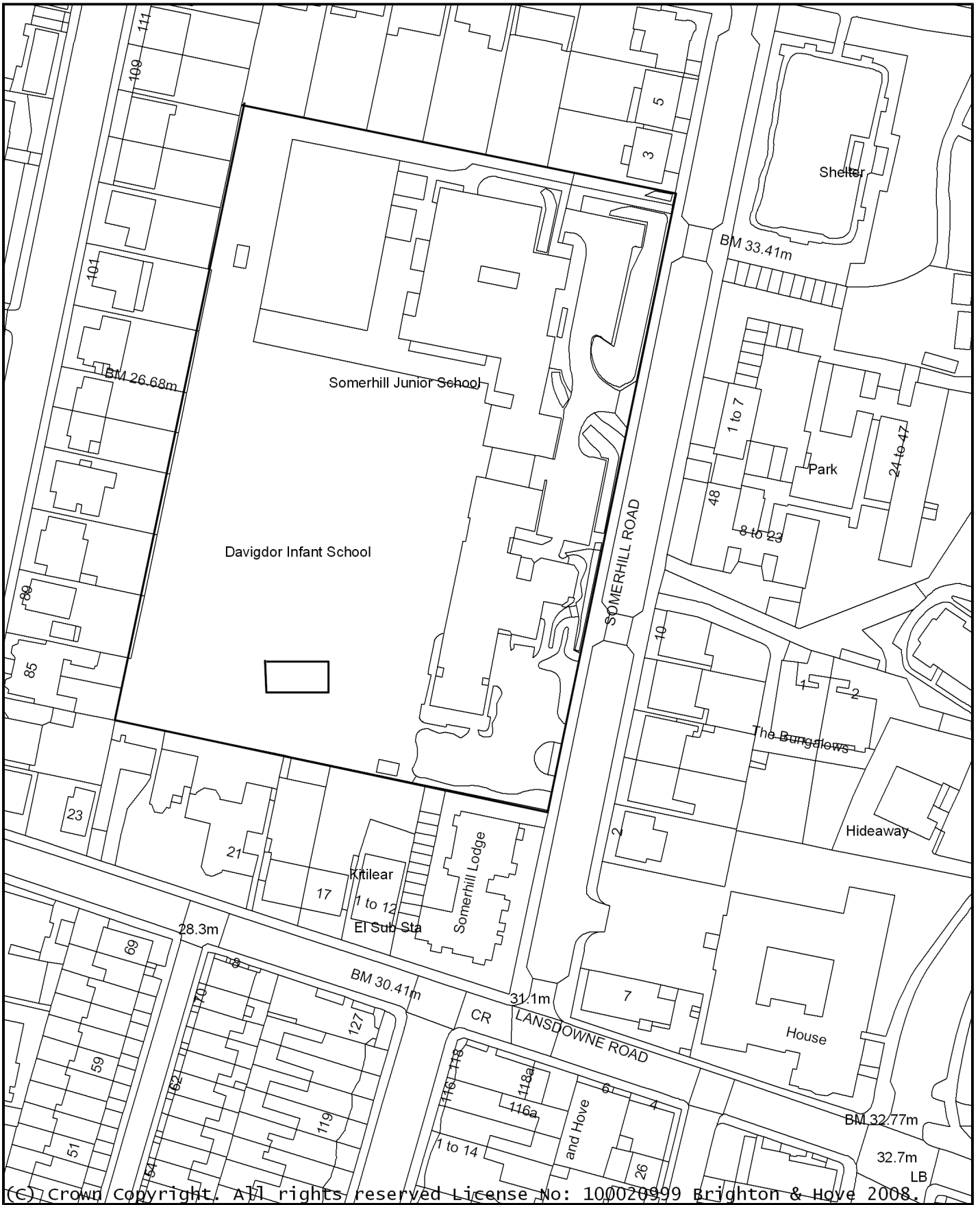
8 REASONS FOR RECOMMENDATION TO GRANT PERMISSION

Having regard to the accommodation needs of the school, the proposed classroom is deemed appropriate in terms of its design and impact on adjacent properties for a temporary period only.

9 EQUALITIES IMPLICATIONS

The scheme includes steps which will prohibit the use of the classroom by students with disabilities. However, the applicants have stated that the use of the classroom has been assessed and a ramp is not required for the temporary period proposed.

BH2008/02169 Davigdor Infant School, Somerhill Road



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BRIGHTON & HOVE CITY COUNCIL
LIST OF APPLICATIONS DETERMINED

PATCHAM

BH2008/01036

Tudor Cottage 263 London Road Brighton

Conservation Area Consent for proposed demolition of existing dwelling and garage and erection of four-storey apartment building. Containing 7 flats

Applicant: Lowrie Property Developments

Officer: Chris Elphick 293990

Approved on 08/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) 01.04AA

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) 13.07A

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 is commenced in accordance with a scheme for which Planning Permission has been granted within a period of 6 months following commencement of demolition.

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.

BH2008/01423

Patcham Community Centre Ladies Mile Road Patcham Brighton

5 non-illuminated aluminium signs (wall, pole and fence mounted) to the southern end of the site.

Applicant: Ms Alison Webb

Officer: Helen Hobbs 293335

Approved on 02/01/09 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

BH2008/02050

7 Grangeways Brighton

Construction of additional storey with pitched roof

Applicant: Mr David Stepney

Officer: Chris Swain 292178

Approved on 11/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.02A

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.

3) 02.03A

The windows on the eastern elevation of the building hereby approved shall not be glazed otherwise than with obscure glass and thereafter permanently retained as such.

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

4) 03.02A

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

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

5) 04.02A

The new dwelling(s) shall be constructed to LifetimeHomes 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) 05.01A

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

BH2008/02755

(Former Snipe PH) 189 Carden Avenue Brighton

Demolition of existing vacant public house and construction of 7 flats, basement and ground floor A1 retail with associated car parking, cycle storage and amenity space.

Applicant: Mr Manoj Shah

Officer: David Alabi 290486

Approved on 11/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) 01.01AA

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

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

2) 02.05A

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 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

3) 03.01A

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.

4) 04.02A

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.

5) 05.01A

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

6) 05.02A

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

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

7) 06.01A

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private vehicles and motorcycles 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.

8) 06.03A

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

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

9) 15.02A

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.

10) UNI

No window shall be provided/inserted in the northern elevation of the building hereby permitted without the prior written approval of the Local Planning Authority.

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

11) UNI

A scheme for rain water harvesting 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.

Reason: In the interests of the efficient use of water and in order to comply with policy SU2 of the Brighton & Hove Local Plan.

12) UNI

The solar panels shown on the drawings hereby approved shall be installed and made available for use prior to the first occupation of the flats.

Reason: In the interests of sustainability, to ensure that the development incorporates the solar panels as proposed and to comply with Policy SU2 of the Brighton & Hove Local Plan.

13) UNI

Prior to the commencement of development, detailed drawings, including levels, sections and constructional details of the proposed road works, surface water drainage, outfall disposal and street lighting, shall be submitted to, and approved in writing by, the Local Planning Authority. The works shall be completed prior to the first occupation of the development hereby approved.

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

14) UNI

Prior to the commencement of development, detailed drawings, including levels, sections and constructional details of the proposed road works, surface water drainage, outfall disposal and street lighting, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the first occupation of the development hereby approved.

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

BH2008/02853

2 Midhurst Rise Brighton

Extension to provide attached garage and study.

Applicant: Mr B Jordan

Officer: Helen Hobbs 293335

Refused on 11/12/08 DELEGATED

1) UNI

The proposed extension, by reason of its size, height and siting, would result in the extension appearing overdominant to the detriment of the character and appearance of existing property, the street scene and surrounding area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2008/02975

16 Overhill Drive Brighton

First floor side extension over existing, incorporating hip to half hipped roof conversion and two rear dormers.

Applicant: Mr Barry Sinclair

Officer: Sonia Kanwar 292359

Refused on 11/12/08 DELEGATED

1) UNI

The proposed dormers, by virtue of their design, siting and size, would form incongruous and unsightly bulky features, detrimental to the appearance of the building and the surrounding area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

2) UNI2

The proposed first floor side extension and half hipped roof will further disturb the visual balance of this pair of semi-detached properties and adversely affect the character and appearance of Overhill Drive. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

BH2008/03066

45 Larkfield Way Brighton

Proposed swimming pool in rear garden (Retrospective) and raising of boundary fence to east elevation.

Applicant: Mr B Phillips

Officer: Aidan Thatcher 292265

Approved on 11/12/08 DELEGATED

1) UNI

The timber screening fence, as indicated on the approved plans, shall be implemented within two months of the date of this permission.

Reason: In order to protect residential amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.

BH2008/03300

13 Old Farm Road Brighton

Single storey rear extension, car port to side and resurfacing of existing driveway.

Applicant: Mr Richard Hillebron

Officer: Sonia Kanwar 292359

Approved on 31/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03356

29 Graham Avenue Brighton

Demolition of existing conservatory and erection of a new single storey rear extension.

Applicant: Mr A Turner

Officer: Helen Hobbs 293335

Refused on 12/12/08 DELEGATED

1) UNI

The length, siting, height and design of the proposal would, by reason of loss of light and outlook, overshadowing and its overbearing impact, adversely impact on the residential amenity currently enjoyed by the adjoining property No.31 Graham Avenue, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03376

12 Westfield Close Brighton

Demolition of garage and erection of a single storey side and rear extension.

Applicant: Mr Steven Gomm

Officer: Helen Hobbs 293335

Approved on 22/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) UNI

The extension hereby approved shall only be used for purposes ancillary to the use of the existing dwellinghouse. The extension shall not be used as a self contained dwellinghouse.

Reason: To protect the residential amenity enjoyed by existing and future residents and in accordance with policy QD27 of the Brighton & Hove Local Plan.

BH2008/03460

84 Wilmington Way Brighton

Construction of detached garage to front of property. (Resubmission of BH2008/02345).

Applicant: Mr Mark Wakelin

Officer: Sonia Kanwar 292359

Refused on 15/12/08 DELEGATED

1) UNI

The proposed garage, by virtue of its siting, would form an incongruous and unsympathetic feature, detrimental to the appearance of the building and the visual amenity of the street scene and the surrounding area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.

BH2008/03498

1 Old London Road Brighton

Creation of new roof including hip to gable to rear and 2 no. side dormer windows

Applicant: Mr Paul Newman

Officer: Anthony Foster 294495

Approved on 07/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) UNI

The proposed dormer window on the northern elevation shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

BH2008/03519

14 Petworth Road Brighton

Certificate of lawfulness for proposed detached games room/study.

Applicant: Mr Chinchin

Officer: Sonia Kanwar 292359

Refused on 06/01/09 DELEGATED

BH2008/03521

14 Petworth Road Brighton

Two storey side extension with roof over.

Applicant: Mr Chinchin

Officer: Steve Lewis 292321

Approved on 30/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.02A

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.

3) 03.02A

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

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of

the Brighton & Hove Local Plan.

4) 05.03

No development shall take place until a written statement, consisting of a 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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

5) 15.02A

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.

6) UNI

Notwithstanding the approved drawings, the fenestration for the proposed extension shall match that of the existing dwelling, in materials, design and detailing. Unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory competition to the development and the drawings are insufficiently detailed to make a complete assessment of the impact of the proposed fenestration. To accord with Policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

PRESTON PARK

BH2008/02109

Land to Rear of 36 Preston Park Avenue Brighton

Construction of 2 new linked houses to rear of existing building.

Applicant: Mr Leo Horsfield

Officer: Steve Lewis 292321

Approved on 15/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.01A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) 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 or to the character of the area, and for this reason would wish to control any future development to comply with QD14 and QD27 of the Brighton & Hove Local Plan.

3) 02.02A

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) 02.05A

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 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

5) 04.02A

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) 06.03A

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

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

7) UNI

The development shall not be occupied until confirmation has been submitted to and confirmed in writing by the Local Planning Authority that the development achieves an EcoHomes rating of 'Excellent' or a Code for Sustainable Homes rating of 'Level 4' or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

8) UNI

Notwithstanding the details submitted and approved plans all boundary screening on this site shall comprise brick walling and not timber fencing unless otherwise in agreed in writing by the Local Planning Authority.

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

9) UNI

Within three months of the date of this permission, 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 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 HE6 of the Brighton & Hove Local Plan.

10) UNI

Prior to occupation of the development all measures contained with the sustainability checklist submitted with this application shall be implemented. This shall include the installation of a CHP system, under floor heating, ground source heat pumps, sun pipes, low energy water and light fittings and underground rainwater capture tanks for each of the dwellings. The aforementioned features shall be thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that development is sustainable and makes efficient use of energy, water and materials and in accordance with policies SU2 and SU16 of the Brighton & Hove Local Plan.

11) UNI

The waste minimisation measures set out in the waste minimisation statement submitted with this application shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

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

12) UNI

Notwithstanding the details submitted, within three months of the date of this permission a further 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, shall be submitted to and approved in writing by the Local Planning Authority.

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

13) 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 and ecology of the site and to accord with policies QD15, QD16 and QD17 of the Brighton & Hove Local Plan.

BH2008/02449

110 Osborne Road Brighton

Certificate of lawfulness for an existing single storey extension and boundary wall - Retrospective.

Applicant: Mr Andrew McKelvie

Officer: Liz Holt 291709

Refused on 16/12/08 DELEGATED

1) UNI

The constructed boundary wall does not constitute permitted development under Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as it exceeds 2 metres in height.

BH2008/02766

Flats 6 26 York Villas Brighton

Installation of velux rooflight to inner roof slope (retrospective).

Applicant: Ms Nyree Stephens

Officer: Helen Hobbs 293335

Approved on 15/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/02831

Preston Park Wine 101A & B Preston Drove Brighton

New shop front including metal shutters to windows and alterations to garage.

Applicant: Mr Antony Benedict

Officer: Sonia Kanwar 292359

Refused on 22/12/08 DELEGATED

1) UNI

The proposed roller shutters and housing boxes, would by reason of their size, design, prominence and finish appear as unsightly and incongruous features and would be of detriment to the character and appearance of the Preston Park Conservation Area, contrary to policies QD10 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document Note 2 'Shop Front Design'.

BH2008/02869

1 Lovers Walk Brighton

Single storey rear extension incorporating glazed frontage, together with minor landscaping alterations.

Applicant: Mrs Lisa Hudd

Officer: Aidan Thatcher 292265

Approved on 12/12/08 DELEGATED

1) 01.01AA

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

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

2) 13.02A

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

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

3) UNI

The development shall not be commenced until full details showing the protection of the 2 no. Sycamores to the south of the proposed development being protected to BS 5837 (2005) "Trees on Development Sites" has been submitted to and approved in writing the Local Planning Authority. The works shall be carried out in strict accordance with the approved protection scheme.

Reason: To ensure the trees are protected during construction works and to comply with Policy QD16 of the Brighton & Hove Local Plan.

BH2008/02918

98 Beaconsfield Villas Brighton

Removal of aluminum door to first floor balcony on front elevation and replacement with floor-to-ceiling timber sliding box sash window.

Applicant: Professor Charles Goldie

Officer: Helen Hobbs 293335

Approved on 04/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) 13.03A

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

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

BH2008/03058

Ground Floor Flat 55 Argyle Road Brighton

Replacement of front sash window with UPVC window.

Applicant: Miss Carole Poitout

Officer: Helen Hobbs 293335

Refused on 17/12/08 DELEGATED

1) UNI

The introduction of uPVC replacement windows of an unsympathetic design, material and opening arrangement, would cause harm to the character and appearance of the existing property and the street scene, contrary to policies QD1, QD2, QD14 of the Brighton & Hove Local Plan.

BH2008/03156

106 Preston Drove Brighton

Replacement fascia sign to shopfront.

Applicant: Mr Andrew Ash

Officer: Aidan Thatcher 292265

Refused on 18/12/08 DELEGATED

1) UNI

The proposed advertisement by reason of the inappropriate materials would cause harm to the Preston Park Conservation Area and as such would be contrary to policy HE9 of the Brighton & Hove Local Plan and SPD07 'Advertisements'.

BH2008/03185

56 Cleveland Road Brighton

Insertion of porthole window on front elevation.

Applicant: Mr Carter

Officer: Helen Hobbs 293335

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 13.02A

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

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

3) UNI

Notwithstanding the information submitted as part of the application, the porthole window hereby approved shall not have a diameter larger than 0.3 meters and shall be constructed of timber frame.

Reason: As inaccurate scaled drawings have been submitted and to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

BH2008/03194

Land Rear of 140 - 146 Springfield Road Brighton

Erection of a terrace of 4 no. two bedroom dwellings.

Applicant: Kingsbury Estate Ltd

Officer: Aidan Thatcher 292265

Refused on 05/12/08 DELEGATED

1) UNI

The proposed development would have a detrimental impact on the Preston Park Conservation Area, by virtue of the loss of an important piece of open space which contributes to its character and appearance and as such fails to comply with policy HE6 of the Brighton & Hove Local Plan.

2) UNI

The proposed development, by reason of its siting, height and massing, would cause loss of light and outlook to and would have an over-bearing impact on the occupiers of no. 144 Springfield Road causing a detrimental impact to the levels of residential amenity currently enjoyed by occupiers of this building. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI

The application fails to demonstrate how the proposal meets wider biodiversity aims and as such is contrary to policies QD17 and QD19 of the Brighton & Hove Local Plan.

4) UNI

The site is separated from the public highway and the applicant has failed to demonstrate how construction material would be moved onto the site and how ongoing servicing of the site would be undertaken. There is therefore potential for conflict with pedestrian users and the proposal is considered unsafe, contrary to Brighton & Hove Local Plan policies TR7 and TR8.

5) UNI

The proposed development fails to demonstrate that it will meet the travel demands from the site or contribute to improving sustainable transport methods. As such the proposal is contrary to policy TR1 of the Brighton & Hove Local Plan.

6) UNI

The application fails to demonstrate how the proposal would incorporate efficiency measures in terms of the use of energy, water or materials and as such is contrary to policy SU2 of the Brighton & Hove Local Plan.

7) UNI

The application fails to demonstrate how the proposal would minimise its impact on the 'heat island effect' and as such would be contrary to policy SU2 of the Brighton & Hove Local Plan and the Sustainable Building Design SPD08.

8) UNI

The application fails to demonstrate how the proposal would generate zero net annual CO2 from energy use and as such would be contrary to policy SU2 of the Brighton & Hove Local Plan and the Sustainable Building Design SPD08.

9) UNI

The Planning Policy Guidance Note 17: Sport and Recreation, states that existing open space should not be built on unless an assessment has been undertaken which clearly shows that the land is surplus to requirements. In the absence of an independent assessment carried out by the applicant it is considered that it has not been adequately demonstrated that the land is surplus to requirement and should not be retained as open space. Planning policy S1(L) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and QD20 of the Brighton & Hove Local Plan seek to retain public and private open space except in exceptional circumstances, none of which have been identified. For these reasons the proposal is contrary to PPG17, policy S1(L) of the East Sussex and Brighton & Hove Structure Plan 1991-2011, and policies QD20 and QD21 of the Brighton & Hove Local Plan.

BH2008/03266

227 Ditchling Road Brighton

Creation of new living accommodation within the roof space with front and rear rooflights.

Applicant: Mr Shaun Marchant

Officer: Helen Hobbs 293335

Approved on 04/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) 13.05A

The rooflights in the approved development shall be of 'conservation style' fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

BH2008/03284

2 Preston Road Brighton

Internally and externally illuminated and non illuminated advertisement signs.

Applicant: The Breakspear Brewing Company

Officer: Chris Swain 292178

Approved on 29/12/08 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military). 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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7) 10.07A

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) 10.09A

The advertisements hereby granted consent shall not be installed or erected until the existing signage located on the front and side elevations have been removed and any damage incurred by removal repaired.

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

BH2008/03339

11A Preston Park Avenue Brighton

Demolition of existing house. Erection of 3 no. detached houses with car parking (Re-submission of application BH2008/00910).

Applicant: Mr Peter Brynin

Officer: Liz Holt 291709

Approved on 23/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.02A

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.

3) 02.05A

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 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.

4) 04.02A

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.

5) 05.01A

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

6) 06.03A

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

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

7) 13.01A

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 HE6 of the Brighton & Hove Local Plan.

8) 13.06A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) 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 or to the character of the area, and for this reason would wish to control any future development proposals to comply with policy HE6 of the Brighton & Hove Local Plan.

9) B04.01

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

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policies QD15 and QD16 of the

Brighton & Hove Local Plan

10) B04.02

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

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

11) B04.03

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. The plan shall include the protection of trees which are located off site but have roots in the vicinity of the development. The trees shall be protected in accordance with BS5837.

Reason: To protect the trees which are to be retained on the site and to accord with policies QD15 and QD16 of the Brighton & Hove Local Plan.

12) UNI

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

Reason: To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance with Brighton & Hove Local Plan policies SU15, TR1, TR19 and QD28.

13) UNI

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the application site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development, in accordance with policy SU4 of the Brighton & Hove Local Plan.

14) UNI

The development hereby approved shall not be commenced until details of a scheme for the capture and translocation of reptiles and amphibians on the site have been submitted to and approved in writing by the Local Planning Authority and then carried out in full as approved.

Reason: To protect the reptiles and amphibians currently on the site and to comply with policy QD17 of the Brighton & Hove Local Plan.

15) UNI

Notwithstanding the Ecological information submitted as part of the application, prior to the commencement of the development full details of ecological mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the approved

details and retained as such thereafter.

Reason: In the interests of maintaining the biodiversity and ecological interest of the site and to comply with policy QD17 of the Brighton & Hove Local Plan.

16) UNI

All existing trees on site which are to be retained as indicated on the drawing no. 2166/05revA and any new trees which are to be planted as part of the landscaping scheme, which within a period of 5 years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenities of the surrounding area and the residential amenities of nearby properties and to comply with policies QD15, QD16 and QD27 of the Brighton & Hove Local Plan.

17) UNI

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

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

18) UNI

Notwithstanding the Waste Minimisation Statement submitted on the 15th October 2008, no development shall take place until a written statement, consisting of a revised Waste Minimisation Statement, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

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

BH2008/03438

11A Preston Park Avenue Brighton

Demolition of existing house.

Applicant: Mr Peter Brynin

Officer: Liz Holt 291709

Approved on 23/12/08 DELEGATED

1) 01.04AA

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work is commenced in accordance with a scheme for which Planning Permission has been granted within a period of 6 months following commencement of demolition.

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.

BH2008/03478

195 Preston Drove Brighton

Installation of conservation style 2 no. roof lights to front roofslope.

Applicant: Mr Bishop

Officer: Chris Swain 292178

Approved on 24/12/08 DELEGATED

1) 01.01AA

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

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

2) 13.05A

The rooflights in the approved development shall be of 'conservation style' fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

BH2008/03489

5 Florence Road Brighton

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

Applicant: Mr Andrew Briggs and Ms Louise Frith

Officer: Sonia Kanwar 292359

Refused on 22/12/08 DELEGATED

BH2008/03531

Land adjoining 353 Ditchling Road Brighton

Erection of a two-storey detached dwelling and construction of a new vehicular access onto Ditchling Road.

Applicant: Borderstock Limited

Officer: Kate Brocklebank 292175

Refused on 07/01/09 DELEGATED

1) UNI

The proposed development, by reason of site layout and inadequate separation to the rear boundary and neighbouring development, is considered to be an overdevelopment of the site, that would provide inadequate external amenity space for future occupiers and would result in an overbearing impact on, and overlooking of, the rear garden of the neighbouring property No. 3 Beacon Close. The proposal is therefore considered to be contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD27, HO4 and HO5.

2) UNI2

The proposed development, by reason of design and inadequate separation to the southern site boundary would result in an incongruent appearance with the neighbouring development to the south, No. 351 Ditchling Road, causing detriment to the existing attractive street scene contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3 and HO4.

3) UNI3

The proposed development fails to demonstrate that it will meet the travel demands from the site or contribute to improving sustainable transport methods. As such the proposal is contrary to policy TR1 of the Brighton & Hove Local Plan.

REGENCY

BH2008/00489

46 Market Street Brighton

Replacement signage and external alterations.

Applicant: Mitchells & Butlers

Officer: Ray Hill 293990

Refused on 29/12/08 DELEGATED

1) UNI

The proposed awning and planting trough on the northern side elevation would, by virtue of their size, prominent siting and unsympathetic design, obscure historic details, result in a proliferation of extraneous visual clutter and detract from the character and appearance of the listed building, contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan.

2) UNI2

Insufficient information has been provided with regard to the floodlights and lantern and their respective fixing methods, the new externally illuminated fascia sign, the new applied lettering and externally illuminated swing sign to satisfactorily demonstrate that the proposal would ensure the preservation of the listed building in accordance with policy HE1 and HE9 of the Brighton & Hove Local Plan.

BH2008/02123

23 Dukes Lane Brighton

Installation of air conditioning unit on roof, and installation of 1 no. roof light.

Applicant: Mimco (UK) Ltd

Officer: Wayne Nee 292132

Approved on 09/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

The air conditioning unit hereby granted shall not operate except between the hours of 08.00 and 18.00 Monday to Saturday and 09.30 and 16.00 on Sunday and Bank holidays.

Reason: To protect the amenity of neighbouring residents and occupiers in compliance with Policies QD27 and SU10 of the Brighton and Hove Local Plan.

3) UNI

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

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.

BH2008/02332

Flat 4 15 Powis Square Brighton

The replacement of existing front and rear windows with sash windows with sash style and replacement of rear door.

Applicant: Mr Graham Dallison

Officer: Mark Thomas 292336

Refused on 11/12/08 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that proposals involving the alteration of a Listed Building will only be permitted where the proposal respects the scale, design, materials and finishes of the existing building, and preserves its historic fabric. The proposal to install a casement window to the front elevation is unacceptable; this window should be a Regency style vertical sliding timber sash unit. The north-west office window has previously been enlarged, and should be reinstated to its original size. As such the proposed replacement of this unit is unacceptable. The proposed rear timber vertical sliding sash window should be Victorian style, i.e. two panes over two with a single vertical glazing bar. The proposed Regency style sash window is out of character with the existing fenestration to the rear elevation and is therefore unacceptable. As such the proposed development is contrary to the aforementioned policy.

BH2008/02407

Flat 4 15 Powis Square Brighton

The replacement of existing front and rear windows with sash style and replacement of rear door.

Applicant: Mr Graham Dallison

Officer: Mark Thomas 292336

Refused on 11/12/08 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that proposals involving the alteration of a Listed Building will only be permitted where the proposal respects the scale, design, materials and finishes of the existing building, and preserves its historic fabric. The proposal to install a casement window to the front elevation is unacceptable; this window should be a Regency style vertical sliding timber sash unit. The north-west office window has previously been enlarged, and should be reinstated to its original size. As such the proposed replacement of this unit is unacceptable. The proposed rear timber vertical sliding sash window should be Victorian style, i.e. two panes over two with a single vertical glazing bar. The proposed Regency style sash window is out of character with the existing fenestration to the rear elevation and is therefore unacceptable. As such the proposed development is contrary to the aforementioned policy.

BH2008/02473

Clarendon Mansions 80 East St Brighton

3 x externally illuminated lettered signs.

Applicant: Barracuda Group Ltd

Officer: Jonathan Puplett 292525

Split Decision on 09/01/09 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

1) UNI

Policy HE9 of the Brighton & Hove Local Plan states that advertisements located on listed building and within conservation areas will only be permitted where they do not have an adverse effect on the architectural and historic character or appearance of the building, on a conservation area or on their settings. SPD07 'Advertisements' provides further design guidance. The illuminated blackboard signs which have been installed to the building are excessive and represent visual clutter which has harmed the historic character and appearance of the listed building. The proposal is therefore contrary to the above policy and guidance.

BH2008/02605

8 Vernon Terrace Brighton

Installation of fire alarms and emergency lighting.

Applicant: Mr Steven Pike

Officer: Jonathan Puplett 292525

Approved on 30/12/08 DELEGATED

1) 01.05AA

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

Associated electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

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

3) UNI

No development shall take place until details have been submitted regarding the location and specification of the proposed emergency lighting and call points have been submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in strict accordance with the approved details.

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

BH2008/02808

Royal Alexandra Hospital 57 Dyke Road Brighton

Conservation Area Consent for demolition of all existing hospital buildings.

Applicant: Taylor Wimpey UK Limited

Officer: Guy Everest 293334

Refused on 22/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) UNI

Policy HE8 of the Brighton & Hove Local Plan states that demolition in conservation areas will not be considered without acceptable detailed plans for the site's development. In the absence of an approved planning application for the redevelopment of the site, the demolition of the existing buildings would be premature and result in the creation of a gap site that would fail to preserve or enhance the character or appearance of the Montpelier & Clifton Hill Conservation Area, and adjoining West Hill Conservation Area.

BH2008/02993

17-19 Duke Street Brighton

Replacement of existing roof with Mansard roof extension to create additional storey.

Applicant: Mr David Dayan

Officer: Lawrence Simmons 290478

Refused on 11/12/08 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Policy HE6 states that proposals within a conservation area should preserve or enhance the character and appearance of the area and should exhibit a consistently high standard of design. Further advice contained within supplementary planning guidance on roof alterations and extensions (SPGBHI). The proposed roof form is considered to be of an inappropriate design and the details of the design are unsympathetic to the parent building. Furthermore, insufficient information has been shown in the submitted drawings regarding design elements and materials. The alterations proposed would harm the appearance of the property which is considered of aesthetic merit and is located within a conservation area. The proposal is therefore contrary to the above policy and guidance.

BH2008/03052

32 Hampton Place Brighton

Listed building consent for replacement windows to front elevation of ground, first and second floors.

Applicant: Conicol Limited

Officer: Mark Thomas 292336

Refused on 05/12/08 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that alterations to a listed building will only be permitted where the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building. Insufficient information has been provided to demonstrate that the development would not have a harmful effect on the Grade II listed property. The application is therefore contrary to the aforementioned policy.

BH2008/03134

24 Windlesham Road Brighton

Replacement of existing timber external windows, doors, roof fascia, soffit boarding in UPVC and removal of rear fire escape with the adaption of 2 no. access doors into windows, together with creation of an extra vehicle hard standing, boundary fence and wall alterations.

Applicant: Hove YMCA

Officer: Weahren Thompson 290480

Approved on 19/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03205

19-20 Dukes Lane Brighton

Replacement air conditioning units to rear (Retrospective).

Applicant: Melissa Cook

Officer: Jason Hawkes 292153

Approved on 02/01/09 DELEGATED

1) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level of 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined in accordance with the guidance provided in BS4142:1997.

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

BH2008/03215

11 Duke Street Brighton

Display of externally illuminated fascia and projecting sign.

Applicant: Hotel Chocolat Stores Ltd

Officer: Weahren Thompson 290480

Split Decision on 22/12/08 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7) 10.07A

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.

1) UNI

The installation and display of a high level externally illuminated projecting banner sign on Duke Street by reason of its size, design, siting, position, height and illumination, would be incongruous and would harm the appearance of the front exterior of the building due to its prominence and positioning at the centre of the window on the first floor. The proposal would harm the architectural and historic character of the building and adjoining Grade II Listed Buildings and would be detrimental to the character and appearance of the Old Town Conservation Area that would neither be preserved or enhanced. The proposal is therefore contrary to Policy QD12 and HE9 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Document (SPD) 07 - Advertisements.

BH2008/03327

14 East Street Brighton

Display of externally illuminated fascia and hanging sign.

Applicant: Ms Daisy Booth

Officer: Jason Hawkes 292153

Approved on 23/12/08 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

BH2008/03364

51-52 North Street Brighton

Replacement of existing shopfront signage with 1 no. internally illuminated fascia sign (halo illumination only) and 1 no. non-illuminated projecting sign.

Applicant: Ms Yvonne McQueen

Officer: Jason Hawkes 292153

Approved on 05/01/09 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

BH2008/03425

33A Victoria Street Brighton

Single storey lower ground floor extension and replacement of second floor window with bay window.

Applicant: Mr Kevin Fenlon

Officer: Mark Thomas 292336

Approved on 16/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03448

81 Dyke Road Brighton

Change of use from Estate Agents (A2) to Osteopathic Clinic with ancillary retail (D1 with ancillary A1).

Applicant: Mr Rick Webbe

Officer: Jason Hawkes 292153

Approved on 23/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

Amplified music or other entertainment noise from the premises shall not be audible at any adjacent residential premises.

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

BH2008/03457

125 Western Road Brighton

Construction of second floor rear extension.

Applicant: Mrs Anorkau Khan

Officer: Chris Wright 292097

Refused on 07/01/09 DELEGATED

1) UNI

The proposed development would, by reason of its siting, height, depth and massing, give rise to overshadowing and an increased sense of enclosure and a tunnelling effect onto the northerly facing window of the neighbouring building and

an existing window on the host building, to the detriment of amenity and contrary to the objectives of policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

Policies QD2 and HE6 of the Brighton & Hove Local Plan require new development to enhance the positive qualities of the local neighbourhood and to employ design which reflects the character and appearance of conservation areas and the building lines within them. The proposed extension does not accord with these policies by reason of its siting, height, depth, massing and form, whereby the extension would project beyond the established building line of the upper levels of these mid-terraced buildings and display a flat roof that is not historically analogous with the original building styles of the locality and which would worsen the outlook of many neighbours, at variance with the requirement to preserve or enhance the historic character and appearance of the Montpelier and Clifton Hill Conservation Area and to the detriment of visual amenity.

BH2008/03508

56 Market Street Brighton

Display of 1 no. non-illuminated fascia sign and 1 no. non-illuminated projecting sign.

Applicant: Mr Nick Hill

Officer: Weahren Thompson 290480

Approved on 14/01/09 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by

water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

BH2008/03510

First Floor Flat 89 Montpelier Road Brighton

Reinstatement of balcony balustrades to first floor south and west elevations.

Applicant: Mr Sarri

Officer: Lawrence Simmons 290478

Approved on 12/01/09 DELEGATED

1) 01.05AA

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 cast iron railings and brackets shall be painted gloss black, shall match exactly those of the adjoining premises at 1 Montpelier Terrace in all respects, including their height and moulding details and in the event that any of the cast iron supporting brackets need to be replaced, the replacement brackets shall match exactly the existing ones.

Reason: To reinstate the character of the Listed Building and to comply with policy HE4 of the Brighton & Hove Local Plan.

3) UNI

In the event that additional structural supporting works to the balcony are required, full details, including large scale drawings, shall be submitted to and approved by the local planning authority in writing before these works are commenced.

Reason: To preserve the character of the Listed Building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2008/03547

42 Sillwood Road Brighton

Replacement of slate roof with Spanish slate / concrete ridge tiles. (Retrospective).

Applicant: Mr Guy Nickalls

Officer: Mark Thomas 292336

Refused on 05/01/09 DELEGATED

1) UNI

The concrete ridge tiles represent an unsympathetic and inappropriate addition to the roof of the Grade II listed building, which is visible from Western Terrace to the west. The development would therefore fail to preserve the special architectural or historical character of the listed building, contrary to policy HE1 of the Brighton & Hove Local Plan.

ST. PETER'S & NORTH LAINE

BH2008/01279

Block K Brighton Station Redevelopment Brighton

Variation of condition 4 of planning permission BH2005/05142 to allow a phased approach of the public open space, landscaping, lighting and the local area of play.

Applicant: McAleer & Rushie Group Ltd

Officer: Katherine Rawlins 292232

Refused on 23/12/08 DELEGATED

1) UNI

The proposal to vary condition 4 of planning permission BH2005/05142 to allow a phased approach of public open space, landscaping and the local area of play on Block K, would result in a further breakdown in the timescale, delivery and implementation of an important element of community infrastructure within the New England Quarter. This is considered contrary to the objective of securing open space recreational provision in a major, mixed-use development for residents and occupiers of the New England Quarter. The south of Block K is vacant land that has a poor aesthetic appearance which is harmful to the visual amenity and character of the area in the immediate vicinity of the application site. The proposal is therefore contrary to policies EM13, QD1, QD2, QD3, QD15, QD20 and HO6 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Guidance BH3: Brighton Station Site.

BH2008/01563

St Peters House 20-26 York Place Brighton

Remedial works to the facade to replace missing architectural details. New frontages to shop units on the ground floor.

Applicant: Park Avenue Estates Ltd

Officer: Kate Brocklebank 292175

Approved on 22/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.04A

No cables, wires, aerials, pipework (except rainwater downpipes as shown on approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

3) 05.03

No development shall take place until a written statement, consisting of a 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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

4) UNI

No development shall commence until a ground floor plan of the shop unit of No. 26 showing the depth of the recess of the shop entrance door have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 and QD5 of the Brighton & Hove Local Plan and SPD02 Shop Front Design.

5) UNI

No development shall commence until details and samples of the materials for the paving of the shop entrance recesses and thresholds have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 and QD5 of the Brighton & Hove Local Plan SPD02 Shop Front Design.

6) UNI

The new render work shall be smooth rendered and painted to match the original render work of the building and the missing upper façade pilasters and their capitals, the missing shop front pilaster corbel mouldings and the missing window cills shall be reinstated to match exactly their surviving counterparts.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 and QD5 of the Brighton & Hove Local Plan and SPD02 Shop Front Design.

7) UNI

The ground floor shop windows shall not be obscured, blanked out or covered over with plastic films, paint or other materials without the prior written permission of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 and QD5 of the Brighton & Hove Local Plan and SPD02 Shop Front Design.

8) UNI

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 and QD5 of the Brighton & Hove Local Plan and SPD02 Shop Front Design.

9) UNI

No blinds or awnings shall be attached to the exterior of the building without the prior written permission of the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 and QD5 of the Brighton & Hove Local Plan and SPD02 Shop Front Design.

10) UNI

The new and replacement windows shall be single glazed painted timber vertical sliding sashes with no trickle vents and with concealed sash boxes recessed within the reveals and masonry cills to match exactly the original sash windows, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, cill and reveal details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 and QD1 of the Brighton & Hove Local Plan.

11) UNI

The missing timber capital details at the tops of the sash boxes of the first and second floor bay windows of Nos. 20, 21 and 22 shall be reinstated in accordance with the approved detailed drawing.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 and QD1 of the Brighton & Hove Local Plan.

12) UNI

All new and replacement rainwater goods, soil and other waste pipes on the front elevation shall be in cast iron and painted to match the colour of the background walls.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 and QD1 of the Brighton & Hove Local Plan.

BH2008/02193

10 - 12 Frederick Street Brighton

Erection of 3-storey building at 10-11 Frederick Street for offices at first and second level and alterations to existing office building at no.12 Frederick Street.

Applicant: Hearthstone Homes

Officer: Ray Hill 293990

Approved on 22/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.04A

No cables, wires, aerials, pipework (except rainwater downpipes as shown on approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

3) 02.05A

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 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.

4) 05.01AA

Prior to the commencement of development, details of the measures to ensure that the development achieves a "Very Good" or "Excellent" BREEAM 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 policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991 - 2011 and SU2 of the Brighton & Hove Local Plan.

5) 06.03A

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

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

6) UNI

No development shall take place until the following details have been submitted to and approved in writing by the Local Planning

Authority:-

- (i) the treatment of the entrance threshold and steps, including any tiling;
- (ii) samples and details of all external facing and surfacing materials including render and paving materials;
- (iii) 1:20 sample elevations and sections and 1:1 scale sectional profiles of the new windows and doors, their cills, reveals, thresholds and steps;
- (iv) 1:20 scale sample elevations and sections of elements of the building including the bays, windows, doors, balustrades, balconies, stairs, steps, eaves, parapets, copings, meter cupboards, new front garden wall and railings and gate and all other features;
- (v) 1:1 scale sectional profiles of the stucco mouldings;
- (vi) 1:1 scale sections and elevations of the new railings' spear points and toprail profile and method of fixing;

The works shall be carried out in strict accordance with the approved details and maintained as such thereafter.

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

7) UNI

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

Reason: To ensure that the proposed development provides for the proposed travel demands that it creates and to comply with policies TR1, SU15 and QD28 of the Brighton & Hove Local Plan

8) UNI

The measures for the recovery and re-use of demolition and construction waste shall be implemented in strict accordance with the site waste management plan hereby approved.

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLPP11 of the East Sussex and Brighton & Hove Waste Local Plan, Policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction & Demolition Waste.

9) UNI

The windows at first and second floor levels in the north facing side elevation of the office building hereby approved 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.

10) UNI

All roof ventilation and extract outlets shall use flush, concealed slate or tile vents, to match the roof covering, and concealed ridge and eaves ventilators.

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

11) UNI

All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and painted to match the colour of the background walls.

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

BH2008/02250

16 Rose Hill Terrace Brighton

Refurbishment and two storey extension to artists print studio ancillary to dwelling house.

Applicant: Mr Ian Brown

Officer: Ray Hill 293990

Approved on 10/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) 08.01

No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have 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;

(b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and

(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 verification has been submitted to the Local Planning Authority by the agreed competent person that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

a) as built drawings of the implemented scheme;

b) photographs of the remediation works in progress; and

c) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the approved remediation scheme.

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

4) UNI

The first floor windows in the north-west facing side elevation of the building shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

5) UNI

The development hereby approved shall be used only as an artist's print studio or for purposes ancillary and incidental to the use of the dwelling house and for no business or industrial use whatsoever.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties, and to comply with policies QD14, QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

6) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the rating level, measured or calculated at 1-metre from the façade of the nearest 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 adjoining residential properties.

7) UNI

No machinery shall be used at the premises between the hours of 18:00 hours and 08:00 hours on Monday to Friday and between 13:00 hours and 09:00 hours on Sundays, bank and public holidays.

Reason: To safeguard the amenities of the occupiers of adjoining residential properties.

BH2008/02360

130 Upper Lewes Road Brighton

Provision of terraced area above existing flat-roof extension.

Applicant: Miss Sabiha Khan

Officer: Chris Swain 292178

Refused on 31/12/08 DELEGATED

1) UNI

The creation of a roof terrace would result in significant overlooking and loss of privacy towards neighbouring properties and is contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI

The proposed screening in conjunction with the proposed railings would have an adverse affect on the appearance and character of the property and the rear Upper Lewes Road street scene and is contrary to policies QD2 and QD14 of the Brighton and Hove Local Plan.

3) UNI

The proposed screening would result in a loss of outlook from the adjacent ground floor window to the rear of No.131 Upper Lewes Road and is contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2008/02662

35-38 Lewes Road Brighton

Variation of Condition 2 of application 95/1064/FP for an extension of the existing hours of use.

Applicant: HSS Hire Service Group Ltd

Officer: Anthony Foster 294495

Approved on 08/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) UNI

The premises shall not be open or in use except between the hours of 0730 to 1730 hours Monday to Friday, and between 0800 and 1700 hours on Saturdays.

Reason: To safeguard the amenity of the adjoining neighbours and in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

BH2008/02961

10A Bath Street Brighton

Removal and bricking up of rear window.

Applicant: Declan Hilley

Officer: Helen Hobbs 293335

Approved on 12/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03012

Natwest Bank 55 Lewes Road Brighton

Installation of additional automatic teller machine.

Applicant: The Royal Bank of Scotland Group Plc

Officer: Sonia Kanwar 292359

Approved on 08/12/08 DELEGATED

1) 01.01AA

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

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

2) 04.01A

Notwithstanding the approved plans, the ATM's controls shall be raised and separated from each other, have a positive action and have raised numbers, letters or Braille characters on each control and be no higher than 1060 mm. from ground level.

Reason: To ensure satisfactory facilities for people with disabilities and to accord with policy QD10 of the Brighton & Hove Local Plan.

BH2008/03079

2 Pelham Square Brighton

Listed building consent for four bi-fold internal doors.

Applicant: Mr Anthony McCully

Officer: Sonia Kanwar 292359

Approved on 02/01/09 DELEGATED

1) 01.05AA

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 door panel mouldings, architraves, and skirting boards shall match exactly the material, colour, style, bonding and texture to those of the originals.

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

3) UNI

The new doors shall be painted softwood and shall be retained as such.

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

BH2008/03093

45-47 Cheapside Brighton

Creation of additional third floor and part fourth floor to provide 5 additional self-contained flats. Other external alterations to existing block.

Applicant: Mr Colin Brace

Officer: David Alabi 290486

Approved on 09/01/09 DELEGATED

1) 01.01AA

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

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

2) 02.05A

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 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.

3) 03.01A

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.

4) 05.01A

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or

higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

5) 05.03

No development shall take place until a written statement, consisting of a 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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

6) 06.02A

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.

7) UNI

The alterations to the existing facades and the installation of the opaque glass privacy screens shall be implemented in full prior to the initial occupation of any of the new residential units hereby approved.

Reason: To ensure a satisfactory appearance to the development, to protect residential amenity and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

8) UNI

Prior to the commencement of development, a scheme to offset the travel demand arising from the development and to ensure that the residential units remain genuinely car free through removing the resident on-street car parking permit eligibility of future occupiers shall be submitted to, and approved in writing by, the Local Planning Authority. The detail of this scheme shall be implemented as approved prior to the first occupation of the development hereby approved.

Reason: To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance with Brighton & Hove Local Plan policies TR1, TR19, QD28 and HO7.

9) UNI

Access to the flat roof over the building hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

10) UNI

Prior to the commencement of development on site, a detailed construction management plan 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 the interests of highway safety and for the benefit and convenience of the public and in accordance with policy TR7 of the Brighton & Hove Local Plan.

BH2008/03114

21 Guildford Road Brighton

Removal and repair of bay window frontage over two floors and replacement of 5 no. existing front windows with sash style windows.

Applicant: Mr Luke Tennant

Officer: Anthony Foster 294495

Approved on 05/01/09 DELEGATED

1) 01.01AA

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

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

2) 13.03A

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

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

BH2008/03202

Victory House Trafalgar Place Brighton

Installation of 6 no. external heat recovery units to roof and screening to roof.

Applicant: Invista Foundation (Victory) Ltd

Officer: Liz Holt 291709

Approved on 13/01/09 DELEGATED

1) 01.01AA

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

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

2) UNI

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: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the information submitted as part of the application, the screening hereby approved shall be constructed on either close boarded timber, metal cladding or brick, unless otherwise agreed in writing by the Local Planning Authority and shall have a minimum mass of 10kg per square metre.

Reason: In order to ensure that the screen is imperforate and to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The measures set out in the Waste Minimisation Statement submitted on the 14th October 2008 shall be implemented in strict accordance with the approved details.

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

BH2008/03417

88A Dyke Road Brighton

Replacement windows to rear.

Applicant: Mr Stephen Groves

Officer: Sonia Kanwar 292359

Approved on 31/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03430

42 Gloucester Road Brighton

Reinstatement of original yard & erection of first floor balcony.

Applicant: Mr Richard Wakeham

Officer: Aidan Thatcher 292265

Approved on 06/01/09 DELEGATED

1) 01.01AA

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

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

BH2008/03431

42 Gloucester Road Brighton

Demolition of single storey extension to rear of property.

Applicant: Mr Richard Wakeham

Officer: Aidan Thatcher 292265

Approved on 06/01/09 DELEGATED

1) 01.04AA

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.

BH2008/03488

34 Marlborough Place Brighton

Internal alterations, proposed rear dormer, reinstatement of front railings and original front basement sash window.

Applicant: Mrs Zerrin Hodgkins

Officer: Sonia Kanwar 292359

Approved on 14/01/09 DELEGATED

1) 01.05AA

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) 14.01A

No works 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 works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

3) 14.09A

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

4) 14.12A

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

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

5) UNI

Before works commence a 1:20 scale section must be submitted showing the proposed floor construction.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

For the avoidance of doubt, the external width of the proposed rear dormer shall not exceed 1 metre and there shall be no other projections beyond the plane of the roof.

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

7) UNI

For the avoidance of doubt, the proposed dormer shall be set back at least 500mm from the eaves, measured along the slope of the roof.

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

8) UNI

Before works commence, 1:20 scale elevations and 1:1 scale joinery sections must be submitted to and approved by the Local Planning Authority showing the proposed front basement window and the proposed rear dormer window. Both windows must be in painted softwood.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

9) UNI

Before works commence, 1:20 scale elevations and 1:1 scale section details or samples must be submitted showing the proposed new railings to the front elevation. The railings must be in cast iron.

Reason: As insufficient information has been submitted to ensure the satisfactory preservation of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

BH2008/03492

Aspect House 84-87 Queens Road Brighton

New front entrance to ground floor office suite.

Applicant: Mr Rod Haylor

Officer: Chris Swain 292178

Approved on 05/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03534

144 Upper Lewes Road Brighton

Replacement windows to rear elevation and side elevation.

Applicant: Mr James Graham

Officer: Louise Kent 292198

Approved on 06/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03598

12 Portland Street Brighton

Rear dormer extension to roof.

Applicant: Mr Rodney Shields

Officer: Sonia Kanwar 292359

Refused on 12/01/09 DELEGATED

1) UNI

The proposed rear dormer, by virtue of its size and inappropriate design, would form an incongruous feature, detrimental to the appearance of the building and the surrounding North Laine Conservation Area. The proposal is therefore contrary to policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

WITHDEAN

BH2008/01669

3 Grosvenor Court Varndean Road Brighton

Replacement of single glazed windows with double glazed UPVC windows.

Applicant: Mr Philip Brittain

Officer: Ray Hill 293990

Approved on 29/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/01880

387 Ditchling Road Brighton

First floor extension to convert bungalow to two storey house including ground floor decking at rear and first floor terrace at front and rear.

Applicant: Mr Barbaros Tanc

Officer: Wayne Nee 292132

Refused on 22/12/08 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 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 proposal, by virtue of its bulk and inappropriate modern design with a large flat roof, would form an incongruous and unsympathetic feature that would appear out of place in context with the street scene which is largely comprised of houses of traditional design with pitched roofs. The use of extensive timber cladding and the formation of a front elevation terrace also fail to respect the character and appearance of surrounding area. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The proposed first floor rear balcony, by virtue of its height, positioning, and proximity to neighbouring boundaries, represents a development which would result in a significant loss of privacy to the residents of the immediately adjoining neighbouring properties at no. 1 Friar Road and no. 389 Ditchling Road. The proposal therefore leads to a loss of amenity and is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.

BH2008/02048

38A North Road Preston Park Brighton

Replacement windows and doors to front of property and installation of air conditioning unit with condensing unit to rear.

Applicant: Remus

Officer: Wayne Nee 292132

Refused on 09/01/09 DELEGATED

1) UNI

Policies QD2 and QD14 require new development to take into account local characteristics and be well related visually to the property to be altered and the surrounding area and to use materials sympathetic to the parent building. Policy HE6 of the Brighton & Hove Local Plan requires development in conservation areas to be of a high standard of design and incorporate detailing reflecting the character of the area, use materials and finishes which are sympathetic and ensure no harmful impact on the townscape is allowed to occur. The design of the proposed front elevation ground floor door and the materials used would detract from the historic appearance of the building and would introduce an incongruous form of development to the detriment of visual amenity and the character and appearance of the Preston Village Conservation Area. As such the proposal is contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

BH2008/02440

Tudor Cottage 263 London Road Brighton

Demolition of existing dwelling and garage and erection of four-storey apartment building containing 7 flats.

Applicant: Mr David Lowrie

Officer: Chris Wright 292097

Approved on 08/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) 01.01AA

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

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

2) 02.03A

The south flank elevation windows shall not be glazed otherwise than with obscured glass and shall be partially fixed shut in a manner to be submitted to and agreed in writing by the local planning authority and thereafter permanently retained as such.

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

3) 04.02A

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.

4) 05.01A

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or higher or an equivalent level of performance if an alternative independently

assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

5) 05.02A

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

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

6) 05.04

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, in accordance with policy SU2 of the Brighton & Hove Local Plan.

7) 13.01A

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 HE6 of the Brighton & Hove Local Plan.

8) 13.03A

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

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

9) UNI

The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and details to be submitted to and approved in writing by the local planning authority and the areas shall be retained for that use thereafter 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, to ensure satisfactory facilities for the parking of cycles, to meet the objectives of sustainable development and policy TR14 of the Brighton & Hove Local Plan.

10) UNI

The vehicular crossover shall be re-constructed in accordance with the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to the commencement of any other development on the site. Reason: In the interests of highway safety, to ensure the safety of

persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

11) UNI

Prior to the commencement of the development hereby approved Method Statements for the below shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with agreed details:-

(i). The existing single storey garage to the north side of the dwellinghouse shall be demolished inward of its own footprint and the base shall be left in situ to protect the roots of the adjacent Sycamore tree during the course of the development and in accordance with APN1 and BS5837 (2005), and only lifted as one of the final operations.

(ii). Building operations within the vicinity of the two Elms within the curtilage of No. 261 London Road shall not commence until suitably qualified personnel (such as an Arboricultural Consultant) have checked for tree roots and protected them as appropriate and in accordance with BS5837 (2005).

(iii). Exploration of the sub surface beneath the existing gravel/pebble driveway shall be carried out in order to inform the necessity of constructing a ramp or temporary roadway over the area during construction works.

(iv). All hard surfacing, including the parking, driveway and turning areas shall be no dig and semi-permeable to allow irrigation to tree roots and constructed in accordance with BS5837 (2005).

(v). All trees that are to be retained on site shall be protected to BS5837 (2005): Trees of Development Sites.

Reason: In order to safeguard the roots of existing trees which are important to the environment of the development, visual amenity and the character of the Preston Park Conservation Area and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan

12) UNI

The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the local planning authority and the areas shall be retained for that use thereafter and shall not be used other than for the parking of motor vehicles belonging to the occupants of the development hereby approved and their visitors.

Reason: To ensure adequate provision for the parking of private vehicles belonging to the occupants of the development hereby approved and their visitors and to comply with policy TR19 of the Brighton & Hove Local Plan.

13) UNI

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

Reason: To ensure that the proposed development does not put undue pressure on existing on-street car parking in the city and to comply with policies TR1, TR2 and SU15 of the Brighton & Hove Local Plan.

BH2008/02623

Park View PH 71 Preston Drove Brighton

Retention of jumbrella within front garden area.

Applicant: Mitchells & Butlers

Officer: Jason Hawkes 292153

Approved on 31/12/08 DELEGATED

BH2008/02856

47 Surrenden Crescent Brighton

Demolition of existing conservatory and erection of a new rear/side single storey extension and rear dormer.

Applicant: Mr Huw McCarthy

Officer: Wayne Nee 292132

Approved on 09/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/02920

16 Cedars Gardens Brighton

Side and rear ground and first floor extensions.

Applicant: Mr K Shorten

Officer: Lawrence Simmons 290478

Refused on 14/01/09 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires extensions to existing buildings to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The applicant has failed to demonstrate that the additional storey will be in keeping with the scale and height of adjoining properties and in the context of the wider street scene. The information accompanying the application inhibits a full assessment in respect to the appropriateness of an additional storey in respect of scale and design in relation to adjoining properties and fails to enable an adequate assessment of the effects of the proposal on neighbouring amenities. This would be contrary to the requirements of policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

Notwithstanding reason for refusal 1 above, the proposed extension, by reason of its size, height, bulk and scale and the rear first floor balcony, would be unduly dominant upon and would cause an increased sense of enclosure, risk of disturbance and significant loss of privacy to neighbouring properties and would thereby fail to comply with policies QD1, QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03078

7 Station Road Brighton

Demolition of existing dwelling and erection of 7 new houses.

Applicant: Eaton Homes

Officer: Lawrence Simmons 290478

Refused on 07/01/09 DELEGATED

1) UNI

The proposed development, by reason of its siting, size, bulk, scale, prominence, excessive footprint would represent an overdevelopment of the site, which would appear unduly obtrusive that is out of keeping with the surrounding pattern of development. Furthermore, the flat roofed design in an area characterised by pitched roof development represents an incongruous feature that is out of keeping with the surrounding area. The proposed development would be harmful to the setting of the adjoining Conservation Area. The proposed development would therefore be contrary to policies QD1, QD2, QD4 and HE6 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by reason of the proximity, elevated siting, scale, bulk and height would cause significant detriment to the amenity of the neighbouring occupier by reason of increased sense of enclosure and building bulk, overlooking, dominance and loss of light and outlook. The proposed development would therefore conflict with policies QD1 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development would result in undue disturbance to the living conditions of the occupiers of existing neighbouring property by reason of noise from traffic movements and would therefore conflict with policies SU10, QD1 and QD27 of the Brighton & Hove Local Plan.

BH2008/03165

82 Green Ridge Brighton

Single storey rear extension and loft conversion, including addition of dormer to side elevation.

Applicant: Mr David Nunan

Officer: Mark Thomas 292336

Refused on 09/12/08 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Further advice is contained within supplementary planning guidance on roof alterations and extensions (SPGBHI). The proposed dormer window is inappropriately sized and represents an overly bulky addition to the side roofslope. The side roofslope of the property is prominent on Green Ridge and the proposed development would harm the appearance of the property and the wider street scene. The proposed gable end to the rear of the property should be tile hung with tiles to match the existing roofslope. The proposal to construct the gable end in faced brick is not acceptable and would detract from the character and appearance of the recipient building. The proposal is therefore contrary to the above policy and guidance.

2) UNI2

Policy QD14 of the Brighton & Hove Local Plan states that extensions and alterations will only be granted if the proposed development would not result in significant loss of amenity to neighbouring properties. Insufficient information has been submitted to demonstrate that access from the proposed French doors on

the gable end, to the rear flat roof over the proposed extension, for the use as private amenity space would not result in significant overlooking and loss of privacy to nos. 80 and 84 Green Ridge. The proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03175

28 North Road Preston Brighton

Installation of flue to the rear elevation. (Retrospective).

Applicant: Mr Martyn C James

Officer: Jonathan Puplett 292525

Refused on 08/01/09 DELEGATED

1) UNI

Policy SU9 of the Brighton & Hove Local Plan states that permission will not be granted for development that may be liable to cause air pollution and nuisance, which would put human health / amenity at risk. Furthermore policies QD14 and QD27 state also that permission will not be granted for development where it would cause material nuisance and loss of amenity to neighbouring residents. The flue which has been installed, due to its limited height, and inappropriate flue cap, provides insufficient dispersal for the smoke which the wood burner produces. It is therefore considered that the development causes nuisance, and harm to the amenity of neighbouring residents, contrary to the above policies.

2) UNI

Policy HE1 of the Brighton & Hove Local Plan states that permission will not be granted for alterations to listed buildings which would have an adverse effect on the architectural and historical character and appearance of the building. The flue which has been installed is considered an inappropriate addition due to its size, prominence, and the reflective nature of the finish of the flue, and is therefore contrary to the above policy.

BH2008/03228

4 Valley Drive Brighton

Single storey rear extension.

Applicant: Mr A Horsley

Officer: Mark Thomas 292336

Approved on 22/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03229

219b Preston Road Brighton

Conversion and extension of existing B1 space into two live-work units, and ground floor extension to office at rear. Extension to provide third live-work unit. (Resubmission of BH2008/00900) Amended window details and shadow diagrams.

Applicant: Mr James Oliver

Officer: Lawrence Simmons 290478

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 02.01A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) 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 or to the character of the area, and for this reason would wish to control any future development to comply with QD14 and QD27 of the Brighton & Hove Local Plan.

3) 02.02A

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) 02.05A

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 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.

5) 04.02A

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) 05.01A

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the

occupation of the development.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

7) 06.01A

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private vehicles and motorcycles 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.

8) 13.01A

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 HE6 of the Brighton & Hove Local Plan.

9) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing and means of enclosure.

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

10) UNI

The measures set out in the submitted Site Waste Management Plan shall be implemented in the development hereby approved.

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.

11) UNI

No outside working or storage shall be permitted at any time.

Reason: To protect neighbour amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.

12) UNI

The use hereby permitted shall be for live / work units only, comprising a mixed Use Class B1 and Use Class C3 use in accordance with the approved floor plans, and shall exclude the use of the whole premises for an individual Class B1 or Class C3 use.

Reason: For the avoidance of doubt and in order to secure a mixed live / work use in compliance with policy EM8 of the Brighton & Hove Local Plan.

13) UNI

A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the local planning authority and the use of the premises shall not commence until all specified works have been carried out to the satisfaction of the local planning authority. Machinery shall not be operated outside of business hours.

Reason: To protect neighbour amenity and to comply with policy QD27 of the Brighton & Hove Local Plan.

14) UNI

Before works commence sample elevations and sections at 1:20 scale shall be submitted showing: (i) the new/replacement windows and doors to the front (west) elevation of Unit 2; (ii) the proposed blind windows to the south elevation of Unit 3; and (iii) the proposed double-height aluminium glazing to the north elevation of Unit 3.

Reason: to preserve the character of the Conservation Area and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

15) UNI

Before works commence a Method Statement should be submitted for the proposed removal of rendering and restoration of brickwork to the front (west) elevation of Unit 2.

Reason: to preserve the character of the Conservation Area and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

BH2008/03323

28 North Road Preston Brighton

Installation of flue to the rear elevation. (Retrospective)

Applicant: Mr Martyn C James

Officer: Jonathan Puplett 292525

Refused on 08/01/09 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that permission will not be granted for alterations to listed buildings which would have an adverse effect on the architectural and historical character and appearance of the building. The flue which has been installed is considered an inappropriate addition due to its size, prominence, and the reflective nature of the finish of the flue, and is therefore contrary to the above policy.

BH2008/03365

Land rear of 14 Bankside Brighton

Construction of a new three-storey dwelling with solar panels.

Applicant: Mr Michael Letton

Officer: Clare Simpson 292454

Refused on 13/01/09 DELEGATED

1) UNI

The principle of this development, encroaching further along the south side of Highbank is unacceptable and considered an overdevelopment of the site. The further reduction in plots size results in insufficient separation distances between the new property and those in Bankside, which is out of character with the area. The separation distances means the resulting building would be imposing, un-neighbourly and detrimental to the residential amenity of occupiers of 14 and 16 Bankside. The proposal is therefore contrary to policies QD1, QD2, QD3, and QD27.

2) UNI2

The design and detailing of the proposed house, including the scale of property and design of the roof, the proposed materials, and lack of design features on the front elevation, would result in a development which would appear at odds with the surrounding area. The house would appear incongruous in relation to neighbouring properties, harmful to the overall character of the area and the Highbank street scene. The proposal is therefore contrary to policies QD1, QD2, QD3 of the Brighton & Hove Local Plan.

3) UNI3

3) The frontage of this site and the adjacent properties does not have a footway, therefore causing pedestrians to walk on the carriageway. This will introduce a significant risk to users of the public highway that means that this proposal is contrary to policy TR7 and the development fails to cater for the traffic and transport issues created. The application is therefore contrary to policy TR1 and TR7 of the Brighton & Hove Local Plan.

BH2008/03372

42 Harrington Road Brighton

Front and side conservation rooflights for loft conversion (retrospective).

Applicant: Ms L. Scott-Moncrieff

Officer: Wayne Nee 292132

Approved - no conditions on 11/12/08 DELEGATED

BH2008/03373

11 Surrenden Crescent Brighton

Demolition of existing conservatory, garage and standalone workshop to rear and construction of two storey extension.

Applicant: Mr James Oliver

Officer: Mark Thomas 292336

Refused on 10/12/08 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove local plan states that proposed development will only be granted if it; is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area; takes account of the existing space around buildings and the character of the area and; uses materials sympathetic to the parent building. The proposed two-storey rear extension represents a bulky, incongruous addition which would detriment the visual amenity of the recipient building and the wider street scene. The proposed materials do not relate well to the materials of the existing building which contributes towards the addition having a tacked on appearance, and the property have the appearance of two semi-detached properties rather than one cohesive dwelling. As such, the proposed scheme is considered an over-extension of the existing property, and is contrary to local authority planning policy.

2) UNI2

Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing, and / or adjacent users, residents or occupiers. Further, QD14 states that proposed development will only be granted if it would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties. The proposed two storey rear extension, due to its bulk, positioning, protrusion and proximity, would result in significant loss of outlook and overshadowing to no. 9 Surrenden Crescent. As such the proposal is contrary to the aforementioned Local Authority planning policies.

BH2008/03379

68 Tongdean Lane Withdean Brighton

Proposed first floor rear extension, partially extending over existing double garage. (Resubmission of BH2008/06033)

Applicant: Mr C Blight

Officer: Jason Hawkes 292153

Refused on 08/12/08 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 also states that extensions to buildings should be well designed and detailed in relation to the property to be extended and surrounding area. The proposed extension, by virtue of its excessive size and bulky design, would form an incongruous and unsympathetic feature, which would result in an overextended and unsympathetic appearance to the recipient bungalow and would be detrimental to the visual amenity of the surrounding area. The proposal is therefore contrary to the objectives of the above policies.

2) UNI2

Policy QD27 of the Brighton & Hove Local Plan seeks to protect the residential amenity of neighbouring properties. Due to the position and bulk of the first floor addition in close proximity to adjacent property to the west, the proposal results in an increased sense of enclosure and an unneighbourly form of development. The proposal therefore leads to a loss of amenity and is contrary to the above policy.

BH2008/03404

22 Inwood Crescent Brighton

Conversion of the upper floor garage to a bedroom including removal of garage door to front elevation and installation of window. Construction of single storey extension at lower ground level.

Applicant: Miss Julia Webb

Officer: Weahren Thompson 290480

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03462

12 Matlock Road Brighton

Construction of disabled access ramp.

Applicant: Mr Jamie Fogg

Officer: Guy Everest 293334

Approved on 02/01/09 DELEGATED

1) 01.01AA

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

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

BH2008/03596

25 Station Road Brighton

First floor side extension over existing garage, including front and rear rooflights.

Applicant: John Van Ryssen

Officer: Jonathan Puplett 292525

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 13.02A

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

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

BH2008/03645

62 Surrenden Park Brighton

Erection of single storey rear extension.

Applicant: Mr Nicholas Petche

Officer: Mark Thomas 292336

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03714

323 Dyke Road Hove

Demolition of existing single storey extension and construction of a new two-storey extension.

Applicant: Mr Mike Thomas

Officer: Guy Everest 293334

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) UNI

No development shall take place until details of boundary screening to protect the amenity of no. 321 Dyke Road Avenue has 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, unless otherwise agreed in writing by the Local Planning Authority, be maintained as such thereafter.

Reason: In order to protect the amenity of adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the submitted details no development shall take place until a written statement, consisting of a 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 policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

EAST BRIGHTON

BH2008/02210

32 Princes Terrace Brighton

Certificate of Lawfulness for proposed removal of existing rear balcony and proposed basement conversion including single storey extension with balcony and external and internal alterations.

Applicant: Ms A Morley

Officer: Ray Hill 293990

Refused on 09/01/09 DELEGATED

BH2008/02782

Flat 4 12 Chesham Place Brighton

Internal alterations to layout of flat.

Applicant: Mr Matthew Cumes

Officer: Sonia Kanwar 292359

Approved on 22/12/08 DELEGATED

1) 01.05AA

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) 14.12A

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

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

3) 14.13A

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

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

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

4) UNI

Replacement/ reinstatement features must match exactly the originals in materials and detail.

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

5) UNI

The external finishes of the staircase including the tread, risers, balustrades, handrails and newel posts shall match in material, colour, style, bonding and texture those of the existing staircase.

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

BH2008/02797

22-23 St Georges Road, Brighton

Installation of 3 x fascia signs (externally illuminated) and 1 x projecting sign (internally illuminated) to shop front (retrospective).

Applicant: CO-OP

Officer: Helen Hobbs 293335

Approved on 02/01/09 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7) 10.07A

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.

BH2008/02867

Royal Sussex County Hospital Eastern Road

Installation of air conditioning plant on the flat roof sections of the Oncology Department.

Applicant: Brighton and Sussex University Hospitals NHS Trust

Officer: Sonia Kanwar 292359

Approved on 11/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03189

Harry Ramsden's 1-4 Marine Parade Brighton

Replacement of existing signage.

Applicant: Mr Michael Stickland

Officer: Aidan Thatcher 292265

Approved on 15/12/08 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

BH2008/03213

12A Marine Square Brighton

Removal of 3 storey steel fire escape to the rear elevation.

Applicant: Kempex Ltd

Officer: Anthony Foster 294495

Approved on 07/01/09 DELEGATED

1) 01.05AA

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

After the fire escape has been removed in its entirety the external finishes of the rear elevation shall be made good to match exactly the existing rear elevation and retained as such thereafter.

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

BH2008/03309

Ground Floor Flat 23 Bloomsbury Place Brighton

Installation of secondary glazing to front bay and rear window.

Applicant: Mr Peter Green

Officer: Chris Swain 292178

Approved on 14/01/09 DELEGATED

1) 01.05AA

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.

BH2008/03322

Ground Floor Flat 3 159 Marine Parade Brighton

Internal alterations including removal of partition wall.

Applicant: Mr Peter Alderton

Officer: Aidan Thatcher 292265

Approved on 07/01/09 DELEGATED

1) 01.05AA

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.

BH2008/03465

26 Bloomsbury Place Brighton

Removal of external fire escape.

Applicant: Mr R.A Smith

Officer: Chris Swain 292178

Approved on 02/01/09 DELEGATED

1) 01.05AA

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

After the fire escape has been removed in its entirety the external finishes of the rear elevation shall be made good to match exactly the existing rear elevation and retained as such thereafter.

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

BH2008/03542

6 Maresfield Road Brighton

Proposed pitched roof two-storey side extension and pitched-roof entrance porch.

Applicant: Mr & Mrs Talmey

Officer: Liz Holt 291709

Approved on 06/01/09 DELEGATED

1) 01.01AA

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

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

2) 02.02A

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.

3) UNI

Notwithstanding drawing no. 1322008/01, the external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building and the extension hereby approved shall consist of a soldier brick band which matches in colour and materials of the existing soldier brick band.

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

4) UNI

The measures set out in the Waste Minimisation Statement submitted on the 7th November 2008 shall be implemented in strict accordance with the approved details.

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

HANOVER & ELM GROVE

BH2008/01964

114 Islingword Road Brighton

Demolition of existing rear store and erection of a new two-bedroom house. New access to existing first floor flat and ground floor/basement office.

Applicant: Mr Greg Crossfield

Officer: David Alabi 290486

Refused on 09/01/09 DELEGATED

1) UNI

The applicant has failed to provide the required evidence to demonstrate that specially built or converted starter business units are available elsewhere in the neighbourhood at a comparable rent, has failed to demonstrate that the premises are genuinely redundant, has failed to demonstrate that continued use of the premises for business purposes would cause undue disturbance to neighbouring occupiers and has failed to demonstrate that the premises do not meet an acceptable safety standard, contrary to policies EM6 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by virtue of its excessive site coverage, front façade and the infilling of the gap between 1 Grant Street and 114 Islingword Road, would fail to emphasise or enhance the positive qualities of the local neighbourhood and would compromise the existing character of the area and the local environment, contrary to policies QD1, QD2, QD3, QD27, HO4 and HO5 of the Brighton & Hove Local Plan.

3) UNI3

The proposal would fail to provide outside amenity space appropriate to the scale and character of the development contrary to policy HO5 of the Brighton & Hove Local Plan.

4) UNI4

The proposed development, by virtue of the width of the front entrance and internal door widths and bathroom layouts, would fail to provide adaptable accommodation suitable for use as Lifetime Homes, contrary to policy HO13 of the Brighton & Hove Local Plan.

5) UNI5

The applicant has failed to provide the required information to demonstrate that the proposed house could achieve Level 3 of the Code for Sustainable Homes contrary to policy SU2 of the Brighton & Hove Local Plan.

BH2008/02280

148 Lewes Road Brighton

Application for demolition of existing warehouse and erection of 2 new dwellings with garden areas to rear of 148 Lewes Road.

Applicant: Mr Patrick Spiers

Officer: Ray Hill 293990

Refused on 09/01/09 DELEGATED

1) UNI

The proposal would involve the loss of employment floorspace, the applicant has failed to provide sufficient information to justify this loss and the proposal is therefore contrary to policy EM6 of the Brighton & Hove Local Plan.

2) UNI2

The external appearance of the proposed development represents poor quality design, would be out of keeping with that of the terrace of which it would form part and would fail to make a positive contribution to the visual amenities of the area contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

3) UNI3

The proposal fails to demonstrate that the lifetime homes standards will be met whereby new dwellings can be adapted to meet the needs of people with disabilities without major structural alterations, contrary to policy HO13 of the Brighton & Hove Local Plan.

4) UNI4

The proposal fails to meet the travel demands arising from the development contrary to policies TR1 and QD28 of the Brighton & Hove Local Plan.

5) UNI5

The proposed development fails to provide details of secure cycle parking facilities contrary to policy TR14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4 Parking Standards.

6) UNI6

The proposal fails to make satisfactory provision for the storage of waste and recyclable materials and is therefore considered to be contrary to policy SU2 of the Brighton & Hove Local Plan.

7) UNI7

The applicant has failed to satisfactorily demonstrate that the proposal would incorporate adequate measures to reduce the use of raw materials, water and energy and as such, would be likely to result in the excessive use of these limited resources contrary to Policy SU2 of the Brighton & Hove Local Plan.

BH2008/02758

Reception Phoenix Brewery Halls Southover Street Brighton

Alterations to provide new porch canopy entrance and front entrance door and associated paving works and other minor alterations.

Applicant: University of Brighton

Officer: Chris Swain 292178

Approved on 09/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

The external walls of both the façade of the building and the screen wall hereby approved shall match in material, colour, style, bonding and texture of 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, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2008/02958

2 Waterloo Place Brighton

Listed Building Consent for installation of fire doors, alarm system and emergency lighting on all floors, together with associated minor internal alterations.

Applicant: Mrs Sarah Maidment

Officer: Sonia Kanwar 292359

Approved on 10/12/08 DELEGATED

1) 01.05AA

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) 14.14A

The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

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

3) UNI

Notwithstanding the submitted plans, the basement, second and third floors should have four panel doors, in order to reflect the traditional hierarchy of the floors. No works shall take place until details of the proposed designs have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

BH2008/03010

Flat 12 12-14 Wellington Road Brighton

Replacement of rear windows with double glazed UPVC.

Applicant: Ms Claire Turner

Officer: Chris Swain 292178

Refused on 04/12/08 DELEGATED

1) UNI

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

BH2008/03092

50 Elm Grove Brighton

Certificate of lawfulness for existing development of rear porch, conservatory and garden room.

Applicant: Mr Stephen Hubbard

Officer: Sonia Kanwar 292359

Approved on 04/12/08 DELEGATED

BH2008/03116

10 Bear Road Brighton

Certificate of lawfulness for existing use of roof terrace to rear of property.

Applicant: Mr Steve Lillywhite

Officer: Sonia Kanwar 292359

Approved on 12/12/08 DELEGATED

BH2008/03139

64 Albion Hill Brighton

Single storey rear extension to existing shop and associated internal alterations

Applicant: Roseview Homes Limited

Officer: Liz Holt 291709

Refused on 17/12/08 DELEGATED

1) UNI

The proposed extension, by virtue of its size, would result in significant loss of amenity space for the occupiers of the residential unit located at first floor level contrary to policy QD5 and QD27 of the Brighton & Hove Local Plan.

2) UNI

The proposed extension, by reason of its height, design and size, would form an incongruous and visually intrusive addition to the building and would adversely affect the traditional character and appearance of the street scene contrary to policy QD15 of the Brighton & Hove Local Plan.

3) UNI

The applicant has failed to demonstrate that the proposed development would not have a significant adverse impact upon the residential amenity of the neighbouring property, no.72 Toronto Terrace, with regard to loss of light/sunlight and outlook contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The extension, by virtue of its design and lack of windows, will result in a reliance on artificial lighting, which results in an excessive draw on energy, contrary to policy SU2 of the Brighton & Hove Local Plan.

BH2008/03159

238 Freshfield Road Brighton

Single storey rear extension.

Applicant: Mr Mohamed Matin

Officer: Chris Swain 292178

Refused on 31/12/08 DELEGATED

1) UNI

The length, siting and height of the proposal would, by reason of loss of light and outlook, overshadowing and its overbearing impact, adversely impact on the residential amenity currently enjoyed by the adjoining property No.240 Freshfield Road, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03181

Ecclesden Grove Hill Brighton

Highleigh Grove Hill Brighton

Norman Hurst Grove Hill Brighton

Richmond Heights John Street Brighton

Replacement of existing main entrance doors with multi-steel doorsets.

Applicant: Mr Jim Lord

Officer: Louise Kent 292198

Approved on 09/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03258

55 Ryde Road Brighton

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

Applicant: Mrs Alison Cattle

Officer: Helen Hobbs 293335

Refused on 19/12/08 DELEGATED

BH2008/03299

111 Hartington Road Brighton

Excavation to form lightwell with erection of balustrade and installation of window at basement level to front of property.

Applicant: Mr & Mrs Elvey

Officer: Chris Swain 292178

Approved on 05/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) 03.04A

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

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.

4) UNI

The balustrade shall be painted/powdercoated in accordance with a colour scheme to be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2008/03308

Flat 3 60 Bonchurch Road Brighton

Replacement white UPVC window to rear.

Applicant: Ms Bickers

Officer: Sonia Kanwar 292359

Approved on 29/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03354

74 Pankhurst Avenue Brighton

Two storey side extension and side and rear roof extension including hip to gable. Incorporating rooflights, solar panels and wind generator.

Applicant: Mr Jacob Chadwick

Officer: Aidan Thatcher 292265

Refused on 23/12/08 DELEGATED

1) UNI

The proposed development would be of unacceptable design and cause harm to the established character of the street scene by virtue of its overly dominant impact on the host dwelling, particularly the extension of the main ridge of the roof, the excessively large rear dormer and the unduly prominent wind turbine. Therefore the application would be contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and SPD01 'Roof Alterations and Extensions'.

BH2008/03577

16 De Montfort Road Brighton

Loft Conversion with 1 no. roof lights to front roof slope and 2 no. rooflights to rear.

Applicant: Mr Dave Perrin

Officer: Louise Kent 292198

Approved on 07/01/09 DELEGATED

1) 01.01AA

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

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

HOLLINGBURY & STANMER

BH2005/01592/LB

Pevensey 1 Building University of Sussex Falmer

Refurbishment of existing WC facilities to provide separate unisex WC, disabled access WC, shower room and cleaners cupboard
(Retrospective).

Applicant: University of Sussex

Officer: Louise Kent 292198

Approved on 09/01/09 DELEGATED

1) 14.12A

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

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

BH2008/00615

7 Hollingbury Place Brighton

Replacement shopfront with new wider opening and ramp to provide disabled access.

Applicant: Mr Maher Hanna

Officer: Helen Hobbs 293335

Refused on 19/12/08 DELEGATED

1) UNI

The proposed disabled ramp, by reason of its design, siting and appearance, would form an unsympathetic alteration to the front of the building and would form a visually intrusive element in the surrounding street scene and as such is contrary to policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

The applicant has failed to demonstrate that the overall design and construction of the ramp will provide safe access and as such the proposal is contrary to policy TR7 of the Brighton & Hove Local Plan.

3) UNI3

The proposal, by reason of the limited width of the ramp and limited size of the platform turning area, would fail to provide satisfactory means of access for all members of the community, in particular wheelchair users, and as such is contrary to policy QD10 of the Brighton & Hove Local Plan and Supplementary Planning Document on Shop Front Design (SPD02).

BH2008/01656

37 Dudley Road Brighton

Single storey rear extension with enclosed staircase access and terraced area

Applicant: Mr and Mrs Graham Rhodes

Officer: Chris Swain 292178

Refused on 12/01/09 DELEGATED

1) UNI

The length, siting and height of the proposal would, by reason of its overbearing impact, adversely impact on the residential amenity currently enjoyed by the adjoining properties at No.39 and No.35 Dudley Road and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

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

3) UNI3

The design and scale of the proposal would result in an unsympathetic and incongruent addition that would be detrimental to the appearance and character of the building and the rear street scene and is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2008/02643

14 Hollingbury Place Brighton

The demolition of an existing single storey rear extension and erection of single storey rear extension with pitched roof.

Applicant: M & O Trading

Officer: Steve Lewis 292321

Refused on 04/12/08 DELEGATED

1) UNI

The proposal is considered poorly designed by reason of its scale, bulk and detailing. It poorly relates to the street scene and character and appearance of the area. This is contrary to policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The extension by reason of its scale and siting is considered to have an unneighbourly impact upon on the entrance and access and the amenities currently enjoyed by the occupiers of number 14a Hollingbury Place. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposal fails to demonstrate a satisfactory construction waste minimisation strategy, confirming how demolition and construction waste will be recovered and reused on site or at other sites, therefore reducing the need to dispose of waste at landfill. This is contrary to policies SU13 of the Brighton & Hove Local Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and Supplementary Planning Guidance Note 03 (Construction and Demolition Waste).

BH2008/02785

35 Lynchet Close Brighton

Erection of Conservatory to rear of property.

Applicant: Mr Statter

Officer: Helen Hobbs 293335

Approved on 22/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03003

218 Ditchling Road Brighton

Removal of existing timber structure and construction of new garage to rear.

Applicant: Mr Mohamad Shah

Officer: Aidan Thatcher 292265

Approved on 10/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

The external finishes of the walls of the development hereby permitted shall match in material, colour, style, bonding and texture those of the host building and rear boundary wall.

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, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2008/03046

75 Stanmer Villas Brighton

Full width dormer to rear incorporating french doors. Creation of a roof terrace area on existing roof at second floor level.

Applicant: Ms Kay Aplin

Officer: Helen Hobbs 293335

Refused on 15/12/08 DELEGATED

1) UNI

The proposed rear dormer and railings to the roof terrace, by virtue of their size and positioning would form incongruous and unsightly bulky features and as such would be detrimental to the appearance of the existing building and the visual amenity of the surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

2) UNI2

The position of the proposed rear roof terrace, results in an overbearing form of development leading to overlooking and a significant loss of privacy to neighbouring properties and would adversely impact on their residential amenity. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03054

21 Nanson Road Brighton

Construction of a two storey dwelling.

Applicant: Ms Joyce Edmond-Smith

Officer: Aidan Thatcher 292265

Refused on 10/12/08 DELEGATED

1) UNI

The proposed house, by virtue of its siting, scale, bulk, massing and design, fails to respect the established building lines of Nanson Road or Ashburnham Drive and would form an overly dominant structure at a prominent corner location to the detriment of the street scene and character of the wider area. Therefore the application would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

BH2008/03336

10 Stanmer Villas Brighton

Certificate of Lawfulness for proposed loft conversion with dormer to the rear.

Applicant: Mrs Rachel Simmonds

Officer: Chris Swain 292178

Refused on 22/12/08 DELEGATED

BH2008/03359

3 Freehold Terrace Brighton

Insertion of double glazed UPVC windows to front and rear. Removal of existing rear door and new doors to ground and first floor with staircase leading from first floor to ground floor.

Applicant: JCC Partnership

Officer: Sonia Kanwar 292359

Approved on 13/01/09 DELEGATED

1) 01.01AA

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

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

2) UNI

Amplified music or other entertainment noise from within the premises shall not be audible at any adjacent residence or commercial premises during hours of operation.

Reason: In order to protect the adjoining properties from noise disturbance and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

3) UNI

Use of the platform between the new first floor doors and the staircase hereby approved shall be for access, maintenance or emergency purposes only. The platform shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect the adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03411

3 Coldean Lane Brighton

Single storey detached annexe with rooflights in rear garden (part retrospective).

Applicant: Mrs Valerie Nash

Officer: Helen Hobbs 293335

Refused on 12/01/09 DELEGATED

1) UNI

The proposed development, by virtue of its siting, height, scale and design would be an incongruous form of development which would be detrimental to the character and appearance of the existing building, the openness of the rear gardens in this area and the visual amenities enjoyed by neighbouring properties. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

MOULSECOOMB & BEVENDEAN

BH2004/02317/FP

11-45 Ashurst Road and Land Rear of Egginton Road and Egginton Close Brighton

Erection of 2.1 metre palisade fence to close off ancient woodland (retrospective).

Applicant: Falmer High School

Officer: Paul Vidler 292192

Refused on 11/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) UNI

The appearance of the palisade fence along Ashurst Road, by virtue of its height, design, materials and location, would be detrimental to the local characteristics and residential amenities of the locality, contrary to policies QD2 and QD27 of the Brighton & Hove Local Plan.

2) UNI

The appearance of the palisade fence along Ashurst Road, by virtue of its height, design, materials and location, would be detrimental to the countryside/downland, the Sussex Downs Area of Outstanding Natural Beauty and the proposed South Downs National Park, contrary to policies NC5, NC6 and NC7 of the Brighton & Hove Local Plan.

BH2008/01541

39 Mafeking Road Brighton

Erection of first floor extension to provide office space and erection of a ground floor porch.

Applicant: Mr B Edwards

Officer: David Alabi 290486

Approved on 08/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) 01.01AA

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

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

2) 02.03A

The rear first floor window 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) 03.01A

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.

4) 05.04

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, in accordance with policy SU2 of the Brighton & Hove Local Plan.

5) 06.02A

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.

6) UNI

The development hereby permitted shall be used only in connection with the ground floor workshop/storage use and shall not be used independently.

Reason: In order to protect the residential amenities of neighbouring occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

7) UNI

Access to the rear roof shall be for maintenance or emergency purposes only and shall not be used as a roof garden, terrace patio or similar amenity space.

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.

BH2008/03067

103 Heath Hill Avenue Brighton

Demolition of existing utility room and construction of new two-storey extension with garage and porch to front elevation.

Applicant: Mrs Patricia Hurrell

Officer: Anthony Foster 294495

Approved on 15/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.02A

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.

3) 03.02A

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

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

4) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be implemented fully in accordance with the Waste Minimisation Statement submitted on the 21 October 2008.

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

BH2008/03196

44 Heath Hill Avenue Brighton

Erection of conservatory to rear of property.

Applicant: Mr Kevin Hodson

Officer: Aidan Thatcher 292265

Approved on 14/01/09 DELEGATED

1) 03.02A

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

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

BH2008/03293

35 Barcombe Road Brighton

Erection of rear extension to dwelling.

Applicant: Mr Ken Warren

Officer: Aidan Thatcher 292265

Approved on 06/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03316

Land adjoining 16 Bodiam Avenue Brighton

Erection of new detached two-storey single dwelling house. (Resubmission of BH2008/01232).

Applicant: Mrs Jane Rowland

Officer: Kate Brocklebank 292175

Refused on 29/12/08 DELEGATED

1) UNI

The proposed detached dwelling, awkward shape and small resultant plot size and the dwellings close proximity to the pavement edge relate poorly to the prevailing character of the existing surrounding development and provide a cramped form of development in an which is characterised predominantly by semi detached properties in relatively large plots. As such the applicant has failed to demonstrate that account has been taken of the local characteristics and

development pattern contrary to QD2 of the Brighton & Hove Local Plan.

BH2008/03446

15 Leybourne Road Brighton

First floor single storey side extension.

Applicant: Mr T Lawes

Officer: Aidan Thatcher 292265

Refused on 05/01/09 DELEGATED

1) UNI

The proposed extension by reason of its scale, bulk, design and siting will not enhance the positive qualities of the neighbourhood and would harm the visual amenity and character of the area and existing dwelling. This is contrary to policies QD1, QD2, QD14 of the Brighton & Hove Local Plan.

BH2008/03451

3 Hillside Way Withdean Brighton

Part 1 and 2 storey front extension incorporating balcony, enlarged roof gable and access steps amendments.

Applicant: Mr James Booth

Officer: Sonia Kanwar 292359

Approved on 19/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.02A

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.

QUEEN'S PARK

BH2008/01183

5 Steine Street Brighton

Alterations to frontage (retrospective).

Applicant: S & M Leisure Ltd.

Officer: Sonia Kanwar 292359

Refused on 12/12/08 DELEGATED

1) UNI

The proposed development, by virtue of the removal of the boxes covering the two first floor windows and the rendering of the wall, would create a bland facade which does not respect the style of the building. It would fail to preserve the character and appearance of the building within the East Cliff Conservation Area. The proposal is therefore contrary to policies QD5, QD10 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance SPD2 on Shop front design.

2) UNI2

The applicant has provided insufficient information to demonstrate that potential noise breakout from the ground floor façade will be effectively contained and not

adversely affect local residents. The proposal is therefore contrary to policies SU9, SU10, QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/01188

5 Steine Street Brighton

Internally illuminated hanging sign (retrospective).

Applicant: S & M Leisure Ltd.

Officer: Sonia Kanwar 292359

Approved on 12/12/08 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7) 10.07A

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 30 minutes after the premises are closed to the public.

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

BH2008/01295

Ground Floor Flat 55 Egremont Place Brighton

Replacement of roof on extension to rear of property to include three velux style rooflights and other minor alterations to side and rear elevations.

Applicant: Miss Annette Moss

Officer: Chris Swain 292178

Approved on 04/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

The roof hereby approved should be coloured grey, in accordance with a colour scheme to be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

3) 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 wall panels of the development hereby permitted, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area and to comply with policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

BH2008/02878

Flat 7 58 Marine Parade

Listed building consent for internal alterations to enlarge existing bathroom.

Applicant: Mr David Felton

Officer: Helen Hobbs 293335

Approved on 06/01/09 DELEGATED

1) 01.05AA

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

Unless otherwise agreed in writing with the Local Planning Authority, the new doorway from the studio room to the kitchen shall re-use the joinery, door and door furniture from the doorway previously leading to the bathroom lobby.

Reason: To retain and reuse historic fabric and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

3) UNI

Prior to commencement of development full details of service runs, including ventilation extract details shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with approved details and retained as such thereafter.

Reason: To protect the character of the listed building and comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

The bathroom door shall be of timber construction with recessed panels, and 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 this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2008/03072

32 Ground Floor Devonshire Place Brighton

Erection of rear ground floor conservatory (retrospective).

Applicant: Mr Harbhanjan Dhillon

Officer: Aidan Thatcher 292265

Refused on 09/12/08 DELEGATED

1) UNI

The proposed development would cause harm to the host property by virtue of inappropriate materials and poor quality design, and as a result would detract from the character and appearance of the East Cliff Conservation Area. The scheme is therefore considered to be contrary to policies QD2, QD14 and HE6 of the Brighton & Hove Local Plan.

BH2008/03088

22-23 St Georges Road Brighton

Installation of external plant equipment (retrospective).

Applicant: Co-operative

Officer: Helen Hobbs 293335

Approved on 22/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

Noise associated with the external plant equipment hereby approved shall be controlled, such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. The works shall be implemented in strict accordance with the approved plans.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14, QD27 and SU10 of the Brighton & Hove Local Plan.

BH2008/03104

101 Albion Hill Brighton

Loft conversion incorporating rear dormer and 2 front rooflights.

Applicant: Ms Sarah Cockburn

Officer: Anthony Foster 294495

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall be implemented fully in accordance with the Site Waste management Plan which was submitted on the 19 September 2008.

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

BH2008/03231

14 Dorset Gardens Brighton

First floor rear extension and enlargement of dormer. Front and rear rooflights, replacement of casement windows to rear elevation with timber box sash units. Renewal of front elevation units with matching timber box sash windows. Recovering of front roof slope with natural slates. Removal of rear doors to basement and replace with casement windows (part retrospective).

Applicant: Watercress Management Ltd

Officer: Aidan Thatcher 292265

Refused on 12/12/08 DELEGATED

1) UNI

The application fails to preserve the character and appearance of the Grade II Listed host property or the East Cliff Conservation area by virtue of the dormer and rooflight on the front facing roof slope causing a loss of historic fabric and creating an overly dominant alteration and as such would be contrary to policies QD1, QD2, QD14, HE1 and HE6 of the Brighton & Hove Local Plan and SPG01 relating to Roof Alterations and Extensions.

BH2008/03269

14 Dorset Gardens Brighton

First floor extension and enlargement of dormer. Front and rear rooflights; replacement of casement windows to rear elevation with timber box sash units. Renewal with front elevation units with matching timber box sash windows. Recovering of front roof slope with natural slates. Removal of rear doors to basement and replace with casement windows. Internal alterations to layout of dwelling including installation of bathrooms and kitchens (part retrospective).

Applicant: Watercress Management Ltd

Officer: Aidan Thatcher 292265

Refused on 12/12/08 DELEGATED

1) UNI

The application fails to preserve the character and appearance of the Grade II Listed host property by virtue of the dormer and rooflight on the front facing roof slope causing a loss of historic fabric and creating an overly dominant alteration and as such would be contrary to policy HE1 of the Brighton & Hove Local Plan and SPG01 relating to Roof Alterations and Extensions.

BH2008/03311

31 St James's Street Brighton

Formation of roof terrace to existing flat roof with glass balustrade.

Applicant: Mr Dean Holmes

Officer: Sonia Kanwar 292359

Approved on 22/12/08 DELEGATED

1) 01.01AA

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

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

2) 13.02A

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

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

3) UNI

No structures or objects shall be placed on the roof terrace which are visible from the street. This includes umbrellas, plants, pergolas, trellises, patio heaters, seating, tables, awnings, speakers or other items.

Reason: To minimise the impact on character of the conservation area in accordance with policy HE6 of the Brighton & Hove Local Plan 2005.

BH2008/03469

Gala Bingo Club 1 Freshfield Way Brighton

Erection of a smoking shelter to the side of the building.

Applicant: Mr Andy Dickinson

Officer: Helen Hobbs 293335

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) UNI

There should be a maximum of 10 customers at anyone time in the outdoor smoking area between 10.00pm and 11.00pm.

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

3) UNI

The tannoy shall not be used for amplified music or other entertainment noise.

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 gaming machines in the outdoor smoking area should not be used after 10.00pm.

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

Details of the relocated six disabled car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the commencement of the development hereby approved and in strict accordance with the approved details.

Reason: To ensure satisfactory facilities for people with disabilities and to accord with policy TR18 of the Brighton & Hove Local Plan.

BH2008/03470

Patching Lodge Park Street Brighton

Siting of 1 no. cooling unit externally to the rear of the plant room at the North of the development.

Applicant: Mr Alastair Holland

Officer: Sonia Kanwar 292359

Approved on 05/01/09 DELEGATED

1) 01.01AA

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

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

2) UNI

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: In order to protect the amenities of surrounding units and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

BH2008/03485

19b Camelford Street Brighton

Relocation of 2nd floor bedroom window into the Camelford Street elevation and alterations to style of rooflight on south elevation.

Applicant: Mr Charles Meloy

Officer: Helen Hobbs 293335

Approved on 08/01/09 DELEGATED

1) 01.01AA

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

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

2) 13.02A

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

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

3) UNI

The second floor window on the Camelford Street elevation hereby approved shall be painted timber and retained as such thereafter.

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

BH2008/03522

76 St Georges Road Brighton

Infilling of back yard with staircase from ground floor to basement and new roof over staircase and rear bathroom of maisonette with skylights over. Other associated external alterations (retrospective).

Applicant: Mrs Hilary Krick

Officer: Liz Holt 291709

Approved on 07/01/09 DELEGATED

ROTTINGDEAN COASTAL

BH2007/01679

128 Longhill Road Ovingdean Brighton

Erection of four detached houses.

Applicant: Heron Construction & Dev Ltd

Officer: Gemma Barnes 292265

Refused by DoE on 02/12/08 DECISION ON APPEAL

BH2007/02995

32-34 Arundel Road Brighton

Refurbishing and reworking of existing first floor flat and the addition of a second floor to accommodate an additional flat.

Applicant: Richards Properties Ltd

Officer: Aidan Thatcher 292265

Approved on 08/01/09 DELEGATED

1) 01.01AA

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

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

2) 02.03A

The eastern bathroom window 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.

3) 02.06A

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 works shall be carried out in full as approved prior to occupation and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.

4) 02.07A

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

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5) 03.01A

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.

6) 05.01AA

Prior to the commencement of development, details of the measures to ensure that the development achieves a "Very Good" or "Excellent" BREEAM 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 policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991 - 2011 and SU2 of the Brighton & Hove Local Plan.

7) 05.03

No development shall take place until a written statement, consisting of a 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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

8) 06.02A

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.

9) UNI

No development shall take place until details of a scheme to fund improved accessibility to bus stops, pedestrian facilities, and cycling infrastructure in the area of the site, to support the demand for travel generated by the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development addresses the travel demand arising from the intensification of use on the site in accordance with policies SU15, TR1, TR14, TR19 and QD28 of the Brighton & Hove Local Plan.

BH2007/03454

Land at Brighton Marina

Demolition of Asda superstore to create 3 -10 storey building with enlarged store (3112 sqm increase) and 2,025 sqm of other Class A1-A5 retail / restaurant / drinking) uses on ground floor with 779 residential units above and community hall and new pedestrian/cyclist bridge link from cliff to roof of building and associated engineering works. Demolition of petrol filling station to create 28 storey building with 182 sqm of Class A uses at ground floor and 148 residential units above. Demolition of McDonalds restaurant to create 5 - 16 storey building with enlarged drive-thru restaurant (285 sqm increase) and 131sqm of other Class A uses and 222 residential units above. Demolition of estates office to create 3-4 storey building of 35 residential units. Demolition of western end of multi-storey car park to create 6-11 storey building adjacent to western breakwater of 117 residential units with stair access from breakwater to Park Square. Demolition of part of the eastern end of multi-storey car park to create single storey petrol filling station, pedestrian footbridge and new lift and stair access. Total: 1301 residential units. Associated car parking spaces (805 residential, 666 commercial), cycle parking (1907 residential, 314 in public realm), servicing, plant, refuse, CHP unit, public and private amenity space, hard & soft landscaping and outdoor recreation areas. Change of use of two A1 retail units (524 sqm) within Octagon to medical use (Class D1). Alterations to vehicular, pedestrian and cyclist access and circulation, including new roundabout and transport interchange behind Waterfront.

Applicant: Explore Living (No.1) Ltd & X-Leisure (Brighton I) & X-Leisure (Brighton II) Ltd

Officer: Sue Dubberley 292322

Refused on 19/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) UNI

The proposed development, by reason of siting, layout and height, would be overly dominant and would not relate satisfactorily to existing development within the Marina and would fail to preserve the setting of views of strategic importance, in particular views into and out of the Kemp Town Conservation Area, the Sussex Downs Area of Outstanding Natural Beauty and the Cliff which is a Site of Special Scientific Interest . The proposal would therefore fail to comply with policies QD1, QD2, QD3, QD4, HE3, HE6, HE11 and NC8 of the Brighton & Hove Local Plan and policies S1, S6, EN1, EN2, EN3, and EN26 of the East Sussex and Brighton & Hove Structure Plan.

2) UNI

The proposed development would cause material nuisance and loss of amenity to residents living opposite and within the Marina. In addition, by reason of north facing views and overshadowing the proposed development would cause loss of amenity to occupiers of the residential units in the Cliff Building. The proposal would therefore be contrary to the requirements of policy QD27 of the Brighton & Hove Local Plan.

3) UNI

The applicant has failed to demonstrate that the proposed scheme reflects and responds to the current housing need in the City. In particular, through the provision of the appropriate housing unit mix and size. The proposal is therefore contrary to policy HO3 of the Brighton & Hove Local Plan.

4) UNI

The applicant has failed to demonstrate that the proposed development would result in a scheme with an adequate provision of outdoor amenity and recreational space. The proposal is therefore contrary to the requirements of policy HO6 of the Brighton & Hove Local Plan.

5) UNI

The applicant has failed to demonstrate that educational facilities would be provided to meet the needs of the residents of the proposed development. The proposal would therefore be contrary to the objectives of policy HO21 of the Brighton & Hove Local Plan.

6) UNI

The proposed development would be in a High Probability Flood Zone as defined in PPS25: Development and Flood Risk and does not pass the Exception Test as set out therein.

BH2007/03493

Garages 53 & 54 14 Church Place Kemptown Brighton

Demolition of end of terrace double garage and erection of one two-bedroom house with pitched roof.

Applicant: Mr Kevin Ridout

Officer: Liz Holt 291709

Approved on 09/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) 01.01AA

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

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

2) 02.02A

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.

3) 02.05A

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 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

4) 04.02A

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.

5) 04.02A

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) 05.01AA

Prior to the commencement of development, details of the measures to ensure that the development achieves a "Very Good" or "Excellent" BREEAM 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 policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991 - 2011 and SU2 of the Brighton & Hove Local Plan.

7) 06.03A

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

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

8) 13.01A

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 HE6 of the Brighton & Hove Local Plan.

9) 13.06A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) 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 or to the character of the area, and for this reason would wish to control any future development proposals to comply with policy HE6 of the Brighton & Hove Local Plan.

10) UNI

No development shall take place until details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development and to remain genuinely car-free at all times has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

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

11) UNI

Before development commences details of the treatment to all boundaries to the site shall be submitted to and approved by the Local Planning Authority. Such details as are approved shall be implemented in full before the development is first occupied or brought into use and retained thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to safeguard neighbouring amenity and to comply with policies QD1, QD2, QD16, QD27 and HE6 of the Brighton & Hove Local Plan.

12) UNI

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development, in accordance with policy SU4 of the Brighton & Hove Local Plan.

13) UNI

No works shall commence until full details of a landscaping scheme, which includes permeable hard surfacing, means of enclosure, and planting of the development, have been submitted to and approved in writing by the Local Planning Authority. 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 five 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 interests of the visual amenities of the area and to comply with policies QD2, QD16, QD27 and HE6 of the Brighton & Hove Local Plan.

14) UNI

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

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

BH2007/03944

Arches 296-298 The Black Rock Reading Rooms Kemp Town Slopes Brighton

Listed building consent for conversion of current building to restaurant with elevational and landscape alterations.

Applicant: Ms Alex Walmsley

Officer: Steve Lewis 292321

Approved on 23/12/08 DELEGATED

1) 01.05AA

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) 14.05A

No works shall take place until full details of the proposed works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved

by the Local Planning Authority. The scheme 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 in accordance with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

No works shall take place until full details of the proposed works including 1:10 detailed drawing of the proposed extraction systems have been submitted to and approved by the Local Planning Authority. The scheme 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 in accordance with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the approved plans and in accordance with the email from Claire Haigh dated 20 December 2008, the fairy lights indicated on the terrace electrical plan are not approved and shall not form part of the development.

Reason: To preserve the character and appearance and setting of a listed building and to accord with policies HE1 and HE3 of the Brighton & Hove Local Plan.

5) UNI

Notwithstanding the approved plans, prior to the commencement of the development, the painted colour of the external sections of the building including, rendered façade, fencing, timber window and door frames, decking and balustrade shall be agreed with and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To preserve and enhance the special historical and architectural character of the listed building, in the interests of visual amenity and to accord with policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning guidance Note 13 (Listed Buildings - General Advice).

6) UNI

Notwithstanding the approved plan, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority before the development may commence. The scheme shall include details of all hard landscaping, means of enclosure, planting and indications of all existing planting currently on the site with details of any landscaping to be retained together with measures of their protection in the course of the development.

Reason: To enhance the appearance of the development and to enhance the setting of the listed building/ historical park and garden, according with policies HE1 and HE3 of the Brighton & Hove Local Plan.

7) UNI

All planting, seeding, turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or the implementation of the change of use which ever is the sooner, and any trees/plant which within a period of five years from the completion of the development die, are removed, or become seriously damaged shall be replaced in the next planting season with other 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 ensure a satisfactory completion and appearance to the development which will enhance the historical setting of the listed building and historical park and garden, according with policies HE1 and HE3 of the Brighton & Hove Local

Plan.

BH2007/03945

Arches 296-298 The Black Rock Reading Rooms Kemp Town Slopes Brighton

Conversion of listed building to restaurant with elevational and landscape alterations.

Applicant: Ms Alex Walmsley

Officer: Steve Lewis 292321

Approved on 23/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.06A

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 works shall be carried out in full as approved prior to occupation and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.

3) 05.03

No development shall take place until a written statement, consisting of a 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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

4) 05.04

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, in accordance with policy SU2 of the Brighton & Hove Local Plan.

5) 14.05A

No works shall take place until full details of the proposed works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme 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 in accordance with policy HE1 of the Brighton & Hove Local Plan.

6) UNI

The premises shall only be open or in use between the hours of 10.00 and 23.00 hours.

Reason: To safeguard the amenities of the area and of nearby residential properties in accordance with policies SR4, QD27 and SU10 of the Brighton & Hove Local Plan.

7) UNI

No works shall take place until full details of the proposed works including 1:10 detailed drawing of the proposed extraction systems have been submitted to and approved by the Local Planning Authority. The scheme 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 in accordance with policies SU9, SU10 and HE1 of the Brighton & Hove Local Plan.

8) UNI

Notwithstanding the approved plans and in accordance with the email from Claire Haigh dated 20 December 2008, the fairy lights indicated on the terrace electrical plan are not approved and shall not form part of the development.

Reason: To preserve the character and appearance and setting of a listed building and to accord with policies HE1 and HE3 of the Brighton & Hove Local Plan.

9) UNI

Notwithstanding the approved plans, prior to the commencement of the development, the painted colour of the external sections of the building including, rendered façade, fencing, timber window and door frames, decking and balustrade shall be agreed with and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To preserve and enhance the special historical and architectural character of the listed building, in the interests of visual amenity and to accord with policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning guidance Note 13 (Listed Buildings - General Advice).

10) UNI

Notwithstanding the approved plan, a scheme for landscaping shall be submitted to and approved by the Local Planning Authority before the development may commence. The scheme shall include details of all hard landscaping, means of enclosure, planting and indications of all existing planting currently on the site with details of any landscaping to be retained together with measures of their protection in the course of the development.

Reason: To enhance the appearance of the development and to enhance the setting of the listed building/ historical park and garden, according with policies HE1 and HE3 of the Brighton & Hove Local Plan.

11) UNI

All planting, seeding, turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development or the implementation of the change of use which ever is the sooner, and any trees/plant which within a period of five years from the completion of the development die, are removed, or become seriously damaged shall be replaced in the next planting season with other 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 ensure a satisfactory completion and appearance to the development which will enhance the historical setting of the listed building and historical park and garden, according with policies HE1 and HE3 of the Brighton & Hove Local Plan.

BH2007/03951

Garages 53 and 54 14 Church Place Brighton

Conservation Area Consent for demolition of end of terrace double garage.

Applicant: Mr K Ridout

Officer: Liz Holt 291709

Approved on 09/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) 01.01AA

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

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

2) UNI

The 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 is commenced in accordance with a scheme for which Planning Permission has been granted within a period of 6 months following commencement of demolition.

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.

BH2007/04519

Grand Ocean Hotel Longridge Avenue Saltdean Brighton

Alterations to windows, entrances and balconies (amendments to approval BH2004/03556/LB to convert hotel to residential and community uses).

Applicant: Explore Living

Officer: K Haffenden 292361

Approved on 19/12/08 DELEGATED

1) 01.05A

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

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

2) UNI

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

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

3) UNI

No works shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces, staircases, walkways, balustrades and glazing screens hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

4) UNI

No works shall take place to the listed building (building 7) until a detailed window schedule and specification and drawings for the new, replacement and altered windows and railings, accompanied by details of surviving original window types and railings and their proposed repair, have been submitted to and approved in writing by the Local Planning Authority prior to their manufacture. The works shall be carried out in accordance with the approved details.

Reason: To ensure the preservation of this listed building, and the restoration of the exterior and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

5) UNI

A detailed method statement and specification of proposed external fixtures, fittings and finishes, including doors to the main front entrance and all other external doors affected by the works, shall be submitted to the Local Planning Authority for written approval prior to commencement of works; this specification to include details of the works necessary for the efficient management of the commercial spaces. All works shall be carried out in strict accordance with the approved statement and specification.

Reason: To secure the preservation of the building's special architectural and historic interest and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

6) UNI

The architectural features of historic note indicated to be retained and restored on the main hotel building (Building 7) shall be carried out in accordance with drawing no.s. (L)420, (750) Revision E, 4062/B(20)E01 Revision P2 and the Design and Access Statement submitted. No works shall take place until a detailed specification and drawings of the method of restoration have been submitted to and approved in writing by the Local Planning Authority together with details of the measures to protect features which are to remain in situ during building work. A detailed method statement and specifications and drawings of features that are indicated on the submitted drawings to be re-used elsewhere on the site shall also be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in strict accordance with the approved details.

Reason: To secure the satisfactory preservation of this listed building, and the restoration of the external architectural features identified to be of particular importance and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2008/00448

Ocean Hotel Explore Living Site Office Longridge Avenue Saltdean

Amendments to previously approved scheme (BH2004/03555/FP) for exterior, concerning windows, entrances and balconies.

Applicant: Mr Laurence Smith

Officer: K Haffenden 292361

Approved on 19/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

No works 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, staircases, walkways, balustrades and glazing screens of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

3) UNI

No works shall take place to the listed building (building 7) until a detailed window schedule and specification and drawings for the new, replacement and altered windows and railings, accompanied by details of surviving original window types and railings and their proposed repair, have been submitted to and approved in writing by the Local Planning Authority prior to their manufacture. The works shall be carried out in accordance with the approved details.

Reason: To ensure the preservation of this listed building, and the restoration of the exterior and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

4) UNI

A detailed method statement and specification of proposed external fixtures, fittings and finishes, including doors to the main front entrance and all other external doors affected by the works, shall be submitted to the Local Planning Authority for written approval prior to commencement of works; this specification to include details of the works necessary for the efficient management of the commercial spaces. All works shall be carried out in strict accordance with the approved statement and specification.

Reason: To secure the preservation of the building's special architectural and historic interest and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2008/01771

Grand Ocean Hotel Longridge Avenue Saltdean Brighton

Amendments to previously approved scheme (BH2004/03556/LB) for interior, concerning, ceilings, partitions and doors.

Applicant: Mr Laurence Smith

Officer: K Haffenden 292361

Approved on 19/12/08 DELEGATED

1) 01.05A

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

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

2) 14.12A

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

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

3) 14.14A

The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local

Planning Authority.

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

4) UNI

Full details of all replica mouldings, cast or moulded features, rooflights and other historic features to be replicated must be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of the reinstatement works. Such details are to comprise photographs and large-scale section drawings. The works shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 and HE4 of the Brighton & Hove Local Plan.

5) UNI

Works to the architectural features of historic note indicated to be retained and restored within the main hotel building (Building 7) shall be carried out in accordance with drawing no.s. 7301(LA) 312-316 Rev. D, 7301 (LA) 317-321 Rev. D, 7301 (L) 322-326 Rev. D, 7301 (L) 332-336 Rev. D, 4062/B(20) P 49 Rev. P1, 4062/B (20) P 52 Rev. P2, 4062 B7 T (20) DO1 Rev. P2, 4062 B7 T (20) DO1 Rev. P1, 4062/B(20) P 55 Rev. P1, 4062 /B (20) P 59 Rev P1, 7301 (L) 327-331 Rev. D, 4062B/(20) P 62 Rev P1, 7301 (L) 816 Rev A in addition to plan no.s. 4062/ B(20)P43 Rev P1, B(20)P46 Rev P1, B(20)P65 Rev P1, B7T(20)D02 Rev P1, B(20)E01 Rev P2 and the Conservation Statement submitted on 15 July 2005 with BH2004/03556. No works shall take place until a detailed specification and drawings of the method of restoration have been submitted to and approved in writing by the Local Planning Authority together with details of the measures to protect features which are to remain in situ during building work. A detailed method statement and specifications and drawings of features that are indicated on the submitted drawings to be re-used elsewhere on the site shall also be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in strict accordance with the approved details.

Reason: To secure the satisfactory preservation of this listed building, and the restoration of the internal architectural features identified to be of particular importance and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

6) UNI

A detailed method statement and specification of proposed room fixtures, fittings and finishes within the lower and upper ground floor rooms and common ways shall be submitted to the Local Planning Authority for written approval prior to commencement of works; this specification to include details of the works necessary for the efficient management of the residential apartments above. All works shall be carried out in strict accordance with the approved statement and specification.

Reason: To secure the preservation of the building's special architectural and historic interest and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

7) UNI

All historic ceiling features are to be fully surveyed and photographed prior to dismantling/removal and a record of the survey must be submitted to and approved in writing by the Local Planning Authority. All replicated features must be in fibrous plaster to exactly match the original features in design, dimensions and finish, to the satisfaction of the Local Planning Authority.

Reason: To secure the satisfactory preservation of this listed building, and the restoration of the internal architectural features identified to be of particular importance and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

8) UNI

Samples of the refurbished historic roof lights and light fittings to the ceiling at Level 6 must be made available for inspection and approved in writing by the Local Planning Authority.

Reason: To secure the satisfactory preservation of this listed building, and the restoration of the internal architectural features identified to be of particular importance and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2008/01898

1A Lenham Road West Rottingdean

Enlargement of existing rear balcony.

Applicant: Mr & Mrs Moore

Officer: Sonia Kanwar 292359

Approved on 30/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/02310

Grand Ocean Hotel Longridge Avenue Saltdean Brighton

Removal of condition 11 of application BH2004/03555/FP which applies to the installation of softwood windows on all buildings

Applicant: Mr Laurence Smith

Officer: K Haffenden 292361

Approved - no conditions on 17/12/08 DELEGATED

BH2008/02418

16 Ashdown Avenue Saltdean Brighton

Reserved matters application for the demolition of existing house and erection of four detached houses. Vehicular crossover for each house.

Applicant: Mr N. Ajmi

Officer: Ray Hill 293990

Approved - no conditions on 12/12/08 DELEGATED

BH2008/02600

4-5 Arundel Place Brighton

Conversion of commercial garage and two flats into two single dwelling houses including solar slates and roof lights.

Applicant: Ms Jess Williams

Officer: David Alabi 290486

Approved on 16/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.01A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) 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 or to the character of the area, and for this reason would wish to control any future development to comply with QD14 and QD27 of the Brighton & Hove Local Plan.

3) 02.05A

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 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.

4) 03.02A

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

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

5) 05.01A

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

6) 06.02A

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.

7) UNI

The front garden/forecourt shall not be used for the parking or storage of vehicles without the prior written permission of the Local Planning Authority.

Reason: In order to ensure the availability of amenity space as part of the proposed dwelling and in accordance with policies QD27 and HO5 of the Brighton & Hove Local Plan.

8) UNI

A sample of the proposed solar slates shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted. The solar slates shall be fully installed and made available for use prior to the first occupation of the dwellinghouse hereby approved.

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

BH2008/02669

40 Shepham Avenue Saltdean

Front extension with flat roof to existing garage and enlarged crossover.

Applicant: Mr Alan Head

Officer: Helen Hobbs 293335

Approved on 08/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/02676

31 Sussex Square Brighton

Conversion of basement flat to form 2 self-contained flats.

Applicant: Mr Andrew Aldridge

Officer: Aidan Thatcher 292265

Refused on 12/12/08 DELEGATED

1) UNI

The proposed basement unit would be largely enclosed and would receive inadequate natural light and a poor outlook and would therefore fail to provide an acceptable residential environment for future occupiers, contrary to Brighton & Hove Local Plan policy QD27.

2) UNI2

The proposed studio flat, and in particular the proposed kitchen, by reason of lack of natural light and ventilation, would rely on the use of artificial lighting and ventilation to an unacceptable level. Further, no details have been provided showing the location of the proposed ducts and the potential impact on the Grade I Listed Building and as such the application fails to comply with policies SU2 and HE1 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development fails to demonstrate that it will meet the travel demands from the site or contribute to improving sustainable transport methods. As such the proposal is contrary to policy TR1 of the Brighton & Hove Local Plan.

BH2008/02696

8 Wivelsfield Road Saltdean Brighton

Roof conversion including two rear dormers and one front dormer with a side extension and roof lights.

Applicant: Mr D Burnett

Officer: Louise Kent 292198

Refused on 22/12/08 DELEGATED

1) UNI

The proposed western side elevation, due to its central roof void, would form a poorly designed and incongruous feature, visible from Wivelsfield Road, which would be detrimental to the character and appearance of the bungalow and the surrounding residential amenity. The proposal is therefore contrary to policy QD2 and QD14 of the Brighton & Hove Local Plan, and the Supplementary Planning Guidance No.1 on Roof Alterations and Extensions.

2) UNI2

The proposed extension, by reason of its design, height, depth, and position, is not well sited and detailed in relation to the adjacent dwelling, 6 Wivelsfield Road. It would have an overbearing impact and cause loss of light to the adjoining property and as such would be contrary to policy QD14 of the Brighton & Hove Local Plan.

3) UNI3

The proposal would result in an unbalanced roof with a half hipped roof at the eastern side and a pitched roof at the western side, which would be an unsympathetic alteration to the existing bungalow, and would be visually incongruous and unduly prominent in the street scene and the uniform group of bungalows. It would be contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

BH2008/02821

16A Sussex Square Brighton

Listed Building Consent for replacement of external windows and doors and other internal alterations.

Applicant: Mr T Varnfield

Officer: Helen Hobbs 293335

Approved on 04/12/08 DELEGATED

1) UNI

Within 28 days of the date of this permission full details of the proposed works including 1:20 sample elevations and 1:1 sections of joinery such as skirting boards, architraves and door surrounds shall be submitted to and approved by the Local Planning Authority. The scheme shall be implemented fully accordance with the approved details within 6 months of the date of this permission and maintained as such thereafter.

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

2) UNI

Within 28 days of the date of this permission full details of the proposed fireplace shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented fully accordance with the approved details within 6 months of the date of this permission and retained as such thereafter.

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

3) UNI

Within 6 months of the date of this permission full details of the over boarded ceilings and flooring shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out fully in accordance with the approved details within 6 months of the date of this permission and retained as such thereafter.

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

4) UNI

Within 6 months of the date of this permission full details of the external lighting 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 within 6 months of the date of this permission and retained as such thereafter.

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

BH2008/02851

Flat 1 18 Lewes Crescent Brighton

Alterations to rear storage areas to form additional bedroom and bathroom including new windows and door and dampproofing system.

Applicant: Ms Sherry Loh

Officer: Anthony Foster 294495

Approved on 15/12/08 DELEGATED

1) 01.01AA

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

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

2) 14.01A

No works 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 works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

3) 14.12A

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

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

4) UNI

Prior to the commencement of the development 1:1 sections and 1:20 elevations of the internal alterations shall 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: To comply with policy HE1 of the Brighton & Hove Local Plan and ensure the satisfactory preservation of this listed building.

5) UNI

Prior to the commencement of the development 1:1 sections and 1:20 elevations of the proposed fenestration shall 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: To comply with policy HE1 of the Brighton & Hove Local Plan and ensure the satisfactory preservation of this listed building.

6) UNI

Notwithstanding the details on the approved plans, prior to the commencement of the development 1:1 sections and 1:20 elevations of the proposed external door shall 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: To comply with policy HE1 of the Brighton & Hove Local Plan and ensure the satisfactory preservation of this listed building.

7) UNI

Prior to the commencement of the development details relating to the method of damp proofing shall 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: To comply with policy HE1 of the Brighton & Hove Local Plan and ensure the satisfactory preservation of this listed building.

BH2008/02943

21 Sussex Square Brighton

The installation of 4 solar panels to roof.

Applicant: Mr Mike Osborne

Officer: Anthony Foster 294495

Approved on 04/12/08 DELEGATED

1) 01.05AA

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

Unless otherwise agreed in writing by the Local Planning Authority, the solar panels hereby approved shall be the BAXI on-roof flat plate solar collector or similar.

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

3) UNI

Notwithstanding the details on the approved plans, prior to commencement of the development full details of internal and external servicing, plumbing and wiring shall 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: To safeguard the architectural and historic fabric of this grade II listed building, and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2008/03125

The French Apartments De Courcel Road Brighton

Replacement railings to rear of property.

Applicant: Mr Miles Clark

Officer: Helen Hobbs 293335

Approved on 15/12/08 DELEGATED

1) 01.05AA

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) 14.09A

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

BH2008/03177

Flat 1 9 Lewes Crescent Brighton

Replacement of front porch and rear skylight and window. New "patio" doors to lower courtyard area.

Applicant: Ms Caroline Gration

Officer: Helen Hobbs 293335

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 14.02A

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) 14.05A

No works shall take place until full details of the proposed works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme 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 in accordance with policy HE1 of the Brighton & Hove Local Plan.

BH2008/03193

39 Roedean Road Brighton

Demolition of existing three-storey house and erection of three-storey block comprising 7no residential flats with covered underground parking. (Resubmission of BH2007/02824)

Applicant: Mr Nicholas Chesney

Officer: Liz Holt 291709

Refused on 11/12/08 DELEGATED

1) UNI

The proposed development, by virtue of its siting, design, height, bulk and massing would result in a building which is incongruous and out of character with the rest of the properties on the southern side of Roedean Road and would be of detriment to the character and appearance of the Roedean Road street scene. The proposal is therefore contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

2) UNI2

The proposal, by reason of its siting, height, design, bulk and massing and rear balconies/Juliet balconies, would result in overlooking and loss of privacy to and have an overbearing impact on, neighbouring properties, and would unduly impact on their living conditions and the use and enjoyment of their private amenity space. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposal fails to provide external private usable amenity space for the flats located at ground and first floor levels, contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.

4) UNI4

The proposal fails to meet the travel demands that it creates or help to maximise the use of sustainable transport. The Local Planning Authority would expect the scheme to make an appropriate contribution towards local sustainable transport infrastructure. In the absence of an agreement in this respect the scheme is contrary to policy TR1 of the Brighton & Hove Local Plan.

5) UNI5

The applicant has failed to demonstrate that the minimization and reuse of construction industry waste has been sought in an effective manner, contrary to policies SU13 of the Brighton & Hove Local Plan and WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and Supplementary Planning Document Construction and Demolition Waste (SPD03).

BH2008/03207

Grand Ocean Hotel Longridge Avenue Saltdean Brighton

Removal of condition 9 of application BH2004/03556/LB which applies to the installation of softwood windows to all buildings.

Applicant: Mr Laurence Smith

Officer: K Haffenden 292361

Approved on 16/12/08 DELEGATED

BH2008/03292

17 Sussex Square Brighton

Restoration of fireplace to incorporate new fire surround and insert within existing chimney breast.

Applicant: Mr Peter Isted

Officer: Helen Hobbs 293335

Approved on 18/12/08 GOVERNMENT OF THE SOUTH EAST

1) 01.05AA

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

If the fireplace hereby approved is to be a working fireplace, then no works shall take place until full details of the proposed chimney flue have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented in accordance with the approved details.

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

BH2008/03301

Flat 3 17 Sussex Square Brighton

Replacement kitchen.

Applicant: Mr Peter Isted

Officer: Helen Hobbs 293335

Approved on 19/12/08 DELEGATED

1) 01.05AA

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

No works shall take place until full details of the services, such as pipes and ventilation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

BH2008/03304

Flat 3 17 Sussex Square Brighton

Removal of non-original stud partition and fittings.

Applicant: Mr Peter Isted

Officer: Helen Hobbs 293335

Approved on 19/12/08 DELEGATED

1) 01.05AA

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) 14.02A

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) 14.07A

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

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

BH2008/03344

33 Westmeston Avenue Saltdean Brighton

Single storey rear extension incorporating 1 no. rooflight.

Applicant: Mr Michael Thomas

Officer: Sonia Kanwar 292359

Approved on 15/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03361

Sovereign Alarms 142 Saltdean Vale Saltdean Brighton

Replacement of existing shop signage with 1no non-illuminated fascia sign.

Applicant: Mr Phil Pritchett

Officer: Louise Kent 292198

Approved on 30/12/08 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

BH2008/03362

Sovereign Alarms Ltd 140 Saltdean Vale Saltdean Brighton

New shop-front.

Applicant: Mr Philip Pritchett

Officer: Helen Hobbs 293335

Approved on 23/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03377

Flat 6 The French Apartments De Courcel Road Brighton

Internal alterations to layout of flat.

Applicant: Mr David Rose

Officer: Sonia Kanwar 292359

Approved on 02/01/09 DELEGATED

1) 01.05AA

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) 14.06A

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.

BH2008/03402

McDonalds Restaurant Brighton Marina Village Brighton

Variation of condition 3 of planning application 95/0190/RM to allow the opening hours to be extended to 5am to 2am Sunday to Thursday and 24 hours on Friday and Saturday.

Applicant: McDonalds Restaurants Ltd

Officer: Aidan Thatcher 292265

Approved on 22/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03403

St. Edmunds Steyning Road Rottingdean Brighton

Two storey rear extension with pitched roof and incorporating roof terrace.

Applicant: Mr & Mrs Paul & Sanoma Evans

Officer: Aidan Thatcher 292265

Refused on 29/12/08 DELEGATED

1) UNI

The proposal would cause a detrimental impact to the amenity of the adjoining occupiers by virtue of overbearing impact caused by the length of the rear projection and overlooking /loss of privacy from the proposed terrace area. Therefore the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposal would cause an overbearing impact to the host property by virtue of the scale, bulk and massing of the proposed extension, and as such would be contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2008/03406

12 Wivelsfield Road Saltdean Brighton

Roof conversion and single-storey side extension, including dormers.

Applicant: Mrs L Fox

Officer: Helen Hobbs 293335

Refused on 14/01/09 DELEGATED

1) UNI

The proposed dormer windows and side extension in conjunction with the existing front gable section of the property results in a complicated and bulky appearance, which would be detrimental to the character and appearance of the bungalow and the surrounding residential amenity. The proposal is therefore contrary to policy QD2 and QD14 of the Brighton & Hove Local Plan, and the Supplementary Planning Guidance No.1 on Roof Alterations and Extensions.

BH2008/03432

16 Lewes Crescent Brighton

Replacement of roof slates.

Applicant: 16 Lewes Crescent Ltd

Officer: Chris Swain 292178

Approved on 22/12/08 DELEGATED

1) 01.05AA

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

Unless otherwise agreed in writing with the Local Planning Authority the materials to be used in the external finishes of the roof shall be Canadian 20"x10" blue/grey slates and retained as such thereafter.

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

BH2008/03433

16 Lewes Crescent Brighton

Replacement of roof slates.

Applicant: 16 Lewes Crescent Ltd

Officer: Chris Swain 292178

Approved on 22/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

Unless otherwise agreed in writing with the Local Planning Authority the tiles to be used in the external finishes of the roof shall be Canadian 20"x10" blue/grey slates and retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies QD2, QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

BH2008/03436

50 Dean Court Road Rottingdean Brighton

Demolition of existing garage and side extension. Construction of single storey extension to rear. Construction of new two storey extension to side and front, including roof alterations and dormer.

Applicant: Professor Morgan Heikal

Officer: Anthony Foster 294495

Refused on 31/12/08 DELEGATED

1) UNI

The proposed two-storey front and side extension, by reason of its siting, height, design, bulk, and massing, would result in an incongruous addition to the street scene to the detriment of the existing property, the character and appearance of the surrounding properties and the street scene within Dean Court Road contrary to policies QD1, QD2, and QD14 of the Brighton & Hove Local Plan.

BH2008/03530

Ground Floor Flat 10 Arundel Street Kemptown Brighton

Replacement of 2 no. wooden framed windows and half glazed door with UPVC double glazed units to rear (Retrospective).

Applicant: Mr Ewan Methven

Officer: Helen Hobbs 293335

Approved - no conditions on 13/01/09 DELEGATED

BH2008/03555

Rear GFF Arundel Lodge 7 Arundel Terrace Brighton

Formation of new escape door on street level.

Applicant: Mr Keith Honhold-Beresford

Officer: Helen Hobbs 293335

Refused on 09/01/09 DELEGATED

1) UNI

The proposed hatch and door is considered to be incongruous and out of keeping with the building, detrimental to the appearance and character of the listed building. As such the proposal is contrary to policies HE1 and HE4 of the Brighton & Hove Local Plan as well as supplementary planning guidance on Listed Building Interiors (SPGBH11) and Listed Buildings - general advice (SPGBH13).

2) UNI2

Notwithstanding reason 1, insufficient information regarding the interior details of the proposed hatch as well as the exterior details of the proposed door, has been submitted. As such the impact of the proposal cannot be fully assessed in terms of its impact on the character and appearance of the Grade I Listed Building, and the proposal is contrary to policies HE1 and HE4 of the Brighton & Hove Local plan as well as supplementary planning guidance on Listed Building Interiors (SPGBH11) and Listed Buildings - general advice (SPGBH13).

BH2008/03556

Rear GFF Arundel Lodge 7 Arundel Terrace Brighton

Formation of new escape door on street level.

Applicant: Mr Keith Honhold-Beresford

Officer: Helen Hobbs 293335

Refused on 09/01/09 DELEGATED

1) UNI

The proposed door is considered to be incongruous and out of keeping with the building, detrimental to the appearance and character of the listed building. As

such the proposal is contrary to policies HE1 and HE4 of the Brighton & Hove Local plan as well as supplementary planning guidance on Listed Building Interiors (SPGBH11) and Listed Buildings - general advice (SPGBH13).

2) UNI2

Notwithstanding reason 1, insufficient information regarding the details of the proposed door, has been submitted. As such the impact of the proposal cannot be fully assessed in terms of its impact on the character and appearance of the Grade I Listed Building and surrounding conservation area. Therefore the proposal is contrary to policies HE1 and HE4 of the Brighton & Hove Local plan as well as supplementary planning guidance on Listed Building Interiors (SPGBH11) and Listed Buildings - general advice (SPGBH13).

BH2008/03595

60 Wanderdown Road Brighton

Proposed rear extension to first floor.

Applicant: Mr Berry

Officer: Louise Kent 292198

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) UNI

The north-western first floor window shall not be used as access to the flat roof and shall be permanently retained as a window.

Reason: To safeguard the amenities of the occupiers of 58 Wanderdown Road and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03615

9 Longhill Road Brighton

Erection of detached garage with room in roof at rear of property, associated alterations to existing boundary wall facing Ainsworth Avenue and replacement of boundary wall facing Longhill Road and installation of new gates.

Applicant: Mrs Louise Phillips

Officer: Anthony Foster 294495

Refused on 09/01/09 DELEGATED

1) UNI

The proposed garage by reason of its siting, height, design and bulk, would appear as an incongruous feature within the street scene and would be of detriment to the character and appearance of the surrounding area failing to emphasise or enhance the positive qualities of the neighbourhood. As such is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2008/03626

44 Arundel Drive East Brighton

Certificate of Lawfulness for proposed hip to gable roof conversion (part retrospective).

Applicant: Mrs Jenny Campbell

Officer: Helen Hobbs 293335

Approved on 14/01/09 DELEGATED

WOODINGDEAN

BH2008/00733

13 Dudwell Road Brighton

Outline application for a detached two storey house.

Applicant: Mr M Williams

Officer: Ray Hill 293990

Refused on 12/01/09 DELEGATED

1) UNI

The development would, by reason of its size and prominent siting, appear overdominant and unduly obtrusive in the street scene, out of character with and detrimental to the visual amenity of the area contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI2

The Applicant has failed to demonstrate that the proposal would incorporate measures to ensure a satisfactory standard of sustainability contrary to policy SU2 of the Brighton & Hove Local Plan.

3) UNI3

The Applicant has failed to demonstrate that the minimisation and re-use of construction industry waste has been sought in an effective manner, contrary to policies SU13 of the Brighton & Hove Local Plan and WLP11 of the East Sussex and Brighton & Hove Waste Local plan and Supplementary Planning Document Construction and Demolition Waste (SPD03).

4) UNI4

The proposal fails to meet the travel demands arising from the development contrary to policies TR1 and QD28 of the Brighton & Hove Local Plan.

BH2008/03130

101 The Ridgway Brighton

New conservatory to rear of property.

Applicant: Mr David Warburton

Officer: Sonia Kanwar 292359

Approved on 10/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03496

406 Falmer Road Brighton

Dormer to rear elevation.

Applicant: Ms Megan Jones

Officer: Anthony Foster 294495

Refused on 06/01/09 DELEGATED

1) UNI

The proposed dormer window by virtue of its design, siting, size, massing, and excessive areas of cladding would form an incongruous and unsightly bulky feature, and would be of detriment to the appearance of the building and the surrounding area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

BRUNSWICK AND ADELAIDE

BH2005/02116/FP

Units 2, 3 & 4 38 Brunswick Street West Hove

Installation of mechanical services plant and insulation screening.

Applicant: No 7 Ltd

Officer: Nicola Hurley 292114

Refused on 08/01/09 DELEGATED

1) UNI

The air conditioning equipment by reason of its excessive size and footprint, covering much of the flat roof area of the building is considered to visually detract from the existing building, representing an incongruous feature that fails to preserve or enhance the character and appearance of the Brunswick Town Conservation Area. The proposed development therefore fails to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2008/02266

First Floor Flat 8 Brunswick Road Hove

Replacement of 1 no. UPVC window with softwood box sash to the second floor rear.

Applicant: Dorrington-Lyndale Development Company

Officer: Mark Thomas 292336

Refused on 15/12/08 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that proposals involving the alteration of a Listed Building will only be permitted where the proposal respects the scale, design, materials and finishes of the existing building, and preserves its historic fabric. The proposed sliding sash window proposes inappropriate double glazing and overly bulky glazing bars and meeting rail. As such the proposed development is contrary to the aforementioned policy.

BH2008/02304

FFF 8 Brunswick Road Hove

Replacement of 1 No. UPVC window with softwood box sash to the second floor rear.

Applicant: Dorrington-Lyndale Development Co

Officer: Mark Thomas 292336

Refused on 15/12/08 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan states that proposals involving the alteration of a Listed Building will only be permitted where the proposal respects the scale, design, materials and finishes of the existing building, and preserves its historic fabric. The proposed sliding sash window proposes inappropriate double glazing and overly bulky glazing bars and meeting rail. As such the proposed development is contrary to the aforementioned policy.

BH2008/02429

Flat 2 2 Adelaide Crescent Hove

Interior alterations and rear basement level extension.

Applicant: Anna Beardsmore

Officer: Chris Wright 292097

Refused on 17/12/08 DELEGATED

1) UNI

Policy HE1 of the Brighton & Hove Local Plan is resistant to development where it would have an adverse effect on the architectural and historic character or appearance of the interior or exterior of listed buildings or their setting and policy HE6 seeks to ensure development in conservation areas either preserves or enhances their historic character and setting through a high standard of design and detailing which reflect its scale, character and appearance. The scale, design and footprint of the rear extension are excessive and poorly related with the character and form of the original listed building in visual terms and would detract from its setting in occupying the majority of remaining yard space and would in turn be detrimental to and fail to preserve the character and setting of the Brunswick Town Conservation Area. The proposal is therefore contrary to the development plan.

BH2008/02663

31-33 Brunswick Road Hove

Listed building consent for replacement of existing boiler with combination model. To include addition of new flue to the exterior of building.

Applicant: Mrs Jill Stringer

Officer: Mark Thomas 292336

Approved on 12/12/08 DELEGATED

1) 01.05AA

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) 14.12A

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

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

BH2008/02719

22A St Johns Road Hove

Conversion of vehicle servicing workshops and two vacant residential units, demolition of single storey central infill and addition of set back storey to rear to create B1 office space, 5 residential flats and 2 town houses to include 2 single storey ground floor rear extensions to B1 units 1 & 3 and the provision of roof

level solar panels. Amended roof formation on north side rear.

Applicant: City Property Developments

Officer: Lawrence Simmons 290478

Approved on 18/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.02A

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.

3) 02.04A

No cables, wires, aerials, pipework (except rainwater downpipes as shown on 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) 02.05A

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 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.

5) 05.01AA

Prior to the commencement of development, details of the measures to ensure that the development achieves a "Very Good" or "Excellent" BREEAM 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 policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991 - 2011 and SU2 of the Brighton & Hove Local Plan.

6) 06.03A

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

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

7) 13.06A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) 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 or to the character of the area, and for this reason would wish to control any future development proposals to comply with policy HE6 of the Brighton & Hove Local Plan.

8) 13.07A

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 is commenced in accordance with a scheme for which Planning Permission has been granted within a period of 6 months following commencement of demolition.

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.

9) UNI

The vehicle parking area shown on the approved plans shall not be used otherwise than for the servicing and delivery of goods to the B1 commercial units hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policies TR7 and TR19 of the Brighton & Hove Local Plan.

10) UNI

All new door and window joinery details and render moulding details shall match exactly the original door and window joinery and render mouldings.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

11) UNI

The new rear dormers shall be clad in lead.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

12) UNI

The new rooflights shall be traditional steel or cast metal 'conservation style' ones and the rooflights shall be fitted flush with the adjoining roof surface and shall not project above the plane of the roof. All roof ventilation and extract outlets shall use flush, concealed slate or tile vents, to match the roof covering, and concealed ridge and eaves ventilators.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

13) UNI

The terrace at second floor level attached to unit 5 of the commercial units shall not be used except between the hours of 08.00 and 20.00 on Mondays to Fridays and between the hours of 08.00 and 17.00 on Saturday and not at anytime on Sundays and Bank Holidays.

Reason: To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

14) UNI

No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration is submitted to and agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out in accordance with the agreed details and thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

15) UNI

No development shall take place until a scheme for the fitting of odour control equipment to the building including the spray booth has been submitted to an agreed 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 in accordance with the approved details and thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

16) UNI

No development shall take place until a scheme for sound insulation of odour control equipment referred to in the condition set out above shall be submitted to and agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all sound insulation works have been carried out in accordance with the agreed details and thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

17) 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.

BH2008/02840

Flat 4 22 Brunswick Square Hove

Proposed installation of a chair lift in the common stair well of the property between the first and second floor.

Applicant: Mrs Anna Christoforou

Officer: Mark Thomas 292336

Approved on 15/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

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

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

3) UNI

The internal 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.

4) UNI

Should the stair lift become no longer required, it shall be removed and any damage caused by the fixings made good.

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

BH2008/02996

Sussex House 130 Western Road Hove

Change of use of existing ground and lower ground floor car park (SG) to medical centre (D1).

Applicant: Mr Paul Nicholson

Officer: Chris Wright 292097

Refused on 07/01/09 DELEGATED

1) UNI

The proposed change of use is contrary to the objectives and requirements of policy HO19 of the Brighton & Hove Local Plan because the applicant has not demonstrated that the proposal will be accessible to all members of the community and provide demonstrable benefits to people from socially excluded groups or that adequate car and cycle parking, including provision for people with disabilities, is provided.

2) UNI2

Policies QD2, QD5 and QD10 of the Brighton & Hove Local Plan require the design of new development to emphasise and enhance the positive qualities of the local neighbourhood and take into account local characteristics, present an attractive and interesting frontage at street level for pedestrians and ensure

replacement shop fronts respect the style, proportions, detailing, colour and materials of the parent building and surrounding shop fronts and buildings. The design, glazing configuration, expanse of glazing and the materials and finishes proposed, including the use of a timber entry door, are at odds with the prevailing character of the existing building which exhibits white PVCu windows and doors of regular style and design and consequently would be discordant and incongruous with the uniform and cohesive character of the existing building and adjoining historic terraces to the detriment of visual amenity.

3) UNI3

Policies TR1 and TR19 of the Brighton & Hove Local Plan seek to ensure new development provides for the travel demand it generates and policy TR14 requires good accessibility for cycles along with associated secure cycle storage. The scheme submitted would create a shortfall of ten parking spaces below the maximum standards set out in Supplementary Guidance Note 4: Parking Standards, for medical/health centre Class D1 uses. Additionally the surface cycle storage proposed would be difficult to access and its location would result in the loss of an existing surface car parking space. As such the proposal fails to cater adequately for alternative modes and for motorists would materially worsen existing highway conditions including parking and congestion. Therefore the proposal conflicts with the development plan.

4) UNI4

Owing to the location of the application site mostly at basement level and in consideration of the sole natural light sources being an east facing glazed entrance and a small light-well in the surface car park behind Sussex House, the proposed development would be unduly reliant on use of artificial lighting and mechanical ventilation resulting in an inefficient use of energy contrary to the requirements of policy SU2 of the Brighton & Hove Local Plan which states development will only be permitted where measures for the reduction of fuel and energy use and hence greenhouse gas emissions have been incorporated into the scheme.

BH2008/03009

Ground Floor Flat 15 York Road Hove

Demolition of existing single storey rear extension and construction of new single storey rear extension.

Applicant: Mrs Olivia Sullivan

Officer: Lawrence Simmons 290478

Approved on 11/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.07A

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) 03.02A

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

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

4) UNI

All windows and doors shall be painted softwood and the side window shall be double hung vertical sliding sash to match the adjacent window on the building.

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

5) UNI

The side facing window proposed in the extension shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such, unless otherwise agreed with the local planning authority in writing.

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

BH2008/03081

29 Palmeira Mansions Church Road Hove

Change of use from offices (B1) to 3 no. flats (C305), refurbishment of existing maisonette and the provision of cycle store.

Applicant: Mr D Stoner

Officer: Jason Hawkes 292153

Approved on 31/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.04A

No cables, wires, aerials, pipework (except rainwater downpipes as shown on approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

3) 02.05A

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 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.

4) 05.04

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, in accordance with policy SU2 of the Brighton & Hove Local Plan.

5) 06.03A

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made

available for use. The cycle parking facilities shall thereafter be retained for use at all times.

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

6) 13.02A

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

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

7) 13.03A

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

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

8) UNI

No works shall take place until details of the proposed external basement door, including joinery details and elevation drawings, have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

9) UNI

No development shall take place until details of a scheme to provide sustainable transport infrastructure for the flats to remain genuinely car-free at all times has been submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for the provision to be made and shall be carried out in accordance with the approved details.

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

BH2008/03091

29 Palmeira Mansions Church Road Hove

Change of use from offices (B1) to 3 no. flats (C305), refurbishment of existing maisonette, and provision of cycle store.

Applicant: Mr D Stoner

Officer: Jason Hawkes 292153

Approved on 31/12/08 DELEGATED

1) 01.05AA

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) 14.02A

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) 14.03A

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.

4) 14.11A

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans) meter boxes or flues shall be fixed to any elevation fronting a highway.

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

5) 14.13A

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

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

6) UNI

No works shall take place until details of the proposed external basement door, including joinery details and elevation drawings, and details of all new drainage and ventilation for all proposed kitchens have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2008/03112

33 & 35 St Johns Road Hove

Demolition of existing 2 storey 2 no. semi-detached dwellings along with front walls. Partial excavations toward the rear for the construction of 2 new 4 storey dwellings with rear gardens and off street parking.

Applicant: Mr Chris Morrison

Officer: Jason Hawkes 292153

Approved on 12/01/09 DELEGATED

1) 01.04AA

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work is commenced in accordance with a scheme for which Planning Permission has been granted within a period of 6 months following commencement of demolition.

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.

BH2008/03115

33 & 35 St Johns Road Hove

Demolition of existing 2 storey 2 no. semi-detached dwellings along with front walls. Partial excavations toward the rear for the construction of 2 new 4 storey dwellings with rear gardens and off street parking.

Applicant: Mr Chris Morrison

Officer: Jason Hawkes 292153

Approved on 13/01/09 DELEGATED

1) 01.01AA

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

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

2) 02.04A

No cables, wires, aerials, pipework (except rainwater downpipes as shown on approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

3) 02.05A

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 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

4) 04.02A

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.

5) 05.01A

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

6) 06.03A

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

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

comply with policy TR14 of the Brighton & Hove Local Plan.

7) 13.01A

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 HE6 of the Brighton & Hove Local Plan.

8) 13.06A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) 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 or to the character of the area, and for this reason would wish to control any future development proposals to comply with policy HE6 of the Brighton & Hove Local Plan.

9) UNI

The proposed side north facing windows in the side elevation shall not be glazed otherwise than with obscured glass and fixed shut and thereafter permanently retained as such, unless otherwise agreed with the local planning authority.

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.

10) UNI

The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and shall thereafter be retained for that use and shall not be used other than parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the site and proceeding along the highway, provide for the demand for travel created by the development and in accordance with policies TR1, TR19 and TR7 of the Brighton & Hove Local Plan.

11) UNI

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

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

12) UNI

No works shall commence until full details of a landscaping scheme, which includes hard surfacing, means of enclosure, landscaping and planting, have been submitted to and approved in writing by the Local Planning Authority. 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 five 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 interests of the visual amenities of the area and to comply with policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan.

BH2008/03144

4 Queens Place Hove

External alterations incorporating Juliette balcony to first floor window, works to window and door frames and replacement of ground floor door.

Applicant: Mrs Veronica Craig

Officer: Weahren Thompson 290480

Refused on 07/01/09 DELEGATED

1) UNI

The proposed development would harm the architectural and historic character of this Grade II statutory listed building and appearance of the exterior of the building located within the setting of a listed mews, which would be incongruous within the street scene with the introduction of balcony treatment, disproportionate glazing at ground floor and the front door design. The proposed development would therefore be detrimental to the character and appearance of this part of The Avenues Conservation Area that would neither be preserved or enhanced. The proposal is therefore contrary to policies QD1, QD2, QD14, HE1 and HE6 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Guidance BH 13 Listed Buildings - General Advice.

BH2008/03211

Third Floor Flat 17 Brunswick Square Hove

Certificate of lawfulness for proposed conversion of existing one bedroom studio flat and existing larger flat to create a two bedroom flat.

Applicant: Mr Michael Jackson

Officer: Jason Hawkes 292153

Approved on 29/12/08 DELEGATED

BH2008/03214

38 Wilbury Road Hove

Single storey rear extension.

Applicant: Miss Florence Tapiwa

Officer: Guy Everest 293334

Refused on 22/12/08 DELEGATED

1) UNI

The proposed extension by reason of its siting and projection in relation to the basement lightwell and window opening would appear overbearing and create an increased sense of enclosure for occupants of this property to the significant detriment of their residential amenity. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03226

4 Queens Place Hove

Internal and external alterations incorporating Juliette balcony to first floor window, works to window and door frames and replacement of ground floor door.

Applicant: Mrs Veronica Craig

Officer: Weahren Thompson 290480

Approved on 16/12/08 DELEGATED

1) 01.05A

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

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

1) UNI

The proposed development would harm the architectural and historic character of this Grade II statutory listed building and appearance of the exterior of the building located within the setting of a listed mews, which would be incongruous within the street scene with the introduction of balcony treatment, disproportionate glazing at ground floor and the front door design. The proposal is therefore contrary to Policy HE1 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Guidance BH 13 Listed Buildings - General Advice.

BH2008/03268

7 Brunswick Street West Hove

Replacement of garage door.

Applicant: Mr Danny Ferrari

Officer: Clare Simpson 292454

Approved on 08/01/09 DELEGATED

1) 01.01AA

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

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

2) UNI

No works shall take place until full details of the proposed works including 1:20 sample elevations and 1:1 joinery profiles have been submitted to and approved by the Local Planning Authority. The scheme 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 in accordance with policy HE1 of the Brighton & Hove Local Plan.

BH2008/03560

Flat 2 2 Adelaide Crescent Hove

Interior alterations and rear basement level extension.

Applicant: Anna Beardsmore

Officer: Chris Wright 292097

Refused on 17/12/08 DELEGATED

1) UNI

Supplementary Planning Guidance Note 11: Listed Building Interiors, and Policy HE1 of the Brighton & Hove Local Plan, are not permissive of development where it would have an adverse effect on the architectural and historic character or appearance of the interior or exterior of listed buildings or their setting. The proposed works would alter the historic internal layout of the building such that

the original arrangement and division of rooms, corridors and architectural features would be compromised and no longer legible. The scale, design and footprint of the rear extension are excessive and poorly related with the character of the listed building in visual terms and would have a detrimental impact upon its setting in occupying the majority of remaining yard space. The proposal is therefore contrary to the development plan.

CENTRAL HOVE

BH2008/01997

118-120 Church Road Hove

Proposed main use as A3 with retention of A1 use at front of property. Installation of air conditioning system (Part Retrospective).

Applicant: Mr Saige Abonlkmani

Officer: Guy Everest 293334

Refused on 09/01/09 DELEGATED

1) UNI

The use of the application site within Use Class A3 (cafes and restaurants), together with existing adjacent units, results in a concentration of non-retail uses and a significant break in the prime retail frontage of more than 15 metres. The proposal would thereby undermine the primary shopping function and vitality and viability of the Hove Town Centre, contrary to policy SR5 in the Brighton & Hove Local Plan.

BH2008/02239

92 Church Road Hove

Proposed 2 no. fascia signs and 2 no. projecting signs (Resubmission of Refused Application BH2008/00043).

Applicant: Somerfield Stores Ltd

Officer: Wayne Nee 292132

Approved on 15/12/08 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7) 10.07A

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.

BH2008/02590

1-3 Vallance Gardens Hove

Relocation of windows of bedroom 2 to flats 1, 3, 5, 7 & 8 and alternative glazing type (part retrospective).

Applicant: Vallance Gardens Developments Ltd

Officer: Clare Simpson 292454

Approved - no conditions on 11/12/08 DELEGATED

BH2008/02651

The Blind Busker 75-77 Church Road Hove

Two new jumbrellas to front decked area and new half glazed timber screen to perimeter of existing decking.

Applicant: Bay Restaurant Group Ltd

Officer: Jonathan Puplett 292525

Refused on 05/01/09 DELEGATED

1) UNI

Policy HE6 of the local plan seeks to ensure that all proposals within a conservation area preserve or enhance the character and appearance of the area, and policy QD14 seeks to ensure that all proposal for extensions and alterations are appropriate in regard to their visual impact. The proposed screening to the front terrace would enclose an area which would normally be expected to be of an open character, giving the terrace an overly prominent appearance out of keeping with the street scene. The two 'jumbrellas' would also appear as inappropriately prominent permanent features. The development would harm the appearance of the property, to the detriment of the visual amenities of the area and the character of the surrounding conservation area.

BH2008/02909

16 Connaught Road Hove

Installation of iron railings either side of path to front entrance.

Applicant: Mr Kevin Bull

Officer: Jonathan Puplett 292525

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) UNI

No development shall take place until further details / drawings have been submitted showing the railings to the southern side of the basement steps. These railings shall either be set away from the bay window and cill detail, or shall be set below the bay window and cill detail at the western end of the wall.

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

BH2008/03013

Royal Bank of Scotland 53-54 George Street Hove

Installation of a second automatic telling machine.

Applicant: The Royal Bank of Scotland Group Plc

Officer: Jason Hawkes 292153

Approved on 29/12/08 DELEGATED

1) 01.01AA

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

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

2) 04.01A

Notwithstanding the approved plans, the ATM's controls shall be raised and separated from each other, have a positive action and have raised numbers, letters or Braille characters on each control and be no higher than 1060 mm. from ground level.

Reason: To ensure satisfactory facilities for people with disabilities and to accord with policy QD10 of the Brighton & Hove Local Plan.

BH2008/03028

27A Albany Villas Hove

Replacement of 4 sash windows. Three on the front elevation with white wooden double glazed sash windows. One on the rear with a white sash UPVC double glazed window.

Applicant: Ms Ellie Katsourides

Officer: Mark Thomas 292336

Approved on 15/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) UNI

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

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

4) UNI

The proposed windows shall match exactly the glazing pattern of the existing units.

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

BH2008/03151

Flats A & B 50 Clarendon Villas Hove

Replacement of existing timber windows with UPVC windows to flats.

Applicant: Downland Housing Association

Officer: Mark Thomas 292336

Approved on 07/01/09 DELEGATED

1) 01.01AA

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

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

BH2008/03238

1 Grand Avenue Hove

Replacement of railings and handrails to all balconies on front elevation with powder-coated aluminium and glass panels.

Applicant: Deacon & Co

Officer: Lawrence Simmons 290478

Approved on 09/01/09 DELEGATED

1) 01.01AA

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

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

2) 13.01A

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 HE6 of the Brighton & Hove Local Plan.

BH2008/03370

Boots 59 George Street Hove

Replacement of existing shop signage with 2 no. internally illuminated fascia sign and 1 no. internally illuminated projecting sign.

Applicant: Boots The Chemist

Officer: Lawrence Simmons 290478

Approved on 17/12/08 DELEGATED

1) 10.01

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.

2) 10.02

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

3) 10.03

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4) 10.04

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) 10.05

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) 10.06

No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

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 comply with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7) 10.07A

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 surface brightness of the illumination from the advertisements hereby approved shall at no time exceed the maximum levels set out by the Institute of Lighting Engineers' Technical Report No.5 (600 candelas per square metre).

Reason: An illumination of greater brightness would distract the attention of road users and would be detrimental to visual amenities contrary to Policy Q12 and

BH2008/03388

Flat 15 3 Third Avenue Hove

Construction of external cast iron balcony including formation of new door opening to existing bay window. Replacement of existing velux window with larger conservation type.

Applicant: Mr Guy Nickalls

Officer: Lawrence Simmons 290478

Refused on 06/01/09 DELEGATED

1) UNI

Policy HE6 of the Brighton & Hove Local Plan requires proposals within Conservation Areas to preserve or enhance the character and appearance of the area, show no harmful impact on the roofscape of the Conservation Area and sets out that those proposals likely to have an adverse impact on the character or appearance of a Conservation Area will not be permitted. The addition of a metal balustrade, by reason of its excessive size, prominent position and inappropriate material proposed to be used would be unacceptable, due to the introduction of a prominent and uncharacteristic feature on the building. Furthermore, the alteration to the dormer to form doors that extend into the apex of the structure would appear discordant with the solid gables of the rest of the pitched roof dormers on the building. The proposal would thereby be harmful to the character and appearance of the Conservation Area and would conflict with policies QD14 and HE6 of the Brighton & Hove Local Plan.

2) UNI2

Policy QD27 aims to protect neighbouring amenity. The proposed creation of a balcony at roof level to the rear of the building would present a significant risk to the privacy and quiet enjoyment of neighbouring properties in the vicinity resulting in overlooking. The proposal would thereby fail to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03445

78 Tisbury Road Hove

Internal alterations to ground floor flat.

Applicant: Ms Clare Vesely

Officer: Mark Thomas 292336

Approved on 10/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03490

Flat 1 5 Medina Terrace Hove

Alterations to rear elevation

Applicant: Ms Rebecca Young

Officer: Weahren Thompson 290480

Approved on 31/12/08 DELEGATED

1) 01.01AA

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

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

2) 13.02A

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

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

3) 13.03A

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

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

4) UNI

Before development commences, a further drawing, showing the external door hereby permitted with a traditional low bottom panel, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented and maintained only as so approved.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, QD14, HE1 and HE6 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Guidance BH 13 Listed Buildings - General Advice.

BH2008/03493

Flat 1 5 Medina Terrace Hove

Internal and rear external elevation alterations.

Applicant: Ms Rebecca Young

Officer: Weahren Thompson 290480

Approved on 31/12/08 DELEGATED

1) 01.05AA

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) 14.02A

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) 14.03A

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.

4) UNI

Before work commences details of decorative profile to the panel moulding for the internal doors at a scale of 1:20 elevation of door and 1:1 decorative profile 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 and maintained as such thereafter.

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

5) UNI

No works shall take place until full details of the proposed works for the kitchen area; the drainage and ventilation, ducting, vents, trunking or notching of joists

have been submitted to and approved by the Local Planning Authority in writing. The scheme 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 in accordance with policy HE1 of the Brighton & Hove Local Plan.

GOLDSMID

BH2006/01859

Rear of 8-12 Cambridge Grove Hove

Demolition of existing industrial sheds and construction of 3 storey mixed use development of ground floor B1 office use and 2 storeys of 6 no 2 bed residential flats.

Applicant: Mr John Kinnear

Officer: Guy Everest 293334

Refused on 12/12/08 DELEGATED

1) UNI

Insufficient information has been submitted to demonstrate that the existing industrial unit is genuinely redundant and that the site does not have potential for industrial redevelopment. The development would result in the loss of the existing B2 use; a reduction in total employment floorspace on the site; and through the introduction of further residential accommodation potentially prejudice the future viability of adjoining B2 uses to the east. The proposal is therefore contrary to policy EM3 of the Brighton & Hove Local Plan which seeks to retain land in industrial use unless unsuitable for modern employment needs.

2) UNI2

Policy SU10 of the Brighton & Hove Local Plan seeks to ensure new development minimise the impact of noise for occupiers of proposed buildings. The site abuts the South Coast railway line and as such there is potential for significant noise disturbance for future occupants of the proposed development, and particularly the residential units. Insufficient information has been submitted with the application to assess the impact of this existing noise source, and any necessary noise attenuation measures, upon the proposed development. The proposal is therefore contrary to the aims of the above policy.

BH2008/02279

Coniston Court Holland Road Hove

Erection of an attached garage.

Applicant: Arrowdell Ltd

Officer: Wayne Nee 292132

Refused on 05/12/08 DELEGATED

1) UNI

Policy QD14 of the Local Plan states that visual amenity should be safeguarded and development harmful to the appearance or character of the area should not be permitted. The proposed garage, by reason of its siting, would form an incongruous and unsympathetic feature, detrimental to the appearance of the building and the visual amenity of the street scene and the surrounding area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI

Policy QD16 of the Brighton & Hove Local Plan states that development which would damage or destroy a preserved tree will not be permitted. The sycamore tree immediately to the east of the proposed garage is covered by a preservation order (TPO No10 1993) and the proposed garage will be less than 2 metres away

from the trunk of the tree. Due to its proximity, its construction will have a detrimental impact on the root system of the tree. Consequently, having regard to the proximity of the works, the proposal is deemed to have an adverse impact on the long term health of the sycamore tree and is contrary to the above policy.

3) UNI

Policy TR1 of the Brighton & Hove Local Plan states that development proposals should provide for the demand for travel they create. The site has an existing car parking space immediately to the west of the proposed garage. Due to the proximity of the garage to an existing parking space, the use of the proposed garage would be prejudicial to the use of this parking space which has recently been provided in association with the construction of penthouses to the property. The proposal will therefore result in a loss of a dedicated parking space for the penthouses. The proposal is therefore contrary to policy TR1 of the Brighton & Hove Local Plan.

BH2008/02452

Garages at rear of 90 Cromwell Road Hove

Demolition of existing single storey garages and construction of one 2-bedroom mews house.

Applicant: Miss Pauline Whitcomb

Officer: Jonathan Puplett 292525

Refused on 15/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) UNI

Policies QD1 and QD2 of the Brighton & Hove Local Plan state all new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics. The proposed dwelling and associated garden area would appear incongruous in relation to surrounding development, with the restricted size of the plot also significantly smaller than surrounding development. The proposed dwelling by reason of its siting abutting the site boundaries on three sides, has unsuitable and insufficient spacing around the structure and would be reliant (at first floor level) on light and outlook over neighbouring sites to ensure an acceptable standard of accommodation. The proposal fails to respect the local context or to enhance the positive qualities of the local neighbourhood, and is considered to be an inappropriate form of development contrary to the above policies to the detriment of the visual amenities and character of the area.

2) UNI2

The scale of the proposed structure is considered to be excessive and would form an unduly prominent feature detrimental to the setting of the neighbouring properties and the visual amenities of the surrounding area. The outlook from neighbouring windows and garden areas would be harmed. Furthermore, details of the design are considered to be unsympathetic, and out of keeping with the appearance of neighbouring dwellings. The proposed development is therefore contrary to policies QD1, QD2, QD27, and HE6 of the Brighton & Hove Local Plan.

BH2008/02838

64 Palmeira Avenue Hove

Variation of condition 2 of approved application BH2006/03924 to increase the number of children attending nursery from 48 to 53.

Applicant: Mrs Philpa Douglas

Officer: Lawrence Simmons 290478

Refused on 16/12/08 DELEGATED

1) UNI

Policy HO26 states planning permission for day nurseries will be permitted where the proposal would not result in traffic congestion or prejudice highway safety. Policy TR4 requires the submission of a travel plan. The applicant has failed to provide a travel plan in respect of the current use of the premises and has not therefore allowed an assessment of the traffic implications associated with the nursery presently or demonstrated that the existing number of children attending the nursery is appropriate with the above policies. Furthermore, the application did not include a Travel Plan or any measures that would prevent an increase in private motor vehicular movements as a result of the increase in the number of children attending the nursery. The proposal is therefore contrary to policies HO26, TR1, TR2 and TR4 of the Brighton & Hove Local Plan.

BH2008/02902

87A Goldstone Villas Hove

Reinstatement of concrete pier and period railings to front elevation, together with landscaping works/decking (part retrospective).

Applicant: Mr Richard Geary

Officer: Jason Hawkes 292153

Refused on 29/12/08 DELEGATED

1) UNI

Brighton & Hove Local Plan policies QD1, QD2 and QD14 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and emphasise and enhance the positive characteristics of the local neighbourhood. Policy HE6 also states that development within or affecting the setting of conservation areas should preserve or enhance the character or appearance of the area. The new opening and pilaster adjacent the existing original entrance disrupts the rhythm of pilasters and entrances of the terrace to the detriment of the visual amenity of the area. Additionally, the rear decking and structures due to their colour, impact on the boundary walls and excessive size covering the whole of the garden are visually intrusive and detract from the character and appearance of the conservation area. The scheme is therefore contrary to the above policies.

2) UNI2

Policies QD14 and QD27 of the Brighton & Hove Local Plan seek to protect the amenity of an area, its users, residents and occupiers. The use of the raised decking results in significant overlooking of the neighbouring gardens leading to a loss of privacy. The proposal therefore leads to a loss of amenity and is contrary to the above policies.

BH2008/02917

Unit 1 Newtown Road Hove

Subdivision of existing office/warehouse (B1/B8) together with associated internal and external alterations.

Applicant: Mr Roger Elkins

Officer: Jonathan Puplett 292525

Approved on 05/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

The units hereby approved shall not be occupied 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.

3) UNI

The units hereby approved shall not be occupied until details (in the form of section drawings) of the revised sloped access to the pedestrian entrances of both units have been submitted to and approved in writing by the Local Planning Authority. These works shall be implemented prior to the occupation of the development hereby permitted and retained as such thereafter.

Reason: To ensure access suitable for wheelchair users in compliance with policies TR7 and QD27 of the Brighton & Hove Local Plan.

BH2008/02922

Flat 7 8 Eaton Gardens Hove

Alterations to existing basement to create kitchen and dining area. New windows to front elevation.

Applicant: Mrs Merlyn Farley

Officer: Guy Everest 293334

Approved on 05/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

No works shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:-

- i) 1:1 joinery profiles of the lower ground floor windows;
- ii) 1:20 sample elevations and 1:1 joinery profiles of the lantern light; and
- iii) details of materials for the lightwell walls;

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 HE1 and HE6 of the Brighton & Hove Local Plan.

BH2008/02983

Flat 7 8 Eaton Gardens Hove

Listed building consent for alterations to existing basement to create kitchen and dining area. New windows to front elevation.

Applicant: Mrs Merlyn Farley

Officer: Guy Everest 293334

Approved on 09/12/08 DELEGATED

1) 01.05AA

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 the following details have been submitted to and approved in writing by the Local Planning Authority:-

- i) 1:1 joinery profiles of the lower ground floor windows;
- ii) 1:20 sample elevations and 1:1 joinery profiles of the lantern light; and
- iii) details of materials for the lightwell walls, which should match the material of the existing lightwell walls to the property;
- iv) details of the staircase balustrading.

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 policy HE1 of the Brighton & Hove Local Plan.

3) UNI

Any new architraves and skirting boards necessary as part of the hereby approved works shall match the existing.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2008/03002

100 Goldstone Villas Hove

Advertisement consent for 10 x externally illuminated fascia signs, 1 x externally illuminated hanging sign and 1 x non-illuminated sign.

with menu boxes.

Applicant: Mrs Celia Tobin

Officer: Lawrence Simmons 290478

Refused on 19/12/08 DELEGATED

1) UNI

Policies QD12, HE6 and HE9 and SPD7 require proposals to maintain the visual amenity of the locality and the setting of Conservation Areas and Listed Buildings. The proposed signage, by reason of its excessive external illumination, would be unduly obtrusive and would thereby cause detriment to the character of the area and the setting of the Hove Station Conservation Area and the Hove Railway Station Listed Building.

BH2008/03023

31 Livingstone Road Hove

Replacement windows.

Applicant: Ms Gemma Stevens

Officer: Mark Thomas 292336

Approved on 16/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03039

30 Shirley Street Hove

Certificate of lawfulness for existing use as a hot food take-away (A5).

Applicant: Ms Tsang Man Yee

Officer: Lawrence Simmons 290478

Approved on 05/12/08 DELEGATED

BH2008/03097

56 Newtown Road Hove

Display of 3 no. non-illuminated fascia signs to the front and side elevation.

Applicant: Speedy Hire Plc

Officer: Mark Thomas 292336

Refused on 05/01/09 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. Having regard to the inappropriate coverage and overall cumulative impact, the proposal is deemed to detract from the character and appearance of the building. Additionally, the proposal, due to its prominent position within the frontage of the building results in a cluttered and unsympathetic appearance. The proposal is therefore contrary to the above policy.

BH2008/03334

3 Somerhill Avenue Hove

Replacement terrace to rear elevation, including excavation below the terrace to create additional amenity space.

Applicant: Mr & Mrs Campbell

Officer: Wayne Nee 292132

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03350

20 Denmark Villas Hove

Certificate of lawfulness for proposed conversion of raised ground floor flat and first and second floor maisonette into one self-contained maisonette.

Applicant: Mr Tony Adams

Officer: Chris Wright 292097

Approved on 06/01/09 DELEGATED

BH2008/03655

31 Addison Road Hove

Single storey rear extension with glass roof over.

Applicant: Mrs Emma Harris

Officer: Weahren Thompson 290480

Refused on 14/01/09 DELEGATED

1) UNI

The proposed extension by reason of its height, length, position and close proximity with the site boundary with number 33 Addison Road would adversely affect the residential amenities with the neighbouring property. The proposed development would appear over-dominant and overbearing when viewed from

the neighbouring property resulting in an increased sense of enclosure and excessive building bulk. The proposal is therefore contrary to policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03679

28 Fonthill Road Hove

Certificate of Lawfulness for a proposed development of a detached garage.

Applicant: Mr Flint

Officer: Mark Thomas 292336

Refused on 17/12/08 DELEGATED

1) UNI

The height of the proposed detached garage is in excess of 2.5m and is within 2 metres of the boundary of the curtilage of the dwelling house. As such the proposed detached garage does not fall within 'permitted development rights' as defined within Schedule 2, Part 1, Class E of the Town & Country Planning (General Permitted Development) Order 1995 as amended.

HANGLETON & KNOLL

BH2008/02430

6 Margery Road Hove

Single storey rear extension.

Applicant: Mr J Langridge

Officer: Wayne Nee 292132

Approved on 15/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.07A

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) 03.02A

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

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

BH2008/03152

28 Poplar Avenue Hove

First floor pitched roof rear extension

Applicant: Mr Peter Bowler

Officer: Wayne Nee 292132

Approved on 08/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03167

3 Ashlings Way Hove

Demolition of existing flat roof extension and erection of pitched roof single storey rear and side extension, new roof to garage.

Applicant: Mr & Mrs M Lawrence

Officer: Weahren Thompson 290480

Refused on 12/12/08 DELEGATED

1) UNI

The proposed development due to its close proximity with the site boundary with number 5 Ashlings Way would adversely affect the residential amenities with the neighbouring property. The proposed development would cause poor outlook to the neighbouring property. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03230

61 Elm Drive Hove

Rear conservatory.

Applicant: Mr Long

Officer: Jonathan Puplett 292525

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

BH2008/03247

5 Hangleton Lane Hove

Single storey rear extension with rooflights.

Applicant: Mr A Sheehan

Officer: Jonathan Puplett 292525

Approved on 17/12/08 DELEGATED

1) 01.01AA

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

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

2) UNI

The brickwork and tiles of the extension hereby permitted shall match in material, colour, style, bonding and texture those of the main dwelling house.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan.

BH2008/03276

8 West Way Hove

Additional storey above existing single-storey building to form 4 self-contained flats.

Applicant: Mr Arif Essaji

Officer: Guy Everest 293334

Refused on 17/12/08 DELEGATED

1) UNI

The development by reason of its design, materials, height and bulk in relation to the scale and appearance of adjoining development to the west would appear incongruous and represent an unduly dominant addition to the street scene. The proposal would therefore fail to emphasise and enhance the positive qualities of the local neighbourhood contrary to the aims of policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

The development would appear overbearing and result in overshadowing and loss of light and privacy for adjoining properties to the west. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03314

53 Hallyburton Road Hove

Alterations to rear elevation of ground floor flat.

Applicant: Mr Derek Took

Officer: Mark Thomas 292336

Approved on 12/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03419

134 Hangleton Way Hove

Replacement windows and door to rear.

Applicant: Mrs Margaret Hills

Officer: Weahren Thompson 290480

Approved on 31/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03434

7 Summerdale Road Hove

Certificate of lawfulness for proposed hip to gable roof extension and flat roof rear dormer.

Applicant: Mr & Mrs Mark Phillips

Officer: Mark Thomas 292336

Approved on 10/12/08 DELEGATED

BH2008/03471

4 Meadway Crescent Hove

Demolition of existing conservatory and erection of a single storey rear extension.

Applicant: Mr G Inslay

Officer: Mark Thomas 292336

Approved on 09/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03532

251 Hangleton Road Hove

Certificate of lawfulness for proposed loft conversion including hip to gable extension, rear dormer and front roof lights.

Applicant: Mr Brian Boon

Officer: Jonathan Puplett 292525

Approved on 31/12/08 DELEGATED

NORTH PORTSLADE

BH2008/02629

321 Mile Oak Road Portslade Brighton

First floor extension to convert bungalow into house, including front porch extension.

Applicant: Mr M Goble

Officer: Jonathan Puplett 292525

Refused on 10/12/08 PLANNING APPLICATIONS SUB-COMMITTEE

1) UNI

Policies QD1 and QD2 Policy of the Brighton & Hove Local Plan state that new development should be designed to emphasise the positive qualities of the surrounding area. QD14 states that planning permission for extensions or alterations to an existing building will only be granted if the proposed development is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The existing bungalow is located within a small plot with an unusual relationship with neighbouring properties. The proposal to extend the bungalow to two storeys is considered to be an overdevelopment of the site which fails to respect the

constraints of the plot and its relationship to neighbouring residential dwellings. The extension would result in a cramped form of development, and is considered to be inappropriate.

2) UNI2

Policies QD14 and QD27 of the Brighton & Hove Local Plan state that Planning permission for development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The bulk of the proposed extensions would have an enclosing and overbearing effect on the outlook from the rear windows and rear gardens of neighbouring properties located to the west of the site; particularly no. 4 Oakdene Close which adjoins the rear of the site.

3) UNI3

There is an existing retail unit with residential accommodation above located to the east of the application site at no. 323-325 Mile Oak Road. The proposed first floor windows facing onto this site would be located approximately 12 metres away from the first floor rear windows of no. 323-325 Mile Oak Road. This would create an unwelcome relationship of overlooking between these properties, harming the privacy of the residents. The outlook from the rear windows of no. 323-325 Mile Oak Road would also be harmed. Furthermore, the development conflicts with the recently approved scheme for the construction of a block of nine flats at no. 323-325 Mile Oak Road. An unwelcome relationship of overlooking between habitable rooms of no. 321 as proposed, and the new block of flats would be created, harming the privacy of residents. The proposed extension would also harm the outlook from the rear windows of the proposed flats. The scheme is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan which seek to protect residential amenity.

BH2008/02832

46 & 48 Truleigh Drive Portslade

Erection of a 2 storey rear extension to both dwellings and single storey side extension to number 48.

Applicant: Mr Peter Aldrich

Officer: Lawrence Simmons 290478

Refused on 08/01/09 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan states that all new developments should be well designed in relation to the property to be extended, surrounding properties and the surrounding area. The proposed two storey rear extensions would by reason of their height, flat-roofed design and projection, detract from the character and appearance of the properties and have an undue prominence relative to surrounding properties. This would be contrary to the requirements of the policy, to the detriment of the amenity of occupiers of surrounding properties to the rear.

2) UNI2

The proposed two storey rear extensions would by reason of their height, bulk and proximity to the neighbouring property at No.55 Thornhill Rise, have an overbearing and cramped impact on the property, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan which seek to protect amenity.

3) UNI3

The proposed first floor rear windows to the two storey rear extensions would, by reason of their proximity to the neighbouring gardens at Nos. 55 and 57 Thornhill Rise, lead to an increase in perceived levels of overlooking to the garden areas, and resultant loss of privacy to the occupiers of the properties, contrary to policy

QD27 of the Brighton & Hove Local Plan which seeks to protect amenity.

BH2008/03001

10a Hillcroft Portslade Brighton

Removal of condition 10 of application BH2007/04655 in respect of the erection of a terraced dwelling house, which states: prior to the commencement of works, a method statement shall be submitted to the Local Planning Authority outlining how the existing tree on site will be protected during construction works. The measures shall be implemented in strict accordance with the approved details.

Applicant: Michael Deller

Officer: Jason Hawkes 292153

Approved on 11/12/08 DELEGATED

1) UNI

Details of a replacement tree, including its species, size and a layout plan showing its position, shall be submitted to the Local Planning Authority for approval. The replacement tree shall have a rootball of no less than 14cms. The replacement tree shall be planted in the first planting season following the completion of the development or occupation of the building, whichever is sooner, and, in the event of the death or removal of, or serious damage or disease to the tree it shall be replaced in the next planting season with another tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD1, QD2 and QD16 of the Brighton & Hove Local Plan.

BH2008/03303

10A Hillcroft Portslade Brighton

Application for approval of conditions 3, 5, 7, 8 & 9 of application no. BH2007/04655.

Applicant: Mr Michael Deller

Officer: Jason Hawkes 292153

Approved on 10/12/08 DELEGATED

BH2008/03382

42 Juniper Close Portslade Brighton

Amendment to approval BH2003/03899/FP. To include a single storey side and rear extension.

Applicant: Steamwood Homes Ltd

Officer: Jason Hawkes 292153

Refused on 10/12/08 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 also states that extensions to buildings should be well designed and detailed in relation to the property to be extended and surrounding area. The proposed extension, by virtue of its excessive size and proximity to the boundary in a prominent location, would form an incongruous and unsympathetic feature, which would be detrimental to the appearance of the building and the visual amenity of the surrounding area.

BH2008/03426

17 Gorse Close Portslade Brighton

Certificate of lawfulness for a proposed development of rear dormer incorporating Juliette balcony and 1 no roof light to front.

Applicant: Mr Dominic Young & Ms Jan Gayle

Officer: Jonathan Puplett 292525

Refused on 29/12/08 DELEGATED

1) UNI

The proposed roof extension includes a Juliet balcony, contrary to section B.1 (d) of Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 1995, as amended, which states that development is not permitted if it would consist of or include the construction or provision of a veranda, balcony or raised platform.

2) UNI2

The proposed roof extension is located directly on top of the eaves of the roof of the existing half dormer, contrary to condition B.2 (a) Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 1995, as amended, which states that other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof.

BH2008/03484

The Chalk Pit Mile Oak Road Portslade

Change of use from depot administration building (Sui Generis) to office use (B1) for a temporary period of 5 years.

Applicant: Penfold Verrall

Officer: Clare Simpson 292454

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) UNI

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 ensure that the works do not cause noise and disturbance and to protecting the residential amenity of neighbouring properties to comply with policy SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

The permission hereby granted is for a temporary period only and consent shall expire 5 years from the date of this consent.

Reason: As requested by the applicant and to ensure the Local Planning Authority have control over the future of the site, in the interests of policy QD27 of the Brighton & Hove Local Plan.

SOUTH PORTSLADE

BH2008/02459

44 Benfield Way Portslade

Roof conversion including one dormer on the east elevation and two dormers on the west elevation.

Applicant: Mr Price

Officer: Wayne Nee 292132

Approved on 05/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/02608

125 Trafalgar Road Portslade Brighton

Conversion of existing house into 1 x one bedroom ground floor flat and 1 x two bedroom first floor flat (Resubmission of BH2008/0491)

Applicant: Mrs Claire Eyre-Walker

Officer: Guy Everest 293334

Refused on 17/12/08 DELEGATED

1) UNI

The proposal would result in the loss of a small dwelling which is not suitable for conversion into smaller units of accommodation by virtue of an original floor area below 115m² and comprising less than four bedrooms. This is reflected by a proposal which, at second floor level, would create accommodation below the standard that the Council would reasonably expect by virtue of habitable rooms of limited size and unsuitable for family occupation. The development is therefore contrary to policies HO9 and QD27 of the Brighton & Hove Local Plan which seeks to retain small dwellings suitable for family occupation.

BH2008/03162

31 Gladstone Road Portslade Brighton

First floor rear extension.

Applicant: Mr A. Hussain

Officer: Lawrence Simmons 290478

Refused on 10/12/08 DECISION ON APPEAL

1) UNI

The proposed first floor rear extension, by reason of its height, depth and proximity to the boundaries, would be detrimental to the amenities of the occupiers of adjoining residential properties by way of overbearing impact, sense of enclosure, loss of light and loss of outlook and would thereby conflict with Policies QD14 and QD27 of the Brighton & Hove Local Plan and SPGBH1: Roof Alterations and Extensions.

BH2008/03227

77a North Street Portslade Brighton

Certificate of lawfulness for existing use as a garage repair centre to include MOT testing (B2).

Applicant: Mr Gary Stephens

Officer: Lawrence Simmons 290478

Approved on 29/12/08 DELEGATED

BH2008/03319

Flat 5 9-10 Carlton Terrace Portslade

Replacement of existing windows and kitchen door with double glazed UPVC fittings.

Applicant: Mr Terence Bishop

Officer: Mark Thomas 292336

Approved on 11/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03341

116 St Andrews Road Portslade Brighton

Change of Use from car showroom (SG04) to A1 Retail (bulky goods only).

Applicant: Mr Jonathon Tate

Officer: Guy Everest 293334

Refused on 17/12/08 DELEGATED

1) UNI

Insufficient information has been submitted to demonstrate that the change of use would not be detrimental to the vitality and viability of the Boundary Road / Station Road district shopping centre, and that there are no sequentially preferable sites within existing defined shopping centres. Furthermore the development is not intended to provide for an outlying neighbourhood or a new housing development with a local retail outlet for which a need can be identified. The proposal is therefore contrary to the aims of policies SR1 and SR2 of the Brighton & Hove Local Plan.

BH2008/03447

32 Foredown Drive Brighton

Proposed gable end roof extension.

Applicant: Mr R Islam

Officer: Weahren Thompson 290480

Refused on 23/12/08 DELEGATED

1) UNI

The proposed change of a hipped roof into a gabled-end roof would unbalance the symmetry of the pair of semis, of which the property forms part and would cumulatively harm the appearance of the building and adversely affect the character and visual amenity of the area as a whole. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Guidance SPGBH1 Roof Alterations and Extensions.

STANFORD

BH2008/01575

Ground Floor Flat 2 Landseer Road Hove

Single storey rear extension.

Applicant: Mr Anthony Collins

Officer: Weahren Thompson 290480

Refused on 02/01/09 DELEGATED

1) UNI

The proposed extension by reason of its size, scale, height, position and depth would bear a poor relationship to the existing L shaped building and the area in general. The proposed development due to its close proximity with the site boundary with number 4 Landseer Road would adversely affect the residential amenities with the neighbouring property. The proposed development would appear over-dominant and overbearing when viewed from the neighbouring property. The proposal is therefore contrary to policies QD1, QD2, QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/02220

182 Sackville Road Hove

Construction of an additional storage area at the rear of property (Retrospective).

Applicant: Mr John Harrop

Officer: Wayne Nee 292132

Refused on 12/12/08 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires extensions and alterations will only be granted if the proposed development is well designed, sited and detailed in relation to the property and the adjoining properties. The proposed storage area, by virtue of its inappropriate materials, would form an incongruous and unsympathetic feature poorly related to the appearance of the building and to the visual amenity of the surrounding area. The proposal is therefore contrary to policy QD1 and QD14 of the Brighton & Hove Local Plan.

BH2008/02369

11 Tongdean Road Hove

Erection of two new 5 bedroom family homes.

Applicant: Chris Weatherstone

Officer: Guy Everest 293334

Approved on 07/01/09 DELEGATED

1) 01.01AA

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

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

2) 02.01A

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no extension, enlargement or other alteration of the building(s) 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 or to the character of the area, and for this reason would wish to control any future development to comply with QD14 and QD27 of the Brighton & Hove Local Plan.

3) 04.02A

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.

4) 05.01A

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve an EcoHomes rating of 'Very Good' or higher or a Code for Sustainable Homes rating of 'Level 3' or higher or an equivalent level of performance if an alternative independently assessed means of sustainability assessment is used. The agreed scheme shall be implemented in strict accordance with the approved details prior to the occupation of the development.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

5) 13.01A

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 HE6 of the Brighton & Hove Local Plan.

6) UNI

No development shall take place until full details of proposed land levels relative to surrounding properties has been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels and the development shall be constructed in accordance with the agreed details.

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

7) UNI

No development shall take place until a scheme for the landscaping and enclosure of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make particular provision for additional boundary fencing and landscaping along the northern boundary of the site and include details of planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area, protect neighbouring residential amenity and to comply with policies QD15, QD16 and QD27 of the Brighton & Hove Local Plan.

8) UNI

The landscaping scheme, as approved under condition 6 shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority give written consent to any variation.

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

9) UNI

Prior to occupation of the hereby approved dwellings details of entrance gates to the site from Tongdean Road shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan.

BH2008/02967

24 Woodland Avenue Hove

Loft conversion incorporating formation of rear gable from existing hipped roof and insertion of rooflights.

Applicant: Mr Alan Bell

Officer: Jonathan Puplett 292525

Approved on 31/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03148

9 Tongdean Road Hove

Conservation Area Consent for demolition of existing house and erection of 3 no. family dwellings.

Applicant: Mr Paul Russell

Officer: Lawrence Simmons 290478

Refused on 11/12/08 DELEGATED

1) UNI

The proposal would result in the loss of a building that makes a positive contribution to the character of the area; fails to propose a replacement development that would maintain the visual amenity of the Conservation Area; and fails to demonstrate that the present building is beyond economic repair. The proposal would thereby cause detriment to the character of the Conservation Area and would be in conflict with policies HE6 and HE8 of the Brighton & Hove Local Plan.

BH2008/03149

9 Tongdean Road, Hove

Demolition of existing house and erection of 3 no. family dwellings.

Applicant: Mr Paul Russell

Officer: Lawrence Simmons 290478

Refused on 11/12/08 DELEGATED

1) UNI

The proposal would, by siting two flat-roofed dwellings at the plot's frontage, fail

to respect the prevailing form of development in the area, which is characterised by single houses with pitched roofs occupying frontage positions. It would thereby be detrimental to the character of the Tongdean Avenue / Tongdean Road Conservation Area and would conflict with policies QD1 and HE6 of the Brighton & Hove Local Plan.

2) UNI2

The proposal would, by reason of the siting of the dwellings with two at the plot's frontage and one visible to the rear, result in a cramped and overdeveloped appearance, to the detriment of the visual amenity of the Tongdean Avenue / Tongdean Road Conservation Area and would thereby conflict with policies QD1 and HE6 of the Brighton & Hove Local Plan.

3) UNI3

The proposal would result in the loss of a building that makes a positive contribution to the character of the area and fails to propose a replacement development that would maintain the visual amenity of the Conservation Area. The proposal would thereby cause detriment to the character of the Conservation Area and would conflict with policies QD1 and HE6 of the Brighton & Hove Local Plan.

BH2008/03187

24 Deanway Hove

Two side extensions.

Applicant: Mr Henrik Schou

Officer: Lawrence Simmons 290478

Refused on 10/12/08 DELEGATED

1) UNI

The proposed 2-storey side extension would, by reason of its height, bulk, scale, siting forward of the main frontage of the dwelling, proximity to the side boundary and front window design, constitute an unduly obtrusive form of development that would relate poorly in design terms to the house and that would be detrimental to the visual amenity of the locality. It would thereby conflict with policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed 2-storey side extension would, by reason of its position, height, bulk and scale, cause unacceptable loss of outlook, undue sense of enclosure to and overbearing impact upon the neighbouring property at 55 Woodland Drive. It would thereby conflict with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposal fails to demonstrate that it would not cause harm to trees growing at the common boundary with the house to the north and that make a positive contribution to the visual amenity of the locality. It would thereby conflict with policy QD16 of the Brighton & Hove Local Plan.

BH2008/03312

Land to the rear of 197 Old Shoreham Road Portslade

Erection of 2 storey block of 4 no. self contained flats.

Applicant: Mr Peter Bradford

Officer: Chris Wright 292097

Refused on 06/01/09 DELEGATED

1) UNI

The proposal represents over development of the site and, by reason of the scale, bulk, form, site coverage, design and prominent park side location, would have a cramped and discordant appearance, both detrimental to visual amenity,

failing to enhance the character of the local area and not achieving the standard of design reasonably expected by the local planning authority. As such the proposal is contrary to the requirements of policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

2) UNI

The amount of off-street parking for private motor vehicles and bicycles, does not accord with the levels set out in the council's SPGBH4: Parking standards, and as such the development would not provide for the travel demand it would generate, contrary to the requirements of policies TR1 and TR19 of the Brighton & Hove Local Plan.

3) UNI

The application site is not situated in a central area or within a controlled parking zone and the applicant has not demonstrated that the proposed development would remain genuinely car free in the long term. The local planning authority would not be able to ensure future inhabitants of the development do not own cars and as such the scheme conflicts with policy HO7 of the Brighton & Hove Local Plan and would lead to overflow parking in nearby residential streets, to the detriment of residential amenity and potentially highway safety. In these respects the application does not comply with policies QD27 or TR7 of the Brighton & Hove Local Plan.

BH2008/03367

8 Meadow Close Hove

Single storey rear extension to existing garage and front elevation. Extension to pitched roof with replacement dormers to front.

Applicant: Mr Kevin Reeves

Officer: Wayne Nee 292132

Approved on 31/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03368

46 Woodland Drive Hove

Addition of a single storey rear extension to an existing dwelling house.

Applicant: Mr Alistair Humby

Officer: Guy Everest 293334

Approved on 16/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

BH2008/03418

8 Kelly Road Hove

Two storey side extension and creation of an additional storey with pitched hipped roof over.

Applicant: Mr Roger Fagg

Officer: Clare Simpson 292454

Approved on 11/12/08 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

3) UNI

The proposed first floor windows to the south and north elevations of the house shall not be glazed other than with obscured glass and thereafter permanently retained as such.

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

BH2008/03439

Flat 2 Barrowfield Lodge Barrowfield Drive Hove

Replacement of existing single glazed doors with UPVC double glazed doors.

Applicant: Hove Travel Agency

Officer: Jonathan Puplett 292525

Refused on 02/01/09 DELEGATED

1) UNI

Policy QD14 and of the Brighton & Hove Local Plan seeks to ensure that alterations to existing buildings are well designed and detailed in relation to the existing property, using materials sympathetic to the parent building. The proposed replacement of the existing timber framed doors UPVC units would be an inappropriate alteration to the building, which is of a traditional character with timber framed windows and doors. The character and appearance of the building would be harmed; the proposal is therefore contrary to the above policy.

BH2008/03486

129 Woodland Avenue Hove

Front single storey extension, removal and replacement of garage door to new window and alterations to garage roofline, comprising two new roof lights.

Applicant: Mr Alan Bull

Officer: Weahren Thompson 290480

Refused on 24/12/08 DELEGATED

1) UNI

The proposed front extension and associated alterations would individually and cumulatively harm the appearance of the building and would adversely affect the

character and visual amenity of the street scene and the area as a whole. The extension would add further to an over-extended development to the original dwelling, particularly when viewed with the existing bulky side dormers which are visible on the street scene. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and to the provisions of Supplementary Planning Guidance SPGBH1 Roof Alterations and Extensions.

BH2008/03518

15 Nevill Avenue Hove

Certificate of lawfulness for proposed loft conversion including full length side facing dormer.

Applicant: Mr & Mrs Callican

Officer: Mark Thomas 292336

Refused on 12/12/08 DELEGATED

1) UNI

The proposed flat felt-roof dormer is contrary to condition (a) of Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 1995 as amended by the 2008 Order, which requires the materials used in any exterior work to be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

BH2008/03576

2a Radinden Manor Road

Proposed new opening to ground floor rear of the property to add sliding doors. Removal of existing dormers on first floor to be replaced with new gable roof incorporating double doors and a Juliet balcony.

Applicant: Ms Emma Dunstan

Officer: Wayne Nee 292132

Approved on 05/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

WESTBOURNE

BH2008/01815

79 Pembroke Crescent Hove

Replacement hardstanding from red asphalt to clay paving (Retrospective).

Applicant: Mrs A Chattleburgh

Officer: Wayne Nee 292132

Approved - no conditions on 11/12/08 DELEGATED

BH2008/02916

Flat 1 and 2 28 Carlisle Road Hove

Replacement of ground floor wooden windows (Flat 1) and first floor aluminium bay windows (Flat 2) with UPVC windows. (Retrospective).

Applicant: Mr Mark Hickey

Officer: Mark Thomas 292336

Approved - no conditions on 05/01/09 DELEGATED

BH2008/03041

23A & E Coleridge Street Hove

Change of use from B1 offices to 6 no. self-contained flats.

Applicant: Richlife Ltd

Officer: Lawrence Simmons 290478

Refused on 22/12/08 DELEGATED

1) UNI

The proposal would be contrary to policy EM5 of the Brighton & Hove Local Plan which seeks to restrict the loss of office floor space unless it has been demonstrated that the use is no longer viable and is unsuitable for redevelopment for alternative employment generating uses. Applicants are expected to demonstrate active marketing of the unit on competitive terms for a period of at least twelve months or more. Insufficient information has been submitted with the application to demonstrate the use of the office space is no longer viable, particularly given the condition of the buildings as recently purpose built office accommodation. Furthermore, if a unit is demonstrated to be redundant, preference is given to alternative employment generating uses or affordable housing. The proposed accommodation fails to provide either of these requirements.

2) UNI2

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

3) UNI3

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

4) UNI4

The proposed development would cause detriment to the amenity of neighbouring properties on Shakespeare Street by way of increased levels of overlooking and loss of privacy. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2008/03106

214 Portland Road Hove

Conversion of existing first and second floor maisonette to 2 self-contained flats including a rear rooflight (amended description).

Applicant: Mr Peter Davis

Officer: Jason Hawkes 292153

Refused on 17/12/08 DELEGATED

1) UNI

Policy HO9 of the Brighton & Hove Local Plan states that planning permission will

be granted for the conversion of dwellings into smaller units of self-contained accommodation when at least one unit of accommodation is provided which is suitable for family accommodation and has a minimum of two bedrooms. The proposed conversion results in the formation of two one-bedroom flats which are not suitable for family accommodation and is therefore contrary to the above policy.

BH2008/03208

30/30A Sackville Road Hove

Erection of metal railings on existing dwarf wall to front boundary

Applicant: Rotary Club of Hove Housing Society

Officer: Mark Thomas 292336

Approved on 10/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03347

63 Pembroke Crescent Hove

Replacement front door (Retrospective).

Applicant: Dr Clare Garewal

Officer: Mark Thomas 292336

Approved on 07/01/09 DELEGATED

BH2008/03483

15 Princes Square Hove

Loft conversion incorporating roof lights to south and rear slope.

Applicant: Mr Peter Childs and Ms Jo Grigg

Officer: Clare Simpson 292454

Approved on 06/01/09 DELEGATED

1) 01.01AA

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

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

2) 13.05A

The rooflights in the approved development shall be of 'conservation style' fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

BH2008/03500

63 Coleridge Street Hove

Extension of ground floor retail office space together with first floor extension of outbuilding to rear. First floor extension of two bed flat with internal alterations and removal of chimney stack.

Applicant: Mr Jason Raynsford

Officer: Jonathan Puplett 29252

Refused on 09/01/09 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that extensions and alterations are well designed, sited and detailed in relation to the application property, adjoining properties and to the surrounding area. The proposal to extend the existing store building to a two storey appearance would create an incongruous, overly prominent and overbearing appearance which would harm the outlook from the rear windows and gardens of neighbouring residential properties. The scheme is therefore contrary to the above policy, and policy QD27 which also seeks to protect the amenity of neighbouring residents.

2) UNI2

The existing main building is part of a largely uniform terrace featuring adjoined pitched roof two storey rear projections. The proposal to enlarge the rear projection of the application property to a flat roof appearance is considered an inappropriate development which would harm the appearance of the building and would not be in keeping with the character of surrounding properties. This element of the scheme is therefore contrary to policy QD14.

BH2008/03666

11 & 11A Sheridan Terrace Hove

Variation of condition 8 of BH2007/02861 to read "a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development shall be submitted to the Local Planning Authority for written approval within 1 month of the date of this decision. The scheme shall include details of the removed crossover and reinstated footway and a timetable for the provision to be made. The provision shall be carried out in accordance with the approved details."

Applicant: Mr Ghassan Anabtawi

Officer: Guy Everest 293334

Approved on 07/01/09 DELEGATED

1) UNI

A scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development shall be submitted to the Local Planning Authority for written approval within 1 month of the date of this decision. The scheme shall include details of the removed crossover and reinstated footway and a timetable for the provision to be made. The provision shall be carried out in accordance with the approved details.

Reason: To ensure the development provides for the travel demands it will create and to comply with policies TR1 and SU15 of the Brighton & Hove Local Plan.

WISH

BH2007/03998

Hove Service Station Kingsway Hove

Redevelopment of petrol station. Demolition of existing structure, provision of new forecourt, pump islands, underground fuel tanks, replacement shop including customer toilets, car parking and car wash.

Applicant: Somerfield Store PLC

Officer: Paul Earp 292193

Approved on 08/01/09 DELEGATED

1) 01.01AA

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

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

2) 02.06A

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 works shall be carried out in full as approved prior to occupation and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.

3) 03.01A

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.

4) 05.01AA

Prior to the commencement of development, details of the measures to ensure that the development achieves a "Very Good" or "Excellent" BREEAM 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 policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991 - 2011 and SU2 of the Brighton & Hove Local Plan.

5) 05.03

No development shall take place until a written statement, consisting of a 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, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

6) 25.01A

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.

7) 25.04A

No development approved by this planning permission shall be commenced until:

- a) A desktop study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced;
- b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations

(Conceptual Model). This should be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected;
- refinement of the Conceptual Model; and
- the development of a Method Statement detailing the remediation requirements;

c) The site investigation has been undertaken in accordance with details approved by the Local Planning Authority and a risk assessment has been undertaken; and

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on ground and surface waters, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: The Agency considers that 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 of the Brighton & Hove Local Plan.

8) 25.05A

The development of the site should be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of controlled waters and in accordance with policies SU3 of the Brighton & Hove Local Plan.

9) 25.06A

The method of piling foundations for the development shall be carried out in accordance with a scheme to be approved in writing by the Local Planning Authority prior to any development commencing. The development shall be carried out in strict accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To prevent the contamination of the underlying aquifer and in accordance with policies SU3 of the Brighton & Hove Local Plan.

10) 25.07A

Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete and ceramic only shall be permitted as infill material.

Reason: To prevent pollution of controlled waters and in accordance with policies SU3 of the Brighton & Hove Local Plan.

11) 25.08A

No development approved by this permission shall be commenced until a scheme for the provision of surface and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed to the satisfaction of the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface and foul water disposal and in accordance with policies SU3 of the Brighton & Hove Local Plan.

12) UNI

Whilst the decommissioning of the underground tanks are taking place, a comprehensive investigation shall be carried out to determine if there have been local spillages or leaks from the storage vessel, fuel lines, interceptors and off set fills. The results of the testing (soil and groundwater) and the proposed remedial

methods/measures shall be provided in writing to the Local Planning Authority. Once such works are complete, a completion or validation report should be made available to detail exactly what works were undertaken and when.

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

13) UNI

No development shall take place until details of a contribution towards meeting the demands for travel that the proposal would generate.

Reason: In order to meet the objectives of sustainable development and to comply with policy TR1 of the Brighton & Hove Local Plan.

14) UNI

Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting installation shall comply with the recommendations of the Institution of Lighting Engineers (ILE) "Guidance Notes for the Reduction of Light Pollution" (dated 2005,) for zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) shall be submitted with the details. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and the visual amenities of the area and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

15) UNI

A scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out to the satisfaction of the Local Planning Authority.

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

16) UNI

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

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

17) UNI

Amplified music shall not be played on the forecourt at any time.

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

18) UNI

A written scheme shall be submitted to the Local Planning Authority to state the proposed opening hours and additionally the proposed servicing and maintenance of the store, namely fuel and groceries deliveries. The works shall not commence until such a scheme has been agreed in writing. Such a scheme shall also incorporate suitable measures to control the use of the car wash and any proposed noisy operations such as hovering or compressed air lines.

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

19) UNI

No open storage shall take place within the curtilage of the site.

Reason: To safeguard the visual and residential amenities of the area and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.

20) UNI

No development shall take place until details of landscaping along the western boundary of the site, to the St Aubyns South street frontage, have been submitted to and approved by the Local Planning Authority. All planting shall be carried before the petrol station is operational and retained in a condition to the satisfaction of the Local Planning Authority.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD1, QD2 and QD15 of the Brighton & Hove Local Plan.

21) UNI

Details of surfacing and means of enclosure shall be submitted to and approved by the Local Planning Authority before works commence.

Reason: To enhance the appearance of the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

BH2008/02770

85 New Church Road Hove

Ground and first floor rear extensions to create enlarged garage and annexe accommodation.

Applicant: Mr Anthony Naddeo

Officer: Jonathan Puplett 292525

Refused on 17/12/08 DELEGATED

1) UNI

Policies QD1, QD2, and QD14 of the Brighton & Hove Local Plan requires that all new developments (including residential extensions and out buildings) are well designed, sited and detailed in relation to the application property, adjoining properties and to the surrounding area. The proposal to construct an annex / garage building of two storey appearance is considered to represent an overdevelopment of the rear garden and site. The annex would appear as an overly prominent structure in the street scene due to its excessive scale in relation to the size of the site, and limited spacing from the highway and the site boundaries. The development would be out of keeping with the surrounding area, and would result in an overly dominant appearance, to the detriment of the visual amenities of the surrounding area. The scheme is therefore contrary to the above policy and guidance.

2) UNI2

Policies QD14 and QD27 of the Brighton & Hove Local Plan state that Planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to neighbouring residents, and that residents and occupiers can be seriously affected by changes in overlooking, privacy, daylight, sunlight, disturbance and outlook. The bulk of the proposed annex / garage building would represent an overbearing structure when viewed from the rear windows and rear garden area of no. 87 New Church Road. The addition would have an oppressive impact on the residents of this neighbouring property; the outlook from rear windows and the rear garden of no. 87 would be harmed. The annex structure would also have an oppressive impact on the residents of no. 2 Hogarth Road to the north.

3) UNI3

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. Insufficient information has been submitted to demonstrate how these requirements would be met. The scheme is therefore contrary to the above policy and supplementary planning document.

BH2008/02784

68 Berriedale Avenue Hove

Erection of a single storey timber shed and covered way to the side of the house.

Applicant: Miss Justine Moles

Officer: Guy Everest 293334

Approved on 16/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03030

136a New Church Road Hove

Vehicle crossover and hardstanding including part demolition of front wall and replacement with gate.

Applicant: Dr Caroline Wilton

Officer: Weahren Thompson 290480

Refused on 09/12/08 DELEGATED

1) UNI

The proposed creation of a vehicular access in close proximity to a mature Elm Tree on the public footway outside 138 New Church Road would result in limited visibility when cars exit the proposed crossover and as a result would have a detrimental impact on highway safety. The proposed development would cause an increased risk to users of the public highway. The proposal is therefore contrary to Policy TR7 of the Brighton & Hove Local Plan.

BH2008/03040

169 New Church Road Hove

Creation of new crossover including partial demolition of boundary wall.

Applicant: Mr & Mrs Shiarlis

Officer: Weahren Thompson 290480

Approved on 31/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03137

35 Derek Avenue Hove

Certificate of lawfulness for proposed removal of existing garage and construction of new garage and side extension.

Applicant: Mr & Mrs David Branch

Officer: Weahren Thompson 290480

Approved on 07/01/09 DELEGATED

BH2008/03272

42 Derek Avenue Hove

Erection of two storey extension to side and rear incorporating pitched roof to rear and 1 no. dormer to front.

Applicant: Mr Brooking

Officer: Lawrence Simmons 290478

Approved on 12/12/08 DELEGATED

1) 01.01AA

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

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

2) 02.02A

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.

3) 03.02A

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

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

4) UNI

The first floor north side windows shall not be glazed other than with obscured glass and thereafter permanently retained as such.

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

BH2008/03335

Ground Floor Flat 13 Boundary Road Hove

Replacement windows and doors to ground floor flat

Applicant: Mr P Jones

Officer: Mark Thomas 292336

Approved on 08/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03338

34 Berriedale Avenue Hove

Certificate of Lawfulness for proposed hip to barn hip roof extension, first floor rear extension, rear dormer and rooflights.

Applicant: Mr Simon Hasler

Officer: Wayne Nee 292132

Approved on 13/01/09 DELEGATED

BH2008/03480

Knoll House Ingram Crescent West Hove

Replacement of existing timber fascias with new UPVC fascias.

Applicant: Brighton & Hove City Council

Officer: Mark Thomas 292336

Approved on 12/12/08 DELEGATED

1) 01.01AA

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

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

BH2008/03487

8 Kenton Road Hove

Rear conservatory and loft conversion including rear dormer.

Applicant: Mr Pascal Madjoudj

Officer: Mark Thomas 292336

Refused on 11/12/08 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Further advice is contained within Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBHI). The proposed dormer window is inappropriately sized representing a bulky addition to the property and an overdevelopment of the roofspace. The proposed development would harm the character and appearance of the property. The proposal is therefore contrary to the above policy and guidance.

BH2008/03540

140 New Church Road Hove

Construction of a vehicle crossover.

Applicant: Mr Enrico De Napoli

Officer: Weahren Thompson 290480

Approved on 02/01/09 DELEGATED

1) 01.01AA

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

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

2) UNI

No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details an Arboricultural Method Statement detailing tree protection measures for the mature tree on adjoining land for the proposed development. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development would provide adequate protection and all construction work is carried out satisfactorily to comply with policy QD16 of the Brighton & Hove Local Plan and Supplementary Planning Document 06 Trees and Development Sites.

BH2008/03676

8 St Leonards Gardens Hove

Rear single storey extension.

Applicant: Mr Martin Furness-Smith

Officer: Mark Thomas 292336

Approved on 12/01/09 DELEGATED

1) 01.01AA

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

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

2) 03.02A

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

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

Brighton & Hove City Council

Meeting: Planning Committee

Date: 4 February 2009

Subject: Former Flexer Sacks building, Wellington Road, Portslade
BH2008/02479 – S106 Planning Obligation Agreement

Ward(s) affected: South Portslade

1. Purpose of the report

1.1 The purpose of this report is to seek the Planning Committee's agreement to the Heads of Terms of a s106 Planning Agreement.

2. Recommendation

2.1 That Members approve the proposed Heads of Terms for the s106 Agreement and agree the conditions as set out in this report.

2.2 And agree the conditions as set out in this report.

3. Background

3.1 On 14th November 2008 Planning Committee considered an application for the following development:-

Change of use of all floors to mixed use development comprising ground floor - leisure (D2) and music and rehearsal studios (B1) first and existing second floor - offices (B1). Additional second floor to south section comprising offices (B1) and vertical circulation core (B1) to serve ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations.

3.2 The Committee resolved to grant planning permission, contrary to Officer recommendation, subject to terms of the Section 106 Obligation and conditions being agreed by the Chairman, Deputy Chairman and Opposition Spokesperson. However, there has not been agreement with regards the required terms of the s106 obligation. A copy of the Committee report and minutes are attached at Appendix I.

3.3 Following this decision the Local Planning Authority has been advised by the applicant, City Gateway, that they are *'not in a position to make any contribution towards traffic, arts or any other cause. Any such contribution would make the project totally unviable.'*

3.4 No information on the question of viability has been submitted.

- 3.5 In the absence of any additional information from the applicant to assist with any negotiation of the contributions
- 4. S106 Planning Obligation**
- 4.1 The recommended Heads of Terms are:-
- a contribution of £115,674 towards local sustainable transport measures prior to first occupation of the development;
 - public art works to the value of £30,000; and
 - the refurbishment and extension of the B1 office accommodation to shell and core standard prior to the first occupation of the ground floor premises.
- 4.2 Transport: on the basis of the information submitted and in the absence of a satisfactory Transport Assessment, the sum identified is considered appropriate. Head of Transport Strategy and Projects has advised that they would have been open to negotiation on this sum with the further submission of information. The development will result in a significant increase in trips to and from the site. Notwithstanding the presence of on-site parking the additional trips have implications for the use of public transport, cycle routes and pedestrian links in the vicinity of the application site.
- 4.3 The Transport Planning Team have advised the contribution would enable:-
- the provision of improved toucan pedestrian crossings at the Wellington Road / Kingsway / Station Road junctions;
 - the use of Basin Road South as a two-way link connecting National Cycle Route 2 to Portslade: this route will link Dover in Kent with St Austell in Cornwall once complete; and
 - improvements to bus stops in St Andrews Road and Wellington Road.
- 4.4 A full explanation of the rationale behind the recommended level of transport contribution is outlined in Appendix II.
- 4.5 Public Art: the recommended level of public art contribution was reached after the internal gross area of the development (approximately 5,669 sq m) was multiplied by a baseline value per square meter of construction arrived at from past records of public art contributions for this type of development. This includes average construction values taking into account relative infrastructure costs.

- 4.6 B1 office accommodation: it is necessary to secure the refurbishment and extension of B1 office accommodation on the site, as indicated on the proposed plans, to shell and core standard in accordance with policy EM1 of the Brighton & Hove Local Plan which identifies the site for employment and business use with Class B1 and B2. An agreement is required to ensure this provision is made before the other uses permitted are occupied. Without such a clause, the applicant would be able to implement the permission in part only, without providing the critical levels of employment floorspace required.

5. Proposed conditions

The recommended conditions to be attached to the permission are as follows:-

1. 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 of the Town and Country Planning Act 1990.
2. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order or any subsequent similar re-enactment the ground floor leisure uses hereby permitted, as indicated on drawing no. 766 105, shall be for a health and fitness club and music / media venue and no other purpose, including any other uses within Class D2 (Assembly and Leisure) of the Schedule to the Order. **Reason:** To retain control of the use of the premises, in the interests of the amenities of users of the Class B1 units, and the surrounding industrial estate, in compliance with policy QD27 of the Brighton & Hove Local Plan.
3. 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 works shall be carried out in full as approved prior to occupation and the refuse and recycling storage facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.
4. 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 policies QD1 of the Brighton & Hove Local Plan.
5. The development hereby permitted shall not be commenced until details of secure cycle parking facilities to SPG4 standards 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.

6. A Travel Plan shall be submitted to the Local Planning Authority prior to first occupation of the premises. The Travel Plan shall be agreed in writing by the Local Planning Authority and include a package of measures, proportionate to the scale of the approved development, aimed at promoting sustainable travel choices and reducing reliance on the car. The measures shall include an assessment of the viability and need of establishing a car club and an evaluation of the provision of changing and shower facilities for cyclists. The measures shall be implemented within a time frame as agreed with the Local Planning Authority and be subject to annual review. **Reason:** In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1 and TR4 of the Brighton and Hove Local Plan.
7. The premises shall not be occupied until details of the first floor car park layout, which shall allow for disabled parking provision, has been submitted to and approved in writing by the Local Planning Authority. The car park shall be used in accordance with the agreed layout and be maintained as such thereafter. **Reason:** To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1, TR4 and TR18 of the Brighton & Hove Local Plan.
8. The first floor vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. **Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
9. No works pursuant to this permission shall commence, unless otherwise agreed in writing by the Local Planning Authority, until there have 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;
 - b) A site investigation report assessing the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study; and
 - 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 verification has been submitted to the Local Planning Authority by the agreed competent person that any remediation scheme has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

- 10. 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 scheme shall outline the precise nature of the proposed soundproofing measures and the resulting noise attenuation benefits. The development shall be carried out in accordance with the agreed details and shall be maintained as such thereafter. **Reason:** To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 11. No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration is submitted to and agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all specified works have been carried out in accordance with the agreed details and thereafter be retained to the satisfaction of the Local Planning Authority. **Reason:** To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 12. No development shall take place until a scheme for the fitting of odour control equipment to the building has been submitted to and agreed 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 in accordance with the approved details and thereafter be retained to the satisfaction of the Local Planning Authority. **Reason:** To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 13. No development shall take place until a scheme for sound insulation of odour control equipment referred to in the condition set out above shall be submitted to and agreed in writing by the Local Planning Authority. The use of the premises shall not commence until all sound insulation works have been carried out in accordance with the agreed details and thereafter be retained to the satisfaction of the Local Planning Authority. **Reason:** To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 14. No development shall take place until details of the external lighting of the site has been submitted to and approved in writing by the Local Planning Authority. The lighting installation shall comply with the recommendations of

the Institution of Lighting Engineers (ILE) “Guidance Notes for the Reduction of Light Pollution” (dated 2005) for zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person shall be submitted with the details. The approved installation shall be maintained and operated in accordance with the approved details and thereafter be retained to the satisfaction of the Local Planning Authority. **Reason:** To protect residential amenity and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

15. 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, in accordance with policy SU2 of the Brighton & Hove Local Plan.
16. No development shall take place until a written statement consisting of a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy W10 of the East Sussex and Brighton & Hove Structure Plan, WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

6. Consultations

- 6.1 Officers from the appropriate internal teams have been consulted on the recommended Heads of Terms.
- 6.2 Consultation has also taken place with as agreed by Planning Committee with the Chair, Vice Chair and Opposition spokesperson. Feedback from that process sought clarification over the levels of contribution for the Transport Head of Term.

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APPENDIX I

<u>No:</u>	BH2008/02479	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Former Flexer Sacks building, Wellington Road		
<u>Proposal:</u>	Change of use of all floors to mixed use development comprising ground floor - leisure (D2) and music and rehearsal studios (B1) first and existing second floor - offices (B1). Additional second floor to south section comprising offices (B1) and vertical circulation core (B1) to serve ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Received Date:</u>	01 August 2008
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	26 November 2008
<u>Agent:</u>	Barry Field Architects, 7 Queen Square, Brighton		
<u>Applicant:</u>	City Gateway Developments Ltd, 121-123 Davigdor Road, Hove		

1 SUMMARY

The application relates to the eastern half of the former Flexer Sacks factory which occupies a prominent site within the South Portslade Industrial Estate fronting Wellington Road. The building has been vacant since 2000.

The application proposes a mixed use development comprising ground floor health club, music venue and rehearsal studios, with new and refurbished office accommodation at first and second floor levels. The existing first floor off-street parking will be retained and all elevations will be refurbished. The main issues of consideration in the determination of this application are the departure from policy EM1; the nature and balance of the proposed uses; their impact on neighbouring amenity and transport; and design and sustainability issues.

The application is considered acceptable on design, amenity and sustainability grounds. However, the proposal entails the loss of approximately 1700sq metres of employment floorspace on an identified employment site. There is inadequate information to support the type, amount and mix of non-employment (D2) uses proposed on the site, and demonstrate that it is necessary to enable the regeneration of the building and delivery of employment uses on the site. Furthermore it has not been demonstrated that the proposal will not have an unacceptable impact on transport; particularly with regards the potential trip generations and traffic impact resulting from the development; the quality and need, or otherwise, for improvement in the local provision of buses, taxis and cycles; and an assessment of the off-street parking provision in relation to the proposed uses. The application is therefore recommended for refusal.

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2 RECOMMENDATION

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

1. The application site is located within the South Portslade Industrial Estate which is allocated by policy EM1 of the Brighton & Hove Local Plan as an employment site for industrial and business use under Use Classes B1 and B2. The proposal entails the loss of employment floorspace on an identified employment site. There is inadequate information to support the type, amount and mix of non-employment (D2) uses proposed on the site, and demonstrate that it is necessary to enable the regeneration of the building and delivery of employment uses on the site. The application is therefore contrary to the aims of the adopted Brighton & Hove Local Plan policy EM1.
2. The application, and submitted Transport Assessment, fails to demonstrate that the proposal will not have an unacceptable impact on transport; particularly with regards the potential trip generations and traffic impact resulting from the development; the quality and need, or otherwise, for improvement in the local provision of buses, taxis and cycles; and an assessment of the off-street parking provision in relation to the proposed uses. The proposal is therefore considered contrary to the adopted Brighton & Hove Local Plan policies TR1, TR4, TR14, TR18, TR19 and SU15.

Informatives:

- 1) This decision is based on drawing no. 766 99 submitted 1st August 2008; a Planning Statement, Design & Access Statement, Transport Assessment, Noise Impact Assessment, Site Waste Management Plan, Biodiversity Indicators, and drawing nos. 766 100, 101, 102, 103, 104, 105, 106, 107, 108, 109 & 110 submitted 27th August 2008.

3 THE SITE

This application relates to the eastern portion of the former Flexer Sacks building on the northern side of Wellington Road bounded by Middle Street to the west, North Street to the north and Camden Street to the east. The building is currently vacant, and has been since 2000. The previous use was primarily within Use Class B2 (general industry) with ancillary elements of B1 (office) and B8 (storage) uses. The site comprises a three-storey office building, first floor roof-top car park, and single and two-storey production / distribution areas.

The eastern part of the site, fronting Camden Street, comprises a hand car wash

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use and public house; neither of which are included as part of this application. The western unit is currently occupied as an vehicle repair centre, with adjoining uses fronting North Street including a storage and distribution and first floor dance centre.

The site is located within the South Portslade Industrial Area and surrounded by predominantly B1 and B2 uses. On the southern side of Wellington Road is Shoreham Harbour.

4 RELEVANT HISTORY

Planning Permission was refused in 2002 for the use of the adjoining eastern half of the building (the site now under consideration) for self storage (ref: **BH2001/02406**). The application was refused on the grounds that the site was allocated for employment uses, and there was inadequate information to demonstrate that the number of jobs to be created would be similar to the former use. A subsequent appeal against this decision was dismissed. When dismissing the appeal the Inspector considered that the site was well located for B1 and B2 uses and there was nothing to indicate that the building could not be brought back into such use.

Planning permission was granted for the change of unit 3 (abutting the application site to the west) from B1/B2 uses to storage in 2003 (ref: **BH2003/01207/FP**). This permission took into account that the premises were unsuitable for B1 or B2 use, and the remainder of a much larger section of the Flexer Sacks building had been successfully let for B1/B2 use.

Outline Planning permission was granted by Planning Applications Sub-Committee in September 2003 for 'redevelopment of factory site to create a mix of B1 (office / light industrial) with ancillary showroom use and D2 (leisure) including new floor space and additional 3 storeys, parking provision for approximately 100 cars' (ref: **BH2003/02334/OA**). This balance of uses was considered acceptable, replacing general industrial floorspace with a mix of light industrial and offices uses, with the proposed D2 (gym) use occupying the harder-to-let areas and ancillary to the overall use. This permission was not commenced within 5-years of the approval and has now expired.

A certificate of lawfulness for the proposed use of part of the site (now subject of this application) as a cash and carry operation was refused in 2006 as the change of use exceeded the floor area permitted by the General Permitted Development Order 1995 (ref: **BH2006/01691**).

Planning permission was refused in November 2006 for a change of use from general industrial (B2) to motorcycle workshops and showrooms (Sui Generis)

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with changes to front elevation (Wellington Road) & roof line (ref: **BH2006/03339**). The reasons for refusal related to the loss of B1 and B2 floorspace which had not been justified as an exception to policy; inadequate information demonstrating how the proposal complied with maximum car parking standards and would maximise the use of walking or cycling; highway safety hazards resulting from a proposed lay-by on Wellington Road; and inadequate waste management measures.

A three-year temporary permission was granted in September 2006 for a change of use from B1 (light industrial use) to D1 Dance School (at first floor level within the western building, abutting the application site) (ref: **BH2006/02298**). A two-year temporary permission was granted in February 2008 for use of a warehouse building fronting Camden Street (abutting the application site) as hand car wash and valet surface (ref: **BH2008/00654**). Temporary permissions were considered acceptable as they allow the respective uses to continue until the premises were used once more for industrial purposes and long-term employment.

5 THE APPLICATION

The application seeks consent for a change of use of the existing B2 building to a mixed use development. The building will incorporate a self-contained health club with swimming pool, music venue, and recording / rehearsal studio at ground floor level; refurbished office accommodation at first floor level; with further refurbished office accommodation at second floor level. An extension at second floor level fronting Wellington Road is also proposed to provide additional office accommodation.

Access to the proposed uses would be from the northern side of the building fronting North Road and extended entrance lobbies. The existing first floor parking deck, with spaces for 82 vehicles, will be retained as will the access ramp off North Road.

6 CONSULTATIONS

External:

Neighbours: no comments have been received.

East Sussex Fire & Rescue Service: unless documentation is provided demonstrating compliance with section B5 of Approved Document B of the Building Regulations 2000, the Fire Service object to the proposals.

EDF Energy: no objection provided rights regarding access and maintenance to cables within the area are maintained.

Southern Gas Networks: no mechanical excavations should take place above or

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within 0.5m of low and medium pressure system or within 3m of the intermediate pressure system in the proximity of the site.

Southern Water: no comment.

Sussex Police: the site is within a medium crime risk area but do not identify any major concerns with the proposals. Comments are provided to reduce the opportunities of crime and fear of crime as part of the development.

Internal:

Economic Development: the site has been vacant since the demise of Flexer Sacks in 2000. The site had been actively marketed since the applicant took ownership and various letting proposals have been offered to try to attract tenants to the building. However, due to the condition and layout of the building this has not been conducive to attracting modern business requirements. As well as advertising through the applicants appointed commercial agents the site has also been advertised on the Council's commercial property database since November 2004.

The proposal will include refurbished offices on the existing site together with an additional storey of offices which is welcomed. The B1 element of the proposal will provide space for over 130 jobs which is significantly more than the whole of the former Flexer Sacks site (this application covers approximately half of the former site) which is welcomed and supported. Additional employment opportunities will also be provided in the leisure and performing space provided in the proposal which again is welcomed.

The proposal will bring back into operational use a building that has lain vacant for some considerable time and will provide a development of modern appearance in an area that requires investment to upgrade the image of the area along one of the main access routes into the city from the west.

Environmental Health: there are a number of areas where information is lacking or insufficient and particularly with regards to noise. These relate to plant and machinery for air handling or air conditioning for the offices, plant and equipment for the lift rooms, swimming pool heating, mitigation for the soundproofing of the recording studios and also extraction equipment such as flues from the ground floor level café.

Furthermore there is a lack of a desktop survey or references to former potential contamination on the site.

Planning Policy: the proposal is contrary to policy EM1 in the Brighton & Hove Local Plan as it allows non employment uses within a designated employment

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site. Since the previous scheme was allowed in 2004 the Employment Study (2006) has been completed and indicates the need to protect existing B1 and B2 employment sites.

If the applicant is seeking approval of this scheme as an exception to policy they need to make a very robust case that the non employment uses are required to enable the refurbishment of the building. On this basis they will need to submit or consider the following:-

1. the employment use should remain the primary use on the site and with a ground floor location.
2. that there is no loss of employment (B1/2) floorspace. The current scheme appears to show a 1700sqm shortfall.
3. financial evidence is submitted to support the type, amount and mix of enabling uses proposed on the site.

Traffic: the submitted TA does not address the following areas:-

1. the potential trip generations by any mode or traffic impact.
2. an audit of the quality of provision for buses, taxis and cycles locally and the need or otherwise for improvement.
3. a comparison of the proposed parking levels with SPG4.
4. a car park layout.

7 PLANNING POLICIES

Brighton and Hove Local Plan:

- TR1 Development and the demand for travel
- TR4 Travel Plans
- TR7 Safe Development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU10 Noise nuisance
- SU11 Polluted land and buildings
- SU14 Waste management
- SU15 Infrastructure
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD3 Design - efficient and effective use of sites
- QD4 Design - strategic impact
- QD6 Public art
- QD14 Extensions and alterations
- QD15 Landscape design

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QD27 Protection of amenity
QD28 Planning Obligations
EM1 Identified employment sites (industry and business)
EM12 Shoreham Harbour - mixed uses

8 CONSIDERATIONS

The main issues of consideration in the determination of this application are the departure from local plan policy EM1; the nature and balance of the proposed uses; their impact on neighbouring amenity and transport; and design and sustainability issues.

Proposed change(s) of use

The application site is located within the South Portslade Industrial Estate which local plan policy EM1 identifies for industrial and business use within Use Classes B1 (businesses) and B2 (general industrial): on such sites there should be no overall loss of employment floorspace and sites. The Employment Land Study (2006) supports this approach and indicates that to ensure there are sufficient employment sites existing B1 and B2 sites should be retained.

The application, despite the additional office accommodation at second floor level, entails a loss of approximately 1700m² of employment (B1/B2) floorspace as a result of the proposed ground floor health club and music venue (D2). As such there is a conflict with the aims of the above policy.

The application site has been vacant for a prolonged period of time following the closure of the Flexer Sacks factory in 2000. The applicant has advised that since 2003 the premises has been actively marketed and this has included the sale, long-term leasing and short-term flexible leasing of the whole site and its potential sub-division to maximise the number of potential tenants. The application also includes letters from the marketing agents, Oakley Commercial, stating that 'the property has been fully exposed to the open market ensuring all potential tenants are aware of the available accommodation but unfortunately the property is proving difficult to let despite offering flexible lease terms'.

The applicant therefore considers that enabling development / uses are necessary for the proposals to be viable and to bring the site into commercial use, and this view is shared by the site's marketing agents.

The Council's Economic Development team support the application and confirm that the site has been actively marketed but the condition and layout of the building is not conducive to meeting modern business requirements. Economic Development therefore consider that the proposal will bring back into operational use a building that has lain vacant for some considerable time whilst providing

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space for significantly more jobs than the whole of the former Flexer Sacks operation.

The proposal has the potential to regenerate a building that has been vacant for a prolonged period of time, which is neglected in appearance and has a detrimental impact on the immediately surrounding area. To secure the refurbishment and upgrade of the building for employment uses it is recognised that non-B1/B2 uses may need to be introduced to the site. This was accepted as part of an earlier outline approval on the site (ref: BH2003/02334/OA) which considered a proposed gymnasium to be an acceptable enabling element complementing the proposed main (B1/B2) use; however, this permission was not implemented and has now lapsed.

As part of this application the submitted Planning Statement states that enabling development is necessary for the proposals viability. However, no evidence has been submitted to demonstrate this or justify the net loss of employment floorspace on an identified employment site and there is concern that the ground floor health club and music venue uses could fragment an important and prominent industrial estate. The enabling uses should be the minimum required to bring the employment site back into viable use. To demonstrate this, and justify an exception from local plan policy, evidence would be expected to support the type, amount and mix of enabling uses proposed on the site.

As part of this application there is inadequate information to demonstrate that the proposed enabling uses are necessary, and how they will facilitate the regeneration of the building and delivery of employment uses on the site. Whilst the supporting statements indicate a breakdown of employment levels that would be generated by the proposals this does not address the above policy conflict.

Notwithstanding the above there are elements of the proposal which are welcomed and supported. For example, the office floorspace at first and second floor levels has been designed to be capable of use by small serviced, incubator units or larger office suites and conference rooms, allowing maximum flexibility in the use of these spaces; and the proposed recording studio which occupies an area of the building particularly unsuitable for modern industrial uses due to extremely poor natural lighting. Furthermore, despite the policy conflict outlined above, a health centre and music venue would not conflict with, or prejudice the future of, the surrounding employment uses.

Transport

Local plan policy TR1 requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling. The application is accompanied by a TA which concludes that ‘the

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proposed development is highly accessible to all modes of transport and that there will be no significant impact on the existing highway network’.

The Transport Manager has assessed the submitted TA and identifies problems relating to the lack of consideration of potential trip generations or traffic impact resulting from the proposal; an inadequate audit of the quality of provision for buses, taxis and cycles locally, and the need or otherwise for improvement; no comparison of the proposed parking levels with regards supplementary planning guidance note 4 (parking standards); and the absence of a car park layout. It is also noted there is potential for conflict between different uses on the site, particularly with regards vehicle access arrangements and on-site parking provision.

For the above reasons there is insufficient information to demonstrate that the proposal will not have an unacceptable impact on transport. The proposal is therefore considered contrary to local plan policies TR1, TR4, TR14, TR18 and TR19.

Design and appearance

The premises has been vacant since 2000 and this is reflected in the neglected appearance of the building. The application proposes extensive refurbishment works with new window openings, rendered elevations and sun louvers to all elevations. There are concerns that the roof form and fenestration of the additional storey relate poorly to the remainder of the building and that the Wellington Road frontage is unduly dominated by bulky sun louvers. However, these concerns are outweighed by the overall improvements that will create a modern appearance to the building and also improve the appearance of the immediately surrounding area.

The proposal incorporates a change of use in excess of 1000 sq metres and as a major development would require the provision of public art. However, as the application is not considered acceptable in its current form this requirement has not been progressed.

Impact on neighbouring amenity

Impact of the proposed uses

The application is accompanied by a Noise Impact Assessment which recommends a number of soundproofing measures be incorporated in the construction and adaptation of the existing and new buildings on the site. The assessment advises that the outlined measures would ensure noise generated by the development does not exceed acceptable standards. There are no reasons to disagree with these findings.

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Environmental Health have commented on the application and consider that insufficient information has been submitted with regards noise from plant and machinery for air handling or air conditioning of the offices, plant and equipment for the lift rooms, swimming pool heating, mitigation for soundproofing of the recording studios and music venue, and also extraction equipment from the ground floor café.

It is considered that there are no apparent reasons why adequate noise attenuation measures could not be incorporated within the development to protect neighbouring amenity. In principle having regard to the location of the application site the proposal would therefore not result in disturbance to adjoining users of the Industrial Estate, which includes a mix of B1, B2 and B8 uses, or future occupants of the currently vacant public house adjoining the site. On this basis, despite the absence of specific information relating to noise attenuation, if necessary appropriately worded conditions could require further details of sound insulation measures, the implementation of the outlined measures, and control noise emissions outside the site.

Impact of the proposed extension

The proposed second floor extension by virtue of its location at the front of the site, fronting Wellington Road, and nature of adjoining development, will not result in harmful loss of light or overshadowing. It is noted that the western part of the Flexer Sacks building, adjoining the application site, has south facing window openings which will abut the proposed extension. However, given the dominant use of this premises as a vehicle repair centre and the remaining outlook to the south and west the proposed extension will not harm the amenity or viability of this unit.

Sustainability

Local Plan policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. The Design & Access Statement advises solar panels and photovoltaic cells are under consideration for the large areas of flat roof on the site, and the incorporation of such measures would potentially assist in reducing energy consumption for proposed uses within the building. Further measures include water consumption reducing measures and sun louvers to control solar gain. It is considered that if necessary further details of measures to reduce the use of energy, water and materials could be required by condition.

Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require, as best practice, a Site Waste Management Plan demonstrating how elements of sustainable waste management have been incorporated into the scheme. Whilst

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the submitted information is relatively brief there are no apparent reasons why waste could not be minimised in an effective manner and if necessary further details could be required by condition.

Future development on the site

The Design & Access Statement advises that at a later date two additional floors could be added over the existing rear block; as previously approved in outline form under ref: BH2003/02334/OA. If the extension were used to provide additional employment floorspace this would assist in overcoming the conflict with policy EM1 identified above. However, this extension is not proposed as part of the current application and only limited weight can therefore be attached to this possibility.

Conclusion

It is accepted that enabling development may be required to bring the employment site back into viable use. However, the proposal entails the unjustified loss of employment space and it has not been demonstrated how the type, amount and mix of proposed enabling uses will facilitate the regeneration of the building and delivery of employment uses. The proposed loss of employment floorspace and proposed health club (D2) use are therefore contrary to the aims of local plan policy EM1, which seeks to retain allocated sites, such as the South Portslade Industrial Area, for industrial and business uses within Use Classes B1 and B2.

In addition the submitted Transport Assessment fails to demonstrate that the proposed uses will not have an unacceptable impact on transport and the demand for travel, contrary to policies TR1, TR4, TR14, TR18 and TR19.

9 EQUALITIES IMPLICATIONS

All uses within the building are accessed through double doors on the North Road frontage, a lift shaft will provide access to all levels of the development. No car park layout has been submitted and it is not apparent what provision has been made for disabled parking, or how access from the first floor car park to ground floor uses would be facilitated.

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ON 14TH NOVEMBER 2008**

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00PM 12 NOVEMBER 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, K Norman, Smart, Steedman and C Theobald

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

- 134.24 **Application BH2008/02479, Former Flexer Sacks Building, Wellington Road, Portslade** - Change of use of all floors to mixed use development comprising ground floor - leisure (D2) and music rehearsal studios (B1) first and existing second floor – offices (1). Additional second floor to south section comprising offices (B1) and vertical circulation core (B1) to serve ground to second floors with lift motor room at roof level. Also, external refurbishment and alterations to all elevations.
- 134.25 The area Planning Manager (West) gave a detailed presentation relative to the proposed development.
- 134.26 Mr Field spoke on behalf of the applicant in support of their application. He stated that negotiations had reached an advanced stage with potential end users. Although the percentage of uses with the site would be different than previously it would result in increased employment overall and would return the site to use. Councillor Harmer–Strange spoke in his capacity as a Local Ward Councillor expressing his support for the scheme which would return the site to use and would generate employment opportunities within the locality.
- 134.27 Councillor McCaffery sought confirmation regarding servicing arrangements in respect of the site and in respect of the number of parking spaces proposed. The Traffic manager explained that although no detailed layout had been given and the number of spaces could not therefore be confirmed the applicant had indicated that 82 spaces would be provided. Councillor Smart sought clarification regarding the level of employment provided and whether this would represent any increase to that previously associated with the site. The Area Planning Manager (West) explained that B1 and B2 uses were sought, this did not include a provision for leisure use. The balance for that use was different.

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Councillor Carden stated that further clarification of the comments received from the East Sussex Fire and Rescue Service would have been helpful. In answer to further questions, the Solicitor to the Committee explained that matters relative to fire safety would need to be met under building control legislation.

- 134.28 Councillors Davey and Steedman were of the view that a number of matters remained to be resolved and that it was difficult to determine the application in the absence of detailed impact and other assessments.
- 134.29 Councillor Hamilton concurred with the views expressed by Councillor Harmer–Strange. He considered that the proposal was acceptable and would return the site to use whilst generating employment. Councillors Barnett, Carden Wells concurred in that view. Councillor Carden stated that the amount of time the site had lain vacant indicated that it there was no longer a demand for its original use at that location. Councillor Mrs Theobald agreed stating the proposal would improve the appearance of the site considerably.
- 134.30 A vote was taken and on a vote of 9 to 1 with 1 abstention Minded to grant planning permission was granted on the grounds set out below. 11 Members were present when the vote was taken.
- 134.31 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out but is Minded to grant planning permission on the grounds that the proposed development would not be contrary to or compromise the policy objectives of EM1 of the Brighton & Hove Local Plan. The scheme would provide employment and bring a vacant site back into operational use. Conditions of the Section 106 Obligation to be agreed. Prior to a decision being issued being issued the Chairman, Deputy Chairman and Opposition Spokesperson is consulted relative to details of the proposed conditions.

[**Note 1:** A vote was taken and on a vote of 9 to 1 with 1 abstention minded to grant planning permission was granted in the terms set out above].

[**Note 2:** Councillor Hamilton proposed that planning permission be granted. This was seconded by Councillor Barnett. A recorded vote was then taken. Councillors Barnett, Carden, Hamilton, Hyde (Chairman), McCaffery, K Norman, Smart, Mrs Theobald and Wells voted that planning permission be granted. Councillor Steedman voted that planning permission be refused. Councillor Davey abstained. Councillor Kennedy was not present when the vote was taken. Therefore on a vote of 9 to 1 with 1 abstention minded to grant planning permission was granted].

APPENDIX II

METHOD OF CALCULATION OF FINANCIAL CONTRIBUTION IN RESPECT OF TRANSPORT

To comply with policies TR1 and QD28 of the Brighton & Hove Local Plan the Applicant is expected to make a financial contribution in-line with the scale of the development to help finance off-site highway improvement schemes, in particular for sustainable modes of transport. The level of this contribution is set at £200 per person-trip. The requirement for a financial contribution is no longer linked to the provision of car parking spaces. This linkage is no longer valid as it had the adverse affect of encouraging developers to provide unnecessary car parking to avoid making contributions toward providing for the wider accumulative transport impacts of smaller developments. Therefore the Highway Authority has adopted an alternative approach to securing contributions, on longer linked to the provision of car parking. The following narrative sets out the policy background and methodology employed to justify this new approach to securing developer transport contributions.

The Department for Communities and Local Government's Planning Policy Guidance 13 – Transport (PPG13) set out the Governments national objectives for transport policy with respect to the planning system. Point 7 of paragraph 6 notes that *“in order to deliver the objectives of this guidance ... when considering planning applications local authorities should ... use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys”*. Paragraph 84 notes that *“Planning obligations may be used to achieve improvements to public transport, walking and cycling, where such measures would be likely to influence travel patterns to the site involved, either in their own or as part of a package of measures”*.

In line with the requirement of Transport Act 2000 “A New Deal for Transport” Brighton and Hove City Council acting as Local Transport Authority has produced a Local Transport Plan (LTP) setting out the Council's local objectives and measures to promote sustainable transport choices in the city. To fund and implement these measures Local Transport Authority's are required to secure contributions from both the private and public sector. A majority of the required funding is secured via a settlement for central government. The difference between this settlement and the total LTP funding requirement, sometimes referred to as the shortfall or funding gap, is to be secured from other public sector bodies and private sector organizations, including developers.

TR1 notes that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking, and cycling. The narrative supporting this policy notes that it has strong links with other policies in the local plan and makes particular reference to policy, among others, QD28. QD28 states that the achievement of public transport infrastructure enhancements, contributions towards pedestrian and cycle route infrastructure, and off-site highway improvements/traffic

calming schemes will be sought by means of planning obligations when planning permission is granted.

The contribution required satisfies the requirement for the Appellant to provide “*details of a scheme to provide sustainable transport infrastructure to support the demand for travel generated by the development*”. It is reasonable to require Applicants to make a contribution based upon the scale of the respective transport impact or change in transport characteristics to ensure that the accumulative impact of all small-scale developments can contribute towards “*sustainable transport choices and reduce reliance on the car for work and other journeys*”.

The scale of contribution is based on the predicted level of the funding shortfall in current LTP and the person-trip generation of the housing and business allocations set out in the Council’s adopted Local Plan. By dividing the funding shortfall by the total person trip generation it is possible to establish a reasonable level of contribution per person-trip. This figure is currently set at £200 per person-trip. Therefore, as a basis for negotiations, development proposals will be required to make a financial contribution of £200 per additional person-trip. The person-trip rate of proposals is based upon the latest version of the TRICS database.

The basic level of the contribution is then multiplied by a factor to reduce the overall level of the contribution to reflect the sustainability of site location in transport terms. The reduction factor is based on Figure 9.4 of the current LTP. Sites that are located within the 5 and 10minute peak hour bus journey times zones will receive a 50% reduction to reflect the high level of access to sustainable transport. Sites in the 10 to 30 zones will receive a 25% reduction and sites outside the 30minute zone will be expected to make the full contribution.

It is therefore possible to establish a simple formula to establish a reasonable level of contribution towards improving sustainable modes of transport;

$$\begin{aligned} & \text{Number of residential units (or GFA/100m}^2 \text{ of business space)} \\ & * \text{ person trip rate} * \text{£200.00} * \text{reduction factor} = \text{contribution} \end{aligned}$$

For this proposal the contribution is calculated as follows:-

Existing Use

Office 634m² - 18 person trips per 100m² = 114.12 person trips
General Office 3651m² - 14 person trips per 100m² = 511.14 person trips
Storage 616m² - 2 person trips per 100m² = 12.32 person trips

Total person trips for existing use = 667.58.

Proposed Use

Office 2608m² - 18 person trips per 100m² = 469.44 person trips

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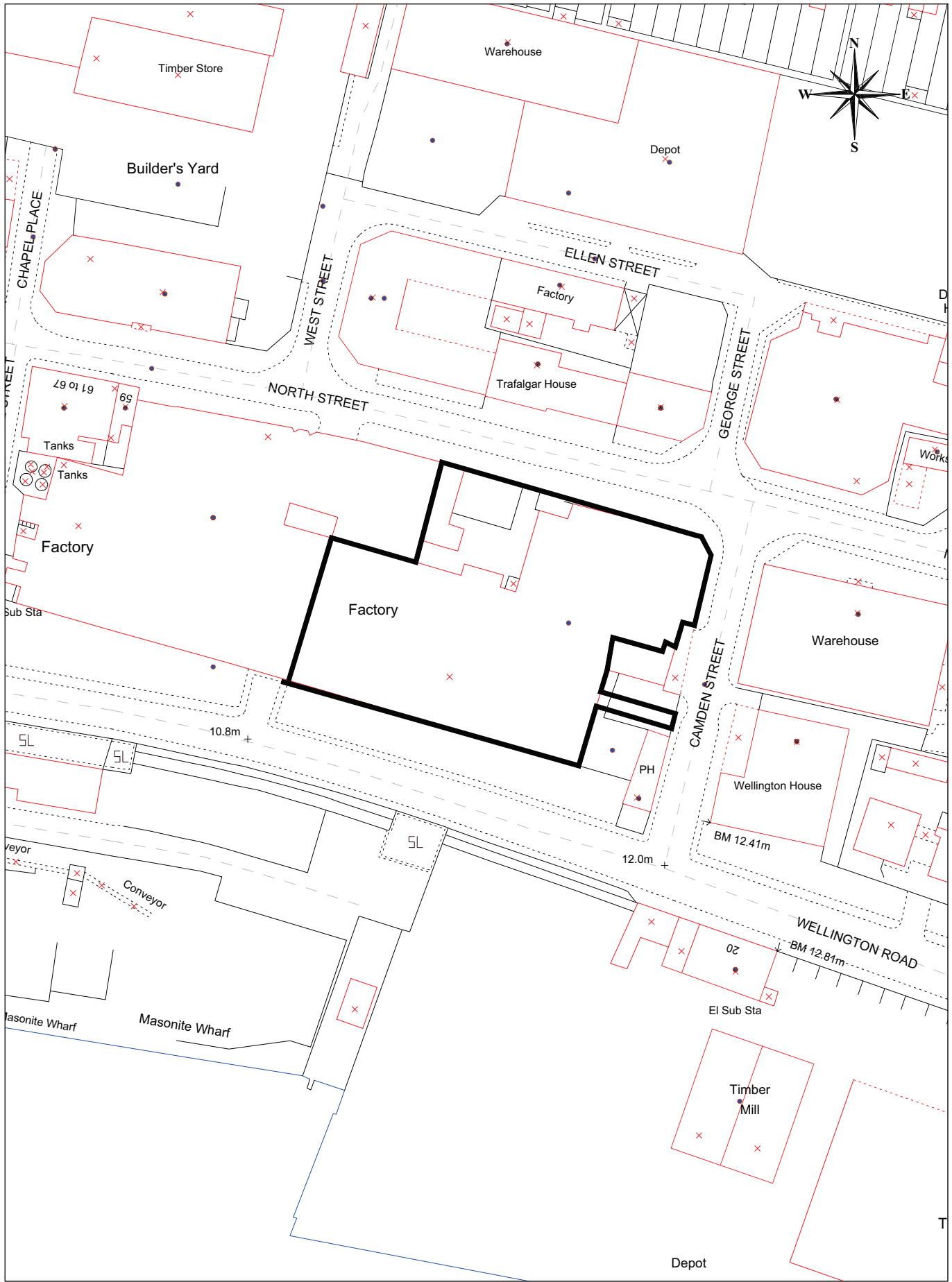
D2 2324m² - 36 person trips per 100m² = 836.64 person trips

B1 737m² - 18 person trips per 100m² = 132.66 person trips

Total person trips for approved use = 1438.74

Contribution Calculation

771.16 (i.e. proposed trips – existing trips) * £200 * 75% = £115,674.



BH2008/02479

SCALE 1:1250

Former Flexer Sacks Building, Wellington Road

530



Note: Any shaded or outlined areas are indicative only and should not be scaled.

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G. REGENCY WARD

Application BH2007/03452, Kiosk, Adjacent to Brown's Bar and Restaurant, 33 Ship Street, Brighton. Appeal against refusal to grant planning permission to erect an extension to Brown's Bar and Restaurant into the retail kiosk at 33 Ship Street **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **69**

H. ST. PETER'S & NORTH LAINE WARD

Application BH2007/04583, "Heart & Hand", 75 North Road, Brighton. Appeal against refusal to grant planning permission to erect 3 heat lamps on the North Road elevation. **APPEAL ALLOWED** (copy of the letter from the Planning Inspectorate attached). **71**

I. WITHDEAN WARD

Applications (A) BH2007/03965 & (B) BH2007/03950, Land Adjoining 2 Croft Road & 2 Croft Road., Brighton Appeal against refusal to grant planning permission for erection of 2 storey house and demolition of ground floor conservatory. Building of ground floor rear extension with terrace over. Building of first floor extension with terrace. New pitched roofs. New elevated parking space **(A) APPEAL DISMISSED (B) APPEAL DISMISSED** in so far as it relates to the elevated parking space otherwise **APPEAL ALLOWED** (copy of the letter from the Planning Inspectorate copy attached). **73**

J. PRESTON PARK WARD

Application BH2008/00500, 114 Hythe Road, Brighton. Appeal against refusal to grant planning permission to convert a four storey dwelling into two maisonettes. **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **79**

K. EAST BRIGHTON WARD

Application BH2007/04464, 27 Rugby Place, Brighton. Appeal against refusal to grant planning permission for conversion of existing 3 storey, 3 bed maisonette into one, 1 bedroom apartment and one 2 bedroom apartment and one 2 bedroom maisonette. **APPEAL DISMISSED** (copy of the letter received from the Planning Inspectorate attached). **83**

L. WOODINGDEAN COASTAL WARD

Application BH2008/00443, 87 Cowley Drive, Woodingdean. Appeal against refusal to grant outline permission for a detached dwelling. **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **87**

M. ROTTINGDEAN COASTAL WARD

ApplicationBH2007/03875, 106 Longhill Road, Ovingdean. Appeal against refusal to grant planning permission for demolition of existing house and construction of replacement dwelling with detached garage. **APPEAL ALLOWED** (copy of the letter from the Planning Inspectorate attached). **91**

N.ROTTINGDEAN COASTAL WARD

ApplicationBH2008/00177, 2 Northgate Close, Rottingdean. Appeal against refusal to grant planning permission for extensions and alterations. **APPEAL ALLOWED** (copy of the letter received from the Planning inspectorate attached). **103**



Appeal Decision

Hearing and site visit held on 9
December 2008

by **M F Aldous BA (Hons), Dip Mgt, MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
18 December 2008

Appeal Ref: APP/Q1445/A/08/2075706
5 The Sett, Portslade, Brighton BN41 2EN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Brookes against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00585, dated 15 February 2008, was refused by notice dated 10 April 2008.
- The development proposed is a 2 storey side extension.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal property is part of a semi-detached pair forming two of the five dwellings within The Sett. This small enclave of dwellings is located within a considerably larger modern housing estate. The site is particularly apparent when viewed from Badger Close, which provides vehicular and the main pedestrian access to The Sett.
4. Within The Sett, three of the houses are arranged in a short terrace. Opposite however, numbers 4 and 5 have an angled relationship to that group with proportionately larger amenity space areas. Number 4 benefits from a modest single storey side extension.
5. The Council has clearly indicated that the principle of an extension, even two storeys in form is not at issue, and I observed from my site visit that there is sufficient space available for a development of this kind without undue damage to any local amenity considerations.
6. However, the proposal before me is for a very large, two storey side extension given the modest dimensions of the existing house. Indeed, if constructed the extension would almost double its floorspace. In addition, the proposed works would have a very considerable mass and bulk arising not only from the level of space proposed, but also from the fact that the extension would be hardly

- set back from the front elevation and would have a very similar height to the parent building, with little variation in ridge line.
7. These factors, together with the nature of the fenestration proposed would give the impression, when viewed from anywhere other directly in front of the dwelling, of creating a terrace comprising three houses, not the clearly defined semi detached pair that currently exists. In order to achieve this the frontage of the extended dwelling would extend close to the side boundary and when viewed from Badger Close the 'terracing' effect would be quite marked.
 8. In my view this would destroy the symmetry that currently exists with number 4 and would introduce an unbalanced and overdeveloped built form that would be incongruous and detrimental to the visual and spatial qualities that are apparent within The Sett.
 9. I acknowledge, as the Appellant has pointed out, that there is little direct technical advice contained within the local plan regarding extensions in terms of set backs, side spacing or subordination considerations. In this regard the Council clearly judges each proposal on its merits within the context of the prevailing street scene. It clearly did this in relation to this proposal and found it to be visually harmful and as such unacceptable.
 10. I agree with the Council and others that the proposal would represent a form of over extension that would impair the visual balance and sensitivities of this area. As such it is contrary to the requirements of saved policies QD1 and QD14 of the Brighton & Hove Local Plan of 2005.
 11. The Appellant drew my attention to another site where a favourable appeal decision was cited in support of the proposal before me (APP/Q1445/A/07/2058711). However, I note that that proposal featured a different type of property occupying a different position within its street scene. The nature of the extension proposed also differed markedly to that before me. As such I consider that the previous appeal decision does little to inform the arguments that are relevant in this case.

Conclusions

12. I have found that this proposal would represent a harmful form of overextension that would impair the visual and spatial balance and appearance of the surrounding area within The Sett. As such it is in conflict with the guidance contained within the adopted development plan.
13. Decisions should be made in accordance with the development plan unless other material planning considerations allow a departure to be entertained. In this case there are no such factors in my view. For the reasons set out above and having had full regard to all other matters raised, I therefore consider that this appeal should not succeed.

Michael Aldous

INSPECTOR



Appeal Decision

Site visit made on 17 December 2008

by **J M Trask BSc (Hons) CEng MICE**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
23 December 2008

Appeal Ref: APP/Q1445/A/08/2081617 8 Benfield Crescent, Portslade BN41 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr S Smythe against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00059, dated 24 December 2007, was refused by notice dated 31 March 2008.
- The development proposed is a two storey rear extension and roof conversion.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the existing property and street scene, the effect on the living conditions of neighbours in terms of daylight, sunlight and outlook and whether waste from the construction would be managed in a sustainable manner.

Reasons

3. The appeal site is in a residential area where there is a mix of dwellings including houses and bungalows. Although the proposed ridge height would be similar to that of No6, the ridge would be parallel with the road and this, together with the half hipped ends, would result in the roof appearing bulky and top-heavy. The roof would appear mismatched with the house and would be a prominent feature, apparent from Mill Lane as well as Benfield Crescent. The enlarged house would also be inconsistent with its neighbours, particularly No10 which is a bungalow, and would be incongruous in the street scene.
4. The proposed dormer would be larger than the windows in the rear elevation and, while I accept that it may not be appropriate to reflect the irregular position of the windows in the rear elevation, the dormer would include a large amount of cladding and would be a substantial size increasing the top-heavy effect of the roof. I conclude the proposal would detract from the character and appearance of the existing property and street scene and conflicts with Policy QD14 of the Brighton and Hove Local Plan and the adopted supplementary planning guidance note 1: Roof Alterations and Extensions.
5. The rear extension would be separated from the boundary with No10 by the existing single storey utility room and garage. However the proximity and scale

of the 2 storey side wall of the extended house would limit the daylight available to the side window of No10, that the Council has confirmed serves a bedroom, and would further reduce the outlook. The extension would also increase the overshadowing of the window, and while this would be limited to a short period in the morning, this window currently receives little sunlight and therefore, any additional loss would be particularly harmful. The window is close to the boundary but I do not consider that in this case it is unreasonable to limit alterations proposed by the appellants to take this into account. Although I accept that the room is not likely to be used much during daylight hours, early morning light can be an important feature of a bedroom particularly in an urban environment.

6. The windows in the side wall of No6 are obscure glazed and are unlikely to serve habitable rooms but even so there would be some loss of daylight and also some overshadowing of the rear of the house in late afternoon. I conclude the proposed extension would be detrimental to the living conditions of neighbours and would conflict with Policies QD14 and QD27 of the Brighton and Hove Local Plan.
7. No information has been submitted to indicate that construction waste would be minimised in accord with Policy SU13 and Supplementary Planning Document: Construction and Demolition Waste. However, in this case I am satisfied that a suitably worded condition could be imposed to ensure the objectives of the development plan are met.
8. Although I have concluded that, subject to condition, waste from the construction would be managed in a sustainable manner, I consider that on balance, my conclusion on the effect on the character and appearance of the existing property and street scene and the living conditions of neighbours are overwhelming reasons to dismiss this appeal. Accordingly, for the reasons given above I conclude that the appeal should be dismissed.

J M Trask

INSPECTOR



Appeal Decision

Site visit made on 10 December 2008

by **M F Aldous BA (Hons), Dip Mgt, MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
15 December 2008

Appeal Ref: APP/Q1445/A/08/2081031 53a New Church Road, Hove BN3 4BA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mrs P Stephen-Martin against Brighton & Hove City Council.
- The application Ref BH2008/01118, is dated 26 March 2008.
- The development proposed is three new detached houses and ancillary landscaping following demolition of the existing dwelling.

Decision

1. I dismiss the appeal.

Preliminary Matter

2. Although the Council is not the determining authority in this case, I have taken full account of the reasons for refusal upon which it has indicated that it would have been reliant, if that was not the case.

Main issues

3. I consider the main issues in this case to be:
 - i) The effect of the proposal on the character and appearance of the surrounding area;
 - ii) The effect of the proposal on the living conditions of the occupiers of adjoining properties, with particular regard to overlooking and loss of privacy; and
 - iii) Whether vehicular access arrangements are satisfactory and avoid the creation of highway and pedestrian safety.

Reasons

Character and Appearance

4. The appeal site occupies a backland location. It contains a single bungalow and which is accessed via a long, shared driveway from New Church Road. It is a primarily residential area, but with a very mixed pattern of housing. This includes streets of fairly uniform character and design such as is evident in Lawrence Road, grander and larger houses and blocks of flats along New Church Road and a mixture of properties occupying backland positions between these areas.

5. The location is a sustainable one, with a variety of shops, services and public transport connections available close to the appeal site. National planning policy guidance, as amplified in the local development plan, generally seeks to maximise the potential for the redevelopment of previously developed sites such as this within sustainable locations.
6. The appeal property is at the head of the access drive and faces directly across to another single storey dwelling at 53b. The proposal seeks to demolish the existing property and replace it with three 4 bedroom detached properties of distinctly contemporary design, with accommodation arranged on several floors.
7. As indicated above the area contains a wide variety of residential accommodation of varying height, mass and design. There is no consistent pattern or overriding theme within the backland area that requires adherence in my view.
8. The proposed design would differ from its surroundings, but that is not in itself a justifiable reason for resistance to the proposal. Indeed development plan policies encourage innovation in style and seek to avoid unnecessary replication or pastiche. The site is not visible from the public realm, but it is surrounded on all sides by other properties which have views of it.
9. The proposal would clearly raise the density of housing on the site and would create units that could accommodate family occupation. However, there are various other examples of high density accommodation adjacent to the site. Whilst amenity space would be limited there is no suggestion that it would be inadequate. A limited amount of car parking would be provided, and I return to this issue later.
10. Overall, purely in terms of character and appearance considerations, I formed the view given the specific circumstances of this discreet and well contained site, and the mixed pattern of housing within which it is located, that the development proposed would add to the diverse form of housing in the area. This could be achieved without detriment to the character and appearance of the area or the requirements of saved policies QD1 or QD2 of the Brighton & Hove Local Plan 2005 (local plan).

Impact on Living Conditions

11. Reference has been made to the close juxtaposition of existing dwellings in the vicinity of the appeal site. The site has a particularly close relationship with the bungalow at 53b New Church Road, 25 Richardson Road to the west and various houses immediately to the north within Lawrence Road, notably numbers 34 and 36.
12. In my view the proposed change from a single storey dwelling to three detached houses with accommodation arranged over three floors would have adverse consequences for the occupiers of all of these dwellings.
13. In the case of number 53b New Church Road the mutual bungalow to bungalow facing relationship would be starkly and harmfully amended. The front elevation of number 53b, which contains important habitable rooms such as the living room and principal bedroom together with its garden area, would be

directly overlooked by windows and a balcony area at upper levels, thereby introducing a distinct loss of privacy to the occupier of 53b.

14. With regard to 25 Richardson Road, I noted from my site visit to that property that it much of its garden suffers from overlooking from flats within Richardson Court. The only part free from this constraint is located to the rear of the property. This area would regrettably, be vulnerable to new overlooking and a degree of shadowing from the proposed houses, at close quarters, as they would contain windows and balconies at upper levels on their rear elevation.
15. The properties within Lawrence Road would be less affected in terms of overlooking because of the angled relationship between these houses and the appeal proposal. Indeed, I noted on my site visit that many of the existing houses in Lawrence Road benefit from rear terraces or balconies which themselves allow views over private areas to the south.
16. However, numbers 34 and 36 would be presented with a substantial blank side wall close to their mutual boundary with the appeal site instead of the modest side wall that currently exists. Given the small nature of the gardens to numbers 34 and 36 and the fact that the proposed buildings would be positioned directly to the south, which is the primary source of sunlight, particularly during winter months, I consider that the physical effect would be to cause unacceptable overshadowing and an overbearing impact on these properties.
17. I have taken full account of the close juxtaposition between properties in this backland area, and the fact that a degree of mutual overlooking is a natural component of urban life within such areas. However, this proposal would introduce considerable change, and in my considered view this change would be materially harmful to the living conditions of adjoining occupiers. As such the proposal is in conflict with saved policy QD27 of the local plan.

Highway and Pedestrian Safety

18. Access to the site is only available via the long driveway from New Church Road. This access is narrow and only allows for one vehicle to use the drive at any time. When this occurs, space for pedestrians to pass safely is very limited. At least three dwellings use the drive.
19. Larger delivery vehicles effectively block the drive when they need to access properties. Manoeuvring is difficult given limitations on space, with an indication within the application that cars on the appeal site would need the aid of a turntable so as to be able to enter and leave the site in a forward gear.
20. The proposal would clearly add to the existing pressures and vehicular movements by substituting three family dwellings for the existing bungalow. Whilst the Appellant points to the fact that each proposed dwelling would only be provided with one parking space, and by implication limited to one car, this could not be effectively controlled. The houses would contain four bedrooms and it is highly probable in my view that this could generate more than one car per household. There is no convenient or restriction free on street car parking available in the immediate area.

21. I consider that the proposed arrangement would exacerbate the likelihood of pedestrian / vehicular conflict, and add to existing tensions regarding access, given the physical limitations of the driveway. This is unsatisfactory and in this regard I share the view of several existing residents and the local Traffic Engineer.
22. There is no convincing evidence before me to indicate that the resultant car movement increase and the resultant potential threat to pedestrians could be effectively managed or alleviated. I consider the proposal to be contrary to the requirements of saved policy TR7 of the local plan.

Other Matters

23. The Council has also expressed concerns relating to housing accessibility, energy efficiency and lifetime homes standards. I consider these to be subsidiary worries that are capable of being resolved by the application of appropriate planning conditions.

Conclusions

24. Whilst this proposal would increase the density of housing on this backland site, I consider the proposal to be not inconsistent with adjoining schemes in this respect. Furthermore, the site occupies a sustainable location and the design of the dwellings would add to the diversity found in the area without detriment to character and appearance considerations.
25. However, I have found that the development proposed would have adverse and harmful consequences for the living conditions of adjoining residents in terms of overlooking and loss of privacy. Some properties would also be subjected to greater overshadowing and a degree of overbearance. In addition, the proposal would harmfully exacerbate vehicular / pedestrian conflict given the severe limitations imposed by access arrangements. In my view these are the decisive factors which indicate that the proposal is unacceptable and in conflict with the development plan.
26. For the reasons set out above, and having had full regard to all other matters raised, I therefore conclude that this appeal should not succeed.

Michael Aldous

INSPECTOR



Appeal Decision

Site visit made on 25 November 2008

by **Andrew M Phillipson** BSc CEng FICE
MIHT

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Decision date:
18 December 2008

Appeal Ref: APP/Q1445/A/08/2077344 **174 Portland Road, Hove BN3 5QN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Bill Packham against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00655, dated 31 January 2008, was refused by notice dated 28 April 2008.
- The development proposed is the conversion of the upper floors maisonette into one one-bedroom flat and one two-bedroom flat; a rear single-storey extension to provide a store for the ground floor shop and refuse and cycle stores for the flats above; insertion of rear rooflight; and extension to the rear dormer.

Decision

1. I allow the appeal, and grant planning permission for the conversion of the upper floors maisonette into one one-bedroom flat and one two-bedroom flat; a rear single-storey extension to provide a store for the ground floor shop and refuse and cycle stores for the flats above; insertion of rear rooflight; and extension to the rear dormer at 174 Portland Road, Hove in accordance with the terms of the application, Ref BH2008/00655, dated 31 January 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extensions 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.

Main Issues

2. The main issues are (i) the effect the development would have on the City's stock of smaller dwellings suitable for family accommodation and (ii) the effect the proposed extension to the rear dormer would have on the character of the property.

Reasons

3. The development plan for the area includes the Brighton and Hove Local Plan 2005. Policy HO9 deals with residential conversions and the retention of smaller dwellings. It aims, amongst other matters, to retain the City's stock of

smaller dwellings suitable for family accommodation and to that end contains a presumption against conversion of existing dwellings with an original floor area of less than 115m² into smaller units, unless the dwelling as originally built had more than three bedrooms.

4. The appeal premises comprise a shop, above which is a two-storey maisonette. It is common ground that the floor area of the maisonette is slightly less than 115m². It does not have more than three bedrooms. Accordingly, there is no dispute that the proposed subdivision of the maisonette into two flats would be in breach of Policy HO9 of the Brighton and Hove Local Plan.
5. Notwithstanding this, it seems to me that there are, in this case, material considerations which together indicate a decision otherwise than in accordance with the development plan on this point. These are:
 - (a) **The suitability of the present maisonette for families.** It is common ground that the purpose of policy HO9 is to retain a stock of smaller dwellings in the City suitable for families. This is clear from the text of paragraph 4.55 of the Local Plan and indeed from the Council's reason for refusal of the application now subject to the appeal. This raises the question as to whether the present maisonette is indeed suitable as family accommodation. In this regard it is, without doubt, large enough. It is now entirely separate from the shop below, however, and appears to have been so for many years. Accordingly, there is no access between the maisonette and the courtyard/garden area to the rear of the shop; indeed the only access to the maisonette is from a busy shopping street, via a steep staircase with no storage space available at ground floor level for bicycles, prams and the like (or indeed refuse). Also, whilst the maisonette does have a small roof terrace, this is at second floor level. It is not, in my opinion, an area that is suitable for children to play on. There are furthermore no obvious nearby parks or other areas of public open space suitable for children to play in. Given these collective shortcomings, it seems to me very unlikely that the present maisonette would be occupied by a family. I therefore conclude that the conversion proposed would not undermine the policy aim of retaining small dwellings in the City suitable for family use.
 - (b) **The nature of the residential accommodation that would be created.** The proposed alterations would provide one one-bedroom flat and one two-bedroom flat. Access to both would remain via a stairway and the suitability of either unit for family occupation would, in my opinion, remain questionable for many of the same reasons as those outlined above with regard to the present maisonette. Both flats would nonetheless have outside terraces and, importantly, secure storage for cycles and refuse would be provided at ground level. Whilst some of the rooms would not be large, they would, in my opinion, provide suitable accommodation for smaller households in the City, the proportion of which I note is expected to sharply rise in the Plan period (Brighton and Hove Local Plan, paragraph 4.16).
6. Turning to the dormer extension, the proposal is to enlarge the present rear dormer, bringing it to the edge of the roof and the back of the roof terrace. As the Council note, this would disrupt the original roof form and in many circumstances I agree such an alteration would be undesirable. In this case,

however, the dormer in question is so positioned that the alterations would be barely visible from any public vantage point. Any impact on the character and appearance of the terrace would be minimal and, provided that suitable materials are used to build it (which could be secured by condition), I am satisfied that the alterations would not be such as to bring the proposal into conflict with the development plan. My conclusions on this matter are reinforced by the Council's lack of any objection in this regard to a similar dormer alteration proposed in 2007 as part of an alternative scheme to that now the subject of the appeal.

Conclusion

7. In conclusion, I find no reason to refuse planning permission for the proposed dormer alterations. I further conclude that, notwithstanding the policy presumption against the loss of the City's smaller dwellings, the material considerations in this case are such as to indicate a decision other than in accordance with the development plan. I have therefore allowed the appeal.
8. The conditions attached follow those recommended, without prejudice, by the Council.

Andrew M Phillipson

Inspector



Appeal Decision

Site visit made on 17 December 2008

by **J M Trask BSc (Hons) CEng MICE**

an Inspector appointed by the Secretary of State
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Decision date:
23 December 2008

Appeal Ref: APP/Q1445/A/08/2082257

251 Hangleton Road, Hove BN3 7LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Brian Boon against the decision of Brighton & Hove City Council.
- The application Ref BH2008/01197, dated 31 March 2008, was refused by notice dated 10 June 2008.
- The development proposed is a room in the roof with rear dormer and side half gable.

Decision

1. I allow the appeal, and grant planning permission for a room in the roof with rear dormer and side part gable at 251 Hangleton Road, Hove BN3 7LR in accordance with the terms of the application, Ref BH2008/01197, dated 31 March 2008, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. While the proposal is described as including a side half gable, the gable element would not extend to half height and I therefore consider part gable would be a better description.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the pair of semi-detached houses and the street scene.

Reasons

4. The appeal property is one of a pair of semi-detached houses that currently both have hipped roofs. The proposed roof extension would extend the ridge and raise the side eaves of the house but the hipped element would remain dominant retaining the basic shape of the roof. While the symmetry of the pair of houses would be altered to some extent there are other houses nearby that have substantial roof extensions and this, together with the variety of dwellings

in the area, has created an irregular character and appearance in the locality that in my view could accommodate the proposal without serious harm.

5. The appellant has referred to other roof extensions in the area including that at 9 Victoria Avenue which was allowed on appeal. The Council has advised that those extensions nearby may have been carried out under permitted development rights, and while I have taken the appeal decision into account, the surroundings of that site differ from this one. In any event the appeal decision is consistent with my conclusion in this case which I have assessed on its own merits.
6. The Council has suggested a condition requiring the external finishes of the proposed development to match those of the existing house and in the interests of the appearance of the area I shall impose such a condition. However, I do not consider a waste minimisation statement is necessary given the limited size of the scheme.
7. I therefore consider that, subject to condition, the proposal would not conflict with the objectives of the development plan, particularly Policies QD1 and QD14 of the Brighton and Hove Local Plan and would not significantly conflict with supplementary planning guidance. For the reasons given above I conclude that the appeal should be allowed.

J M Trask

INSPECTOR



Appeal Decision

Site visit made on 25 November 2008

by **J O Head** BSc(Econ) DipTP MRTPI

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Decision date:
16 December 2008

Appeal Ref: APP/Q1445/A/08/2084529

Pavement (Highways Verge) at the junction of Clifton Hill & Dyke Road, Brighton, East Sussex BN1 3HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Orange PCS against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04062, dated 29 October 2007, was refused by notice dated 4 March 2008.
- The development proposed is a 10m telecoms replica telegraph pole with associated cabinet.

Decision

1. **I dismiss the appeal.**

Main issue

2. The proposal involves a replica telegraph pole, an equipment cabinet and an electrical feeder pillar. They would be sited adjacent to the wall fronting the former Royal Alexandra Hospital for Sick Children, within the Montpelier & Clifton Hill Conservation Area. The need for the installation arises from the removal of a base station on the Royal Alexandra Hospital building (in connection with the sale of the site by the Health Authority), resulting in a reduced level of 2G coverage in the locality. The Council does not dispute that there is a need for the installation and I am satisfied, from the information submitted, that a need has been demonstrated.
3. The main issue is the impact of the proposed installation on the street scene and on the character and appearance of the conservation area, and whether any harm caused would be outweighed by the need for the installation.

Reasons

4. The former hospital building occupies a prominent hilltop site at the apex of the junction of Clifton Hill and Dyke Road. The Character Statement for the conservation area describes it as "an important part of Brighton life and a well-known local landmark" and draws attention to the garden space that it provides at the junction with Clifton Hill, which contributes to the character of this part of the conservation area. The hospital site is bounded by a curved wall some 1.6m high, with a fence above, separating it from the wide semi-circular

pavement at the road junction. This pavement area already accommodates a small street tree some 9m high and a 10m high lamp post. Adjacent to the wall are a street name sign and 2 equipment cabinets. These already create some visual clutter and detract to some extent from the setting of the hospital building in the street scene when seen from viewpoints within and outside the conservation area.

5. The proposed replica telegraph pole would be higher than the tree. Although of similar height to the lamp post, it would be of greater diameter and of uniform width, in contrast to the lamp post which tapers to a slender column. In my judgment, the proposed pole would be a much more noticeable addition to the street scene. Because of its exposed location, I consider that it would be readily evident to passers by that the proposed mast was not a "genuine" telegraph pole. It would appear as an incongruous and poorly designed addition to the street scene, detracting from the important view into the conservation area from the south and east and harming the setting of the landmark hospital building. That harm would be increased by the tall equipment cabinet and the feeder pillar, which would add to the clutter of items of street furniture adjacent to the wall.
6. Policy QD23 of the Brighton & Hove Local Plan 2005 sets out a number of criteria to be met if proposals for telecommunications equipment are to be permitted. As well as there being no serious adverse effects on the character or appearance of the area, there must be a demonstration that existing masts, buildings or structures cannot reasonably be used. The appellant has indicated that the original cell served from the Royal Alexandra Hospital is to be split into two, with part being served from a new installation at St Michael and All Angels Church. The appeal proposal is intended to serve the remainder of the former cell. Details have been provided of other nearby sites that have been considered. However, little information has been provided. In particular, there is no information on the attempts that have been made to obtain a response from the owner of the flats at the corner of Buckingham Road, which would appear to be outside the conservation area and therefore not subject to the same restrictive policies as the other sites. The potential to erect a 10m lamp post design column has been identified at the corner of Dyke Road and Clifton Road, to the north of the appeal site but, other than a comment that this would not achieve as much improvement in coverage as the appeal proposal, no details are given of why this site would be unsuitable. The tall modern flats in this location would minimise the visual impact of a new mast. There is also no information on whether the possibility of a rooftop installation here has been explored.
7. I am not convinced, therefore, that it has been properly demonstrated that no opportunities exist in the locality for a more sympathetic siting of the proposed equipment that would allow adequate coverage of the required area to be achieved. Moreover, I note from the letter submitted by the appellant that the removal of the original installation was required in order to facilitate the sale of the site. If the hospital building is retained in any redevelopment scheme it may be possible to reinstate the installation there, or to incorporate an alternative installation inconspicuously elsewhere within the former hospital grounds.

8. Local Plan Policy HE6 reiterates the statutory duty that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. Planning Policy Guidance Note (PPG) 8 *Telecommunications* explains the high priority to be given to protecting areas of high urban quality (such as conservation areas). Paragraph 74 of PPG 8 notes that, in conservation areas, siting and design concerns may centre particularly on the type of mast and its impact. In the case of the appeal proposal, I consider that both the somewhat crude replica telegraph pole design and the prominent siting of the equipment would cause serious harm to the street scene in Dyke Road and Clifton Hill and to the setting of the Royal Alexandra Hospital. The proposal would, therefore, fail to preserve the character or appearance of the conservation area, as required by Policy HE6. For the same reason, and because alternative sites appear not to have been sufficiently explored, there would be conflict with Local Plan Policies QD23 and QD24 and the proposal would not meet the requirements for an exception to Policy QD24.
9. If the appeal were to be allowed, the visual harm from the proposal could continue permanently or at least for a lengthy period of time. I accept that it may take some time to find an alternative site that would have a less harmful environmental impact than the appeal proposal, and that it is possible that the level of improvement may not be as great as would result from the proposed installation. Whilst the need for the installation is not disputed, the present reduced coverage affects a relatively small part of a mainly residential area of Brighton. I consider that the significant harm that the appeal proposal would cause to the street scene and to this prominent part of the conservation area would not be outweighed by the technical need that has been identified for the installation or by the benefits of the earlier improvement in coverage that the implementation of the proposal would allow.
10. Several representations submitted with respect to the planning application raise health concerns. Local Plan Policy QD27 aims to protect amenity, including health, and PPG 8 recognises that health considerations and public concern about them can in principle be material considerations in determining planning applications. However, it is the Government's view that the planning system is not the place for determining health safeguards. It is also the Government's opinion that "if a proposed mobile phone base station meets the International Commission on Non Ionizing Radiation Protection (ICNIRP) guidelines for public exposure it should not be necessary for a local planning authority.... to consider further the health aspects or concerns about them".
11. The appellant has submitted a certificate of full compliance with the ICNIRP guidelines for this appeal proposal. Whilst I appreciate that the perception of a health risk could affect local residents' feelings about their living conditions, there is no evidence before me to indicate that the proposal would have any actual harmful effects on health. Health concerns do not, therefore, provide a sufficiently strong basis to outweigh the available technical advice and current Government policy, and public concern about the health risks arising from the installation of the proposed equipment is not a justifiable reason for dismissing this appeal. However, the prominence of the installation, which I have considered above, would inevitably draw attention to it and would do little to

alleviate the fears that have been expressed, however unfounded they may be in the light of the technical evidence that has been submitted.

John Head

INSPECTOR



Appeal Decision

Site visit made on 25 November 2008

by **Andrew M Phillipson** BSc CEng FICE
MIHT

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Decision date:
17 December 2008

Appeal Ref: APP/Q1445/A/08/2077677

Kiosk adjacent to Browns Bar and Restaurant, 33 Ship Street, Brighton BN1 1AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mitchells and Butlers Retail Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03452, dated 17 September 2007, was refused by notice dated 19 December 2007.
- The development proposed is the extension of Browns Bar and Restaurant into the retail kiosk at 33 Ship Street.

Decision

1. I dismiss the appeal.

Main Issue

2. The site is located within the defined prime frontage of Brighton's regional shopping centre. The sole matter at issue is the effect the proposed change of use would have on the character and vitality of the centre.

Reasons

3. Policy SR4 in the Brighton and Hove Local Plan and the text accompanying it sets out the Council's policy governing changes of use within the prime frontages of the regional shopping centre. Paragraph 6.21 of the plan notes that the Council "*considers it particularly important to maintain at least 75% Class A1 uses*" in these frontages. This is reflected in the policy itself which states, amongst other matters, that changes of use from Class A1 shops to Class A2, A3, A4 or A5 uses will only be permitted where the change would not result in either the number of non-retail units or the proportion of frontages exceeding 25% of the shopping street(s) to which it relates.
4. The premises in question comprise a small retail unit in Ship Street, on one side of which is a section of Browns Bar and Restaurant. The proposal is to incorporate the unit in the bar/restaurant.
5. As to the effect of the proposal, the Council calculate (and the appellant company does not dispute) that the proportion of Class A1 use units in the Ship Street/Duke Street frontage is currently 57%. As such, it is already well below the minimum proportion required by the policy. If the change of use were permitted, the percentage would fall to 54%. It is accordingly not in dispute

that the change of use proposed would conflict with Policy SR4 of the Brighton and Hove Local Plan.

6. As to the effect of this on the shopping centre, the unit in question is currently vacant and it is my understanding that this has been the case for several years. There is no evidence to suggest that the failure to find an occupier for the unit is due to a fundamental lack of demand for retail premises in the area, however, or to some inherent defect in the unit itself that would make it unsuitable for Class A1 use. Rather, its ongoing vacancy is attributed to an unwillingness on the part of the landlord to agree terms that would allow the appellant company to sub-let it, coupled with a lack of desire on the part of the appellant company to themselves use the unit for Class A1 purposes.
7. This is plainly regrettable, and I accept that in its current state the unit does nothing to enhance the character or vitality of the street or the shopping area. That this is the case is reflected in the petitions that were submitted in support of the application and the appeal. I am conscious, however, that circumstances and attitudes can change, as indeed can landlords and tenants. Permitting the change of use sought would fly in the face of the development plan policy governing proposed changes of use in Brighton's regional shopping centre, and this is a matter that should not be set aside lightly. I accordingly take the view that, on balance, the appeal should be dismissed.

Andrew M Phillipson

Inspector



Appeal Decision

Site visit made on 23 December 2008

by **S J Emerson BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
2 January 2009

Appeal Ref: APP/Q1445/A/08/2081980

The Heart and Hand, 75 North Road, Brighton BN1 1YD.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Iain Exley against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04583, dated 17 December 2007 was refused by notice dated 11 February 2008.
- The development proposed is 3 heat lamps on the North Road elevation.

Procedural matter

1. The heat lamps the subject of this appeal were erected prior to the application being submitted. The application is therefore retrospective and I have considered it as one made under Section 73(A) of the Act.

Decision

2. I allow the appeal, and grant planning permission for 3 heat lamps on the North Road elevation at The Heart and Hand, 75 North Road, Brighton in accordance with the terms of the application, Ref BH2007/04583, dated 17 December 2007, and the plans submitted with it.

Main issues

3. The main issues are:
 - (a) The effect on the character and appearance of the North Laine Conservation Area.
 - (b) Whether the proposal would represent a wasteful or inefficient use of energy.

Reasons

4. The Heart and Hand is a small Public House occupying a corner site within the densely built-up North Lanes. The surrounding streets are predominantly Victorian terraces. Some streets have a mix of specialist shops, cafes and bars and others are mainly residential. My impression is that the area has a lively, bustling character at most times of the day. I have not been provided with any detailed appraisal of what makes this conservation area special. I consider that its special qualities are primarily derived from its Victorian buildings (which vary in scale and design), combined with its mixed use character and individualistic touches to many buildings, such as bold colour schemes.

5. The ground floor facades of the appeal building are clad in green glazed tiles. There is an awning to the North Road elevation, a black carriage lamp on the corner of the building and several small signs fixed to the wall. The 3 heat lamps are just underneath the awning's fixings. The lamps look like large flood lights and have matt black surrounds. The awning largely hides the lamps from views along the street. This is the case even when the awning is closed as it has a fringe which hangs down partly over the lamps. When visible, I consider that the lamps are unremarkable, small scale features on the building's facade which make little difference to its appearance or character, partly because the awning has a much greater visual impact. As highlighted by the appellant, I saw similar heat lamps attached to several other buildings nearby, one of these buildings has permission for the lamps, the others do not.
6. In the context of the varied character of the conservations area and the inconsequential effect of the lamps on the appearance of the host building, I consider that the appeal proposal would not harm the character or appearance of the conservations area. Its special qualities would be preserved. There is no conflict with policy HE6 of the Brighton and Hove Local Plan 2005 to protect conservation areas.
7. The Council considers that the lamps represent an inefficient, unsustainable and wasteful use of limited energy resources, that their use is unnecessary and that there is conflict with policy SU2 of the local plan. The thrust of this policy is to ensure that all developments achieve a high standard of energy efficiency. The policy provides no indication that a judgment should be made about what the energy is being used for, only that it should be used efficiently. The appellant states that the selected lamps are the most energy efficient means of creating heat for people outside. The Council accepts this assertion. In my view, this is an important concession and makes the development comply with aim of policy SU2 since there is no more efficient way of achieving the intended objective of this development.
8. Outside heating is much less efficient than warming an enclosed and insulated space, but that is not a particularly helpful comparison in this case when the objective is specifically to provide some warmth to those who are outside, which in many cases will be smokers. Given the indisputable adverse health effects that arise from smoking, I do not give weight directly to making it more comfortable for people to smoke outside. But I do give some weight to the need for a business such as this to attract and retain customers and to the role of pubic houses for many people as a social venue. The appellant indicates that the use of the lamps is controlled by a time switch. Given the costs of energy, it is clearly in the appellant's interest to minimise their use.
9. On balance I consider that the proposal does not represent an inappropriately wasteful or inefficient use of energy.
10. No conditions have been suggested by the Council if I were to allow the appeal and I consider that none are necessary.

Simon Emerson

INSPECTOR



Appeal Decisions

Site visit made on 4 November 2008

by **Simon Hill MRTPI**

**an Inspector appointed by the Secretary of State
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**Decision date:
12 December 2008**

Appeal A Ref: APP/Q1445/A/08/2078235

Land adjoining 2 Croft Road, Brighton BN1 5JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Total Vegetation Management Ltd against the decision of the Brighton and Hove City Council.
- The application Ref BH2007/03965, dated 18 October 2007, was refused by notice dated 17 December 2007.
- The development proposed is the erection of a 2 storey house.

Appeal B Ref: APP/Q1445/A/08/2078227

2 Croft Road, Brighton BN1 5JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by G.Vallier against the decision of the Brighton and Hove City Council.
- The application Ref BH2007/03950, dated 15 October 2007, was refused by notice dated 17 December 2007.
- The development proposed is described as: 'Demolish ground floor conservatory. Build ground floor rear extension with terrace over. Build first floor front extension with terrace. New pitched roofs. New elevated parking space.'

Preliminary matters

1. Both appeals are considered in one decision letter because of the overlap of some considerations, but a decision is made on each appeal in its own right. Although the applications are made in different names and on different dates, both site plans show the full extent of the existing garden of 2 Croft Road divided into the two proposed curtilages as being in the same ownership.
2. In relation to Appeal B, the proposed alterations and extension to the dwelling are physically independent of the proposed parking space and would only be functionally linked in the event of Appeal A being allowed. As Appeal A is dismissed a split decision on Appeal B can be issued.

Decisions

3. I dismiss Appeal A. I dismiss Appeal B insofar as it relates to the elevated parking space and otherwise allow it and grant planning permission for the demolition of the ground floor conservatory and building of a ground floor rear extension with terrace over, a first floor front extension with terrace and new pitched roofs at 2 Croft Road, Brighton, BN1 5JJ, in accordance with application Ref BH2007/03950, dated 15 October 2007, and drawing nos. TA 269/10-14

inclusive insofar as they relate to the development hereby permitted, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building 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.
- 3) No development shall take place, including any works of demolition, until a Waste Minimisation Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for the management of construction waste that reduces the amount to be sent to landfill. The approved Statement shall be adhered to throughout the construction period.

Main issues

4. In relation to both appeals the effect on the character and appearance of the building and the area is a main issue. In relation to Appeal A the effect on living conditions of the occupants of 2A Croft Road and of the future occupants of the proposed new dwelling is also a main issue.

Reasons

Character and appearance of the existing building and of the area

Appeal A

5. The proposed dwelling would be on land that slopes steeply down away from the road and be positioned behind and at a lower level than 2 Croft Road. It would be relatively small and have its front elevation partly sunk into the ground. However, because of the shape of the appeal site and the angle and level at which no.2 is set, it would be glimpsed from the pavement when looking down between no.2 and the existing garage to be retained. In the foreground of that view would also be the proposed steps and walkway, the angled unspecified boundary treatment between the two plots and the elevated parking space in front of no.2¹. The combination of these features in close proximity to each other viewed from the pavement (which the artist's impression from a viewpoint above the garage does not fully show) would give a jumbled and cramped impression. This is notwithstanding potential landscaping and the acceptable design of the dwelling itself.
6. The appellant company refers to examples of backland development that have been permitted elsewhere in the City. From the information available these appear to be set further back from the road and more fully behind the original frontage dwelling than the current proposal. The appeal decision cited refers to

• _____
¹ The part of the proposal subject of Appeal B that would be necessary if no.2 were to have its own off street parking in the event of Appeal A being allowed.

that development not significantly affecting the street scene. The position of the proposed dwelling, being set only just behind and partly to the side of no.2, would be seen as a discordant backland development within an area where the prevailing layout is of dwellings facing the road with their own frontages wider than the dwellings.

7. The Appeal A proposal would thus harm the character and appearance of the area, including the setting of no.2. It therefore conflicts with policies QD1 and QD2 of the Brighton and Hove Local Plan (LP) which require development to make a positive contribution to the quality of the environment.

Appeal B

8. The proposed alterations and extension to the existing house are not in dispute and, subject to the appropriate choice of materials (condition 2 refers), would result in a significant overall improvement to its character and appearance.
9. The proposed elevated parking space, projecting from the road over the steep bank down to the dwelling would appear ungainly and obtrusive seen both from the road and from the stepped approach to the house. The harm to the setting of the dwelling and to the character and appearance of the area might be outweighed by the benefit of an additional dwelling if Appeal A were allowed. Otherwise there is insufficient justification for that part of the proposal to outweigh the harm that it would cause to the character and appearance of the area and the setting of no.2.
10. The part of Appeal B proposal that relates to the alterations and extension to the dwelling of no.2 would thus accord, and the elevated parking space conflict, with the requirement of LP policies QD1 and QD2 identified above.

Living conditions

Appeal A

Occupants of no.2A

11. The walkway and front door of the proposed dwelling would be about 10m from the nearest edge of the raised terrace at the back of no.2A and about 16m from the patio doors that face on to it. The south west facing window of the living/dining room of the proposed dwelling would be about 4m from the boundary with no.2A. It would directly face the garden area close to the house and would be about 8m from its terrace and around 13m from the patio doors. At these distances unobstructed overlooking, even where at an angle, and noise disturbance incidental to a front entrance would be unduly intrusive of privacy of the private amenity area of no.2A.
12. Some tall mature vegetation near the boundary within the appeal site is insufficient to provide a comprehensive boundary screen on its own. Screening is also provided by tall vegetation within the garden of no.2A. However its occupants cannot be expected to devote the space and effort needed to maintain a tall screen of vegetation in order to prevent undue harm to their privacy resulting from an adjacent development. In any event, even if a landscape screen had been specified within the appeal site, vegetation which is

potentially impermanent cannot be relied upon to prevent unacceptable effects caused by such proximity of permanent development.

13. Because of the significant differences in levels, I had difficulty at my visit assessing, without the benefit of a ground survey and relevant scaled vertical sections, whether a 2m high boundary fence would prevent overlooking from either the walkway or the window. I was not therefore satisfied that undue intrusion of the privacy of the occupants of no.2A could be prevented by standard boundary treatment and none other is specified. Although there is suggestion of relocating the walkway, no such proposal is before me. Even if the window were obscure glazed, it would by its presence give an impression of intrusion. That would accentuate the overbearing effect of sight of the proposal situated close to the boundary and well to the back of no.2A, which would be a feature uncharacteristic of the area. The Appeal A proposal would thus cause undue harm to the living conditions of the occupants of no.2A. It therefore conflicts with LP policy QD27, which requires development not to harm the amenity of occupiers of the adjacent property.

Future occupants of the proposed dwelling

14. As it now exists the south elevation of no.2 has two first floor bedroom windows and a balcony about 10-13m away from the front lounge and bedroom window of the proposed dwelling. It would be possible to look down into those rooms which, at those distances, would be unacceptably intrusive of the privacy of the future occupants of the proposed dwelling. If the alterations were implemented, the bedroom windows would be blocked up and a bathroom window inserted, which could be obscure glazed, thereby reducing the overlooking of the proposed dwelling from the first floor of no.2. However, the existing balcony would remain and a new terrace introduced projecting from the east elevation, the southern railing of which would be about 10m away from the windows of the proposed dwelling. Although the line of sight would be at a horizontal angle, the windows in the proposed dwelling are large and I judge that it would be possible to see into a significant amount of the rooms. From the terrace it would also be possible to see into the smaller kitchen window about 14m away, which would also be intrusive. Although that is a secondary window obscure glazing has not been suggested.
15. Whether altered or not, the ground floor of the south elevation of no.2 has/would have windows and patio doors opening from the lounge and dining room onto a patio/terrace set significantly above the ambient ground level in front of the proposed dwelling. As far as I could judge on site without the aid of a ground survey and relevant vertical scaled sections, that would allow overlooking into the lounge of the proposed dwelling over the top of a 2m high boundary treatment which appears to be indicated on drawing no. TA 269/13. That overlooking would be at a distance of about 9-13m. The sunken position of the front bedroom window of the proposed dwelling probably means that sight into it from the ground floor of no.2 would be blocked by boundary treatment and/or the retaining wall, but I am not certain. Thus on the evidence available I conclude there would be potential for overlooking at close quarters into the lounge window, and possibly the bedroom, of the proposed dwelling which would be unduly intrusive of the privacy of future occupants.

16. Each of the opportunities for overlooking that are identified above would be unduly intrusive of the privacy of the future occupants of the proposed dwelling. In combination they would result in an overall poor standard of privacy well below that which prevails even at the front of dwellings, particularly in a relatively low density suburban area such as Croft Road. The Appeal B proposal thus conflicts with LP policy QD27, the requirements of which are referred to above.

Other matters

17. The absence of details of how construction waste would be reduced to a practical minimum formed one of the reasons for refusal in relation to Appeal B and the appellant has indicated his willingness to accept a relevant condition. Condition 3 is thus necessary to ensure compliance with LP policy SU13, which requires the minimisation and reuse of construction waste.

18. The Council refers to the lack of outdoor amenity space available to the future occupants of no.2 and of the proposed dwelling. However both dwellings would have adequate sitting out areas for those not wanting a large garden and the Council does not refer to any minimum standards of which they fall short. In addition, as seen from my visit and from plans, there are a number of apparently relatively recent dwellings nearby that have equally small useable areas of amenity space. I therefore give little weight to the Council's concern on this matter.

Conclusion

19. For the reasons given above and having regard to all other matters raised, I conclude that the Appeal A should be dismissed and Appeal B dismissed in relation to the elevated parking space and otherwise allowed and permission granted subject to conditions.

Simon Hill

INSPECTOR



Appeal Decision

Site visit made on 25 November 2008

by **Andrew M Phillipson BSc CEng FICE MIHT**

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Decision date:
17 December 2008

Appeal Ref: APP/Q1445/A/08/2080049

114 Hythe Road, Brighton BN1 6JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Lindsay Shakoori against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00500, dated 6 February 2008, was refused by notice dated 6 June 2008.
- The development proposed is the conversion of a four-storey dwelling into two maisonettes.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The application is retrospective inasmuch as the premises have already been converted to two flats. The layout of these flats differs from that shown on the application plan, however, insofar as (i) the two bedrooms shown on the lower ground floor are currently used as a dining room (integral with the kitchen) and a living room; (ii) the lounge and dining room shown on the first floor are both used as bedrooms; and (iii) the living/dining room shown on the first floor comprises a living room and a separate bedroom. In determining the appeal I have assumed that, if planning permission is granted, the internal layout of the two flats would be altered to match that shown on the submitted plan.

Main Issue

3. The main issue is the effect the conversion would have on the City's stock of smaller dwellings suitable for family accommodation.

Reasons

4. The development plan for the area includes the Brighton and Hove Local Plan 2005. Policy HO9 deals with residential conversions. It aims, amongst other matters, to retain the City's stock of smaller dwellings suitable for family accommodation. To that end, it sets out a presumption against conversion of existing dwellings with an original floor area of less than 115m² into smaller units, unless the dwelling as originally built had more than three bedrooms.
5. There is no dispute that the house as originally built (i) had a floor area of less than 115m² and (ii) was suitable for family accommodation. Whether it had more than three bedrooms is in contention, and the appellant provided sales

particulars for the property describing four of the rooms within it as bedrooms. These particulars were prepared by a local estate agent, however, and as such are not definitive in this matter. The tally of four bedrooms is, moreover, only arrived at by describing the two rooms on the ground floor as "bedrooms" as well as those on the first floor. The "garden floor" (i.e. the lower ground floor) is described as having a "lounge" and an "open plan kitchen/diner".

6. Whilst, plainly, it would have been possible to have used the house in this way, it seems to me very unlikely that the intention when the house was built would have been to use both principal rooms on the ground floor as bedrooms. In my experience one at least of these rooms would in all probability have been used as a living room. If the other – or the front room on the lower ground floor – were used as a bedroom, the property would have had three bedrooms. My conclusions on this matter are reinforced by the plan produced on behalf of the appellant and submitted in 2007 to support her application for a lawful development certificate for the rear dormer. This shows three bedrooms in the property; one at the rear on the ground floor, and two on the first floor.
7. I therefore conclude that the sub-division proposed would conflict with policy HO9 of the Brighton and Hove Local Plan, criterion (a).
8. I move now to consider whether in this case there are material considerations that would indicate a decision otherwise than in accordance with the development plan.
9. In this regard, I accept that the floor area of the original property was close to 115m², and that, following the recent loft conversion, it now exceeds that figure. I accept also that converting the loft provided an additional bedroom. Had the house originally been built with a second floor bedroom, its conversion into two maisonettes would not have conflicted with criterion (a) of policy HO9. However, the policy is clear insofar as it only permits conversions where "*the original floor area is greater than 115m²*" or the dwelling had "*more than 3 bedrooms as originally built*" (my emphasis). Accordingly, the recent loft conversion does not overcome the policy conflict.
10. I accept also that the conversion proposed would provide a lower unit with two bedrooms and access to the garden. As such, I agree that it could provide suitable accommodation for a small family. Again, however, the policy is clear in that the requirement to provide at least one unit of accommodation suitable for family occupation (criterion (b)) is a requirement which conversion proposals normally have to meet; it does not remove the need to comply with criterion (a). Accordingly, this too does not overcome the policy conflict that I have found.
11. I accept finally that other properties in the road similar to the appeal premises have been sub-divided in the past. However, the evidence is that these were completed before the current policy in the Brighton and Hove Local Plan was adopted. As such, they do not constitute a precedent of significant weight in favour of allowing the appeal.
12. None of the other examples cited of conversions which have been permitted elsewhere in the City, apparently in conflict with Policy HO9 of the Local Plan, are to my mind directly comparable to the circumstances of the appeal proposal.

13. In conclusion, I find the proposal clearly contrary to Policy HO9 of the Brighton and Hove Local Plan. I further take the view that the various matters raised in favour of allowing the appeal do not individually or collectively constitute material considerations that would indicate a decision otherwise than in accordance with the development plan. I have therefore dismissed the appeal.

Andrew M Phillipson

Inspector



Appeal Decision

Site visit made on 10 December 2008

by **M F Aldous BA (Hons), Dip Mgt, MRTPI**

an Inspector appointed by the Secretary of State
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Decision date:
12 January 2009

Appeal Ref: APP/Q1445/A/08/2080396 27 Rugby Place, Brighton BN2 5JB.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Amani Abbas against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04464, dated 29 November 2007, was refused by notice dated 2 April 2008.
- The development proposed is the conversion of an existing 3 storey, 3 bed maisonette into one x 1 bed apartment and one x 2 bed maisonette.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is whether the proposal is consistent with adopted development plan policy regarding the retention of small family dwellings.

Reasons

3. The appeal property is located within a long terrace of similar Victorian houses within Rugby Place. Originally built as family homes, many have subsequently been converted to form flats. The appeal property includes a self contained basement flat that is not the subject of this appeal. Effectively, the proposal relates to the conversion of internal accommodation at the upper levels to form the two units proposed.
4. There is a considerable planning history relating the property which I have noted. Essentially, this demonstrates a determination by the Council to secure the retention of a family unit at the property. The separation of the basement flat was permitted because, in the view of the Council, the upper level maisonette was still capable of providing for a family unit of accommodation. Having viewed the property, I concur with this view.
5. I am required to determine this appeal in accordance with the terms of the adopted development plan, unless other material planning considerations indicate that an alternative judgement can be made. I have also noted the various other planning appeal decisions drawn to my attention. I place particular weight on the decision made under APP/Q1445/A/06/2016950 because this related to a similar proposal in the same road and importantly, the decision was made after the Brighton & Hove Local Plan of 2005 (local plan) was adopted.

6. Saved policy HO9 of the local plan sets out specific criteria for the conversion of houses and the retention of smaller dwellings. Criterion a) requires that the original unextended floor area be over 115 sq metres or that it has more than 3 bedrooms as originally built. The proposal before me fails to meet this requirement by some margin.
7. Criterion b) requires that one family unit be retained under conversion proposals. In this case the upper maisonette would have two bedrooms arranged over two floors together with a living room / kitchenette. I consider this to be at the margin of what might constitute a family unit, although general limitations on space, stair access and no direct access to any outside amenity space are recorded.
8. The policy also includes a range of other criteria, which I consider to be either satisfied or capable of being met. This includes the provision of secure cycle storage, which although not a feature of the proposal, can I consider be achieved by the imposition of an appropriate planning condition.
9. However, the proposal remains in clear conflict with criterion a) of policy HO9. In my view no compelling justification for the subdivision proposed as an exception to this requirement has been made. The policy is clearly designed to retain a stock of small family houses, no doubt to meet part of the identified housing demand for accommodation of this kind within the city area.
10. The property has already been split to provide the basement flat, thereby responding to the need for small non family units. The proposal before me, which seeks further subdivision, would not adhere to the need to retain the type of family accommodation sought by the Council. In this regard I support the findings made by my colleague under the decision cited in paragraph 5 above. Other decisions drawn to my attention were in different locations and were taken before policy HO9 was fully adopted as part of the extant development plan.
11. The conflict between this proposal and policy HO9 would damage the Council's objectives of retaining genuine small family housing units. As such I deem it to be harmful and to justify resistance in these terms.
12. The Council's reasons for refusal also draw attention to the fact that the proposal fails to make provision for a financial contribution towards its sustainable transport strategy, given the inability of the site to make provision for car parking. It is not in dispute that the site lacks the ability to provide for car parking within an area which, as I observed on my site visit, is under considerable pressure of this kind.
13. However, there is no substantive evidence before me to demonstrate that the proposal is likely to generate any additional demands for parking than would be the case under the current arrangement within the building. If there were to any additional pressure of this kind it would be marginal in my view.
14. Furthermore, it has not been adequately explained how a financial contribution of this kind would be used to meet any extra demand for travel generated by the proposal or how this provision might reduce the demand for private motor car use within the city. Taking these findings into account I am not convinced

that the proposal would harmfully conflict with the requirements of saved policies HO9, TR1 or TR19 in this respect.

Conclusions

15. I have not identified any reason for resistance to this proposal with regard to cycle storage or harm to the Council's strategy for sustainable transport. However, the proposal is in direct conflict with the Council's clear policy of seeking to retain genuine family units of housing accommodation. The property has already been subdivided so that it provides for a small flat and a larger maisonette capable of responding to family needs. In my view this is the decisive factor which leads me to conclude that this proposal is not consistent with the adopted development plan.
16. For the reasons set out above, and having had full regard to all other matters raised, I therefore conclude that this appeal should not succeed.

Michael Aldous

INSPECTOR



Appeal Decision

Hearing held on 4 December 2008

Site visit made on 4 December 2008

by **Wm C Cunningham BSc(Hons) MA**
MCP MRTPI

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Decision date:
12 December 2008

Appeal Ref: APP/Q1445/A/08/2074267

87 Cowley Drive, Brighton, BN2 6WD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr D Barnett against the decision of Brighton and Hove City Council.
- The application Ref BH2008/00443, dated 23 January 2008, was refused by notice dated 2 May 2008.
- The development proposed is an outline application for a detached dwelling.

Decision

1. I dismiss the appeal.

Main Issues

2. There are two main issues in this case. The first is whether the proposal would materially harm the suburban character and appearance of the surrounding locality. The second is the effect of the proposal on the living conditions of the existing host and proposed dwellings with particular reference to the amount and quality of the proposed amenity spaces.

Reasoning

Character and Appearance

3. The appeal site, which measures about 12.2m wide and up to about 12.4m deep, comprises most of the garden area to the west of the appeal property (No 87) that fronts Donnington Road, is close to the junction with Cowley Drive and is open apart from a single storey garage. As shown on illustrative plans (Plans B and C), the appeal proposal would involve the demolition of the garage on the site and the construction of a house. The existing property (No 87) would be retained save for a relatively small ground floor extension on the western elevation that would be demolished.
4. The area in the vicinity of the appeal site, and particularly the more immediate area around the junction of Cowley Drive and Donnington Road, has a relatively open character. This is created principally by the layout of the semi-detached houses on the south side of Donnington Road that are spaced well apart and separated by relatively low single storey structures, together with the garden area to the west of No 87.
5. Given the restricted nature of the appeal site, I consider the illustrative site plan (Plan B) shows the most likely location and ground floor coverage of a house on the site. This would be at the north west corner, abutting both the north and west site boundaries, and would be about 7m square. As illustrated, it would be likely to extend about 1m in front of the building line established by the main parts of the adjoining two properties (No 87 Cowley Drive to the east and No 49 Donnington Road to the west)

and would be on land that is elevated a little more than 1m above the level of the adjoining highway.

6. The proposed construction of a two storey property at this visually prominent location would significantly reduce the scale of an important space between buildings and would thus materially detract from the important contribution made by that space on the open character and appearance of the immediately surrounding locality. As such the appeal proposal would not comply with Policies QD2(c & e) and the relevant provisions of QD3 and would be unacceptable.

Private Amenity Space

7. The part of the retained curtilage to the host property (No 87) that would be large enough to be used as amenity space would be to the east and south of that property. This L-shaped area would immediately adjoin Cowley Drive, Donnington Road and their junction, a situation that would not in my view provide a level of seclusion from passing pedestrian and vehicular traffic that would make it suitable for use as residential amenity space. In addition, this area would be directly open to views from much of the adjoining length of Donnington Road and from a short length of Cowley Drive through an open pedestrian gate. The appeal proposal would therefore result in a material reduction in the quality of the residential amenity space that would be available for occupants in the retained dwelling.
8. An amenity area measuring about 5m wide and 7m deep would be provided to the east of the proposed house. This area would be open to views from Donnington Road unless it were bounded by a fence or similar structure along its southern boundary, action that I consider would accentuate its unduly small and enclosed nature. It would also be directly overlooked over distances of between about 2m and 9m from first floor windows on the west facing elevations of the host property (No 87) and the adjoining property to the north (No 89).
9. On this second main issue I therefore conclude that the appeal proposal would result in amenity spaces that would have inadequate privacy and seclusion, and in the case of that associated with the proposed new house would be too small. In these respects the proposed development would not comply with Policies QD27 and HO5 of the Local Plan and would be unacceptable.

Other Matters

10. All other matters raised in the written representations have been considered, including references to permissions for the erection of single dwellings alongside No 109 Cowley Drive and to the rear of both Nos 11 and 13 Broad Green. From the submitted plans and as confirmed at my site inspection, these sites are less prominent, are larger, and have locations relative to their immediately adjoining properties that are materially different from the appeal site. In any event, it is a planning principle that every application is considered on its merits, the approach I have used in this case.

Wm C Cunningham

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Malcolm Lewis DiplArch(Dist) Agent - Architectural and Planning Consultant.
Mr Darren Barnett Appellant.

FOR THE LOCAL PLANNING AUTHORITY:

Mr David Alabi Planning Department, Brighton and Hove City
Co.

DOCUMENTS

- 1 Hearing notification letter and address list.
- 2 Hearing attendance list.

APPEAL PLANS

- A Ordnance Survey extract at 1:1250 scale showing site's location.
- B Drawing No A236 03 – Illustrative Site Plan.
- C Drawing No A236 04 – Illustrative Street Views.



Appeal Decision

Hearing held on 27 November 2008

Site visit made on 27 November 2008

by **Joanna C Reid** BA(Hons) BArch(Hons)
RIBA

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Decision date:
15 December 2008

Appeal Ref: APP/Q1445/A/08/2074593

106 Longhill Road, Ovingdean, Brighton BN2 7BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs A McGilligan against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03875, dated 12 October 2007, was refused by notice dated 14 April 2008.
- The development proposed is "demolition of existing house and construction of replacement dwelling with associated detached garage".

Application for costs

1. At the hearing an application for costs was made by Mr and Mrs A McGilligan against Brighton & Hove City Council. This application is the subject of a separate decision.

Decision

2. I allow the appeal, and grant planning permission for "demolition of existing house and construction of replacement dwelling with associated detached garage" at 106 Longhill Road, Ovingdean, Brighton, BN2 7BD, in accordance with the terms of the application, Ref BH2007/03875, dated 12 October 2007, and the plans numbered 2007.08.01, 2007.08.02, 2007.08.03, 2007.08.04, 2007.08.05, 2007.08.06, 2007.08.07, 2007.08.08, 2007.08.09, 2007.08.10, 2007.08.11, 2007.08.12, 2007.08.13, 2007.08.14 and the site survey submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) 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 or roof light, other than those expressly authorised by this permission, shall be constructed in the south-east elevation or in the north-west elevation of the dwelling hereby permitted.
 - 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 garage shall be erected other than the garage expressly authorised by this permission.
 - 4) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the local

planning authority. Before the dwelling hereby approved is first occupied the works for the refuse and recycling storage facilities shall be carried out in accordance with the approved details and they shall be retained thereafter.

- 5) 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.
- 6) No development shall take place until the levels of the proposed development including floor levels and hard and soft landscaping levels relative to the surrounding properties in metric units and related to Ordnance Survey Datum have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby permitted.
- 8) No development shall take place until the existing dwelling known as 106 Longhill Road has been demolished.
- 9) The roof area of the canopy over the external doors in the north-east elevation of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 10) Details of the double garage 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.
- 11) No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority, and any trees or plants which within a period of 3 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 approval in writing to any variation.

Main issues

3. At the hearing it was agreed that the Council's concerns about the provision for refuse and waste recycling in Reason for Refusal 3 could be dealt with by condition if the appeal were to be allowed. This would satisfy Policies SU2 and QD27 of the *Brighton & Hove Local Plan 2005* (LP).
4. From my inspection of the site and its surroundings, and from the representations made at the hearing and in writing, I therefore consider that the main issues in this appeal are the effect that the proposal would have on:
 - the character and appearance of the surrounding area,

- the living conditions of the occupiers of 104 and 108 Longhill Road with regard to overlooking and loss of privacy, and
- sustainability with regard to car parking.

Reasons

Character and appearance

5. The appeal site is in a stretch of Longhill Road where there is mainly residential development on one side of the road only. On the other side of the road is an area of open land which is designated as a Local Nature Reserve in the Local Plan, beyond which there is some development on the lower slopes of the hill. Close by there is no distinct building line in Longhill Road and the dwellings, which are in a variety of mainly pitched-roofed styles, are on plots which slope down towards the road.
6. The existing dwelling, which is located towards the middle of the site and at a substantially higher level than Longhill Road, is a white painted bungalow which has been extended upwards within a slate-hung mansard roof. Due to its form and its siting the dwelling contrasts starkly with the dwellings around it. It is not particularly noticeable in the street scene in Longhill Road, due to its set back siting and the tall walls along its frontage and along those of its immediate neighbours. However, it is prominent in the wider area, including in the view from the drive to Ovingdean Hall School where Ainsworth Avenue meets Greenways. On 11 July 2006 planning permission ref BH2006/01628 was granted subject to conditions for "removal of existing mansard roof, recladding external walls and extensions to front and side". This would enable the existing dwelling to be altered and extended to provide a contemporary 3-storey 5-bedroom house with a 2-bedroom annex.
7. In the appeal proposal the existing dwelling would be demolished to provide space for the garage and part of the back garden for the new house. The proposed 3-storey 5-bedroom house with a 2-bedroom annex would be sited fairly close to Longhill Road. It would be set back a little from the front of the dwelling at 108 Longhill Road on one side and on the other side it would be slightly in front of the dwelling at 104 Longhill Road. Whilst there would be no increase in density in terms of dwellings per hectare, because of its siting the house would be more convenient for the future occupiers to use, particularly in terms of safely reaching the front door, and this would make more efficient use of the site. As there would be a deeper back garden than at present, the proposal would make more effective use of the site, and the leafiness in that garden would have a positive impact on the character of the locality.
8. Although it would plainly be a large house, it would not be unusually deep or wide or tall. There would be adequate side space to provide a setting for the house within its plot, and there would be ample front and back gardens. At the front it would have a clear 3-storey appearance for its full width beneath a simple low-pitched butterfly roof with a central valley. This would respect the part 3-storey appearance of the immediately neighbouring dwellings, at 104 and 108 Longhill Road. The main roof would be similar in height to the ridge of the dwelling at 104 Longhill Road, and the roof over the relatively small principle staircase core would be only a little taller, so it would not cause harm.

9. The house would have a contemporary appearance, with a zinc roof, and rendered and timber clad walls, but it would not be out of keeping as there is already a wide palette of styles and materials in the locality. Although the garden wall at the front of the site would largely be retained, the house would be visible from Longhill Road. However, due to its sympathetic siting, form, scale, design and materials, it would harmonise with the street scene in Longhill Road. It would also satisfy LP Policy QD1 which states, amongst other things, that the replication of existing styles and pastiche designs will be discouraged. The design of the house would meet the needs of its occupiers whilst respecting the characteristics of its site and the wider locality.
10. I consider that the proposal would not harm the character and appearance of the surrounding area. It would satisfy LP Policies QD1, QD2 and QD3.

Living conditions

11. Both of the dwellings at 104 and 108 Longhill Road have windows in their side walls which face the appeal site at the sides. At 108 Longhill Road there are some clear-glazed windows fairly close to the common boundary. In the appeal dwelling the side-facing window in the triple aspect living room/kitchen would be about 3m from the common boundary. Some mutual overlooking could occur if the intervening vegetation were to be removed but it would not harm the living conditions of the occupiers of either dwelling as it could be readily overcome in either case, for example, by the use of blinds.
12. There are 2 dormer windows at 104 Longhill Road which face the side of the appeal site, but at the site visit both appeared to be obscure-glazed. There would also be roof windows in the sloping roof to the side extension being constructed at 104 Longhill Road. As the staircase glazing would be about 3m from the side boundary and about 6m from the dormer windows, any mutual overlooking that were to occur would not be harmful. The high level window in the study would face the solid side wall of the extension being constructed at 104 Longhill Road so there would be no overlooking or loss of privacy.
13. It would not usually be reasonable to expect complete privacy in a front garden. There is a substantial balcony at the front of 108 Longhill Road about 2 floors above the garage floor from which the front of the appeal site can be overlooked, and a balcony is proposed at the front of the side extension at 104 Longhill Road. As the balconies at the appeal dwelling would be at the front and the upper balconies would be inset from the side walls, and because the appeal house would be a little in front of the dwelling at 104 Longhill Road, any mutual overlooking that could occur would not cause a loss of privacy to the neighbouring occupiers on either side which would harm their living conditions.
14. If the flat roof of the rear-facing entrance canopy were to be used as a balcony or roof garden, it would enable unacceptable overlooking of the back gardens of 104 and 108 Longhill Road to occur. Because the consequent loss of privacy would harm the living conditions of those neighbouring occupiers, it would be necessary to impose the condition which was raised at the hearing.
15. I consider that the proposal would not harm the living conditions of the occupiers of 104 and 108 Longhill Road with regard to overlooking and loss of privacy. It would satisfy LP Policy QD27.

Car parking

16. LP Policy TR1 seeks for proposals to provide for the demand for travel they create and to maximise the use of public transport, walking and cycling. LP Policy TR19 seeks compliance with the Council's parking standards. At the hearing it was stated that the Council's *Supplementary Planning Guidance SPGBH Note 4 Parking Standards* (SPGBH4) takes account of Planning Policy Guidance Note 13: *Transport* (PPG13). The objectives in PPG13 include to promote more sustainable transport choices and to reduce the need to travel, especially by car. PPG13 also states that the car will continue to have an important part to play and for some journeys it will remain the only real option for travel. The advice in paragraphs 12 to 17 of PPG13, which related specifically to housing, has been cancelled.
17. *Manual for Streets* at paragraph 8.3.1 states that the Government's policy on residential car-parking provision is set out in Planning Policy Statement 3: *Housing* (PPS3). PPS3 states at paragraph 51 that Local Planning Authorities should, with stakeholders and communities, develop residential parking policies for their areas, taking account of expected levels of car ownership, the importance of promoting good design and the need to use land efficiently.
18. SPGBH4 would seem to pre-date the advice in PPS3. Moreover, although they are maximum standards, the Council's parking standards outside control zones refer only to 'Houses with up to 3 beds'. The proposed house would have 7 bedrooms, but there would seem to be no published standard for houses with 4 or more bedrooms. Thus, LP Policy TR19, PPG13, and SPGBH4, are not particularly relevant to this appeal.
19. There is a double garage on the site at present, but it would be demolished to make way for the access to the site. At the hearing it was confirmed that a maximum of one space per dwelling plus one car space per 2 dwellings for visitors would be required, so a maximum of 1½ spaces would be acceptable. It was also confirmed that the Council's concern is that the proposed double garage would encourage the use of more than one car, and that the amount of hard surfacing, and, therefore, the efficient use of land, was not at issue.
20. It would not be unexpected for, say, those people occupying the 2-bedroom annex to have their own vehicle. So, it would not be unreasonable in this case to provide 2 spaces, especially as the amount of further parking which could be provided in the open on the appeal site was not a concern of the Council. Moreover, leaving a second car in the open, on private land or in the street, would not take the opportunity to minimise the opportunities for crime to take place, which is a relevant design consideration in LP Policy QD2.
21. Also, as there is a bus stop close by and mainly unrestricted parking in the nearby streets it could not be argued that the omission of the second garage parking space would discourage the occupiers of the dwelling from driving in preference to making more sustainable transport choices. The availability of a secure and covered parking space at only one end of a journey would be only one of several considerations in deciding how to travel. So, I do not consider that providing 2 car parking spaces within the garage would harm sustainability with regard to car parking. As there are insufficient details of the double

garage on the application drawings it would be necessary to impose a condition for its details to be approved.

22. I consider that the proposal would not harm sustainability with regard to car parking. It would satisfy LP Policy TR1.

Other matters

23. I have had regard to the permitted alterations and extensions to the existing dwelling which would result in a dwelling with a similar appearance and similar accommodation to the appeal proposal, albeit in a different position on the appeal site. The existing double garage would also be retained and this does not contribute in a positive way to the street scene in Longhill Road.

24. I have also had regard to the planning permissions granted for the redevelopment of the site at 128 Longhill Road. Whilst the more recent proposal there would include 3-storey dwellings, there is development on both sides of Longhill Road, albeit that on one side it is reached from Woodland Walk, so it is not particularly relevant to the appeal scheme. I am also aware that some adjoining occupiers have written in support of the proposal.

Conditions

25. I have carefully considered the Council's suggested conditions and the others which were raised at the hearing in the light of the advice in Circular 11/95 *The Use of Conditions in Planning Permissions*. The conditions to control additional windows in the north-west and south-east elevations, and to prevent the use of the flat-roofed rear entrance canopy as a balcony or roof garden, are reasonable and necessary to protect the living conditions of the neighbouring occupiers. The conditions to control external materials, including their colours, and the details of the double garage are reasonable and necessary to protect the character and appearance of the area. The condition to remove permitted development rights for additional garages is reasonable in the interests of sustainability. The condition for refuse and recycling facilities is reasonable in the interests of sustainability and the living conditions of the occupiers and their neighbours. The condition for levels information to be provided is necessary to protect the character and appearance of the surrounding area and the living conditions of the neighbouring occupiers.
26. The condition to control the occupation of the annex which was raised at the hearing is necessary to prevent the subdivision of the house into 2 single dwelling houses. I have also imposed a condition to ensure that the existing dwelling is demolished before the construction of the new dwelling is commenced as it is in accordance with the appellants' design and access and waste minimisation statements which were submitted with the application, in the interests of sustainability, and to ensure that the demolition of the existing dwelling, which is part of the description of the development, would be implemented. It would not normally be necessary to impose a landscape condition for a private garden, but the Council's arboricultural officer has raised concerns about the trees on and off the site which, whilst not protected, are important to the character and appearance of the area. I have therefore re-worded and imposed the suggested condition for hard and soft landscaping.

27. No exceptional circumstances were put to me to warrant withdrawing permitted development rights for the extension, enlargement or other alteration of the building, so I have not imposed that condition. Because obscured glazing would not be necessary in the windows facing the sides of the site, I have similarly not imposed that condition.

Conclusions

28. For the reasons given above and having regard to all other matters raised, the appeal should succeed.

Joanna C Reid

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tony McGilligan	Appellant, 106 Longhill Road, Ovingdean, Brighton, BN2 7BD.
Tracy McGilligan	Appellant, 106 Longhill Road, Ovingdean, Brighton, BN2 7BD.
David D Collins DipTP MRTPI	Appellants' agent, Collins Planning Services Limited, 4 Yeomans, Ringmer, East Sussex, BN8 5EL.
Lap Chan RIBA	Appellants' architect, Morgan Carn Architects, 79 Stanford Avenue, Brighton, BN1 6FA.

FOR THE LOCAL PLANNING AUTHORITY:

Ray Hill	Senior Planning Officer, Brighton & Hove City Council.
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DOCUMENTS

- 1 The letter of notification of the hearing and the list of persons notified.
- 2 The appellants' agent's letter to The Planning Inspectorate dated 10 July 2008.
- 3/1 Letter from John and Avril Simmonds dated 21 November 2008, and
3/2 letter from Mr & Mrs Gouhari dated 25 November 2008, put in by the appellants.
- 4 Details and drawings of planning permission ref BH2003/03097/FP, dated 19 November 2003, for the "Two storey side extension on the north-west elevation" at 104 Longhill Road, put in by the appellants.
- 5 Aerial photograph of the appeal site, put in by the appellants.
- 6/1 Details and drawings for planning permissions ref BH2006/01292, and
6/2 BH2008/03328, for developments at 128 Longhill Road, put in by the appellants.



Costs Decision

Hearing held on 27 November 2008

Site visit made on 27 November 2008

by **Joanna C Reid BA(Hons) BArch(Hons)**
RIBA

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Temple Quay House
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Temple Quay
Bristol BS1 6PN

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Decision date:
15 December 2008

Costs application in relation to Appeal Ref: APP/Q1445/A/08/2074593 106 Longhill Road, Ovingdean, Brighton BN2 7BD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr and Mrs A McGilligan for a full award of costs against Brighton & Hove City Council.
- The hearing was in connection with an appeal against the refusal of planning permission for "demolition of existing house and construction of replacement dwelling with associated detached garage".

Summary of Decision: The application fails and no award of costs is made.

The Submissions for Mr and Mrs A McGilligan

1. Paragraphs 7 to 9 of Annex 3 to Circular 8/93 *Awards of Costs Incurred in Planning and Other (including Compulsory Purchase Order) Proceedings* set out reasons where costs can be awarded if it is accepted that there has been an unreasonable refusal of planning permission. Paragraph 7 states that "a planning authority should not prevent, inhibit or delay development which could reasonably be permitted in the light of the development plan, so far as it is material to the application, and of any other material consideration." The Circular makes it clear that a Local Authority will be at risk of an award of costs against them if they refuse an application which accords with material policies in the development plan. It is the appellants' case that this development does comply with the material policies.
2. The Local Authority is expected to produce evidence to substantiate any appeal proceedings. The Inspector will have noted that on a number of occasions the Planning Officer in this case has used the word 'could' rather than 'would'. This straight away makes some of the comments very subjective. Also where the word 'could' has been used it relates to possible overlooking and it has been confirmed that this can be addressed by suitable planning conditions.
3. The Planning Officer has, in the appellants' opinion, completely misdirected himself in describing the adjoining dwellings as 2 storeys when they clearly have a substantial 3-storey element. Furthermore, the Planning Officer seems to be completely unaware of other recent applications in the area, and specifically at 128 Longhill Road, where 4 new dwellings have been approved recently (there had already been an earlier approval for 4 modern units on this site at the time the appeal proposal was being considered). The Planning Officer contends that the style of dwelling proposed would erode the character and rhythm of the street. If that is the case with this proposal, it certainly would have been the case with the 'Swiss Chalet' style of development at 128

- Longhill Road and the design of the earlier approval. In the appellants' opinion, if that development is acceptable in the street scene there cannot be any objection to this development. The Planning Officer confirms that the approval for modernising the current dwelling is of a contemporary design and that as the proposed new dwelling is similar in design and in accordance with Policy QD1 there can be no objection to this approach.
4. The matters relating to refuse and waste disposal can be, and are normally, covered by a suitable planning condition, as included in the approval of 128 Longhill Road.
 5. In terms of parking it is considered that the amount shown with the submitted plans is appropriate and, notwithstanding the views contained in the Council's *Supplementary Planning Guidance SPGBH Note 4 Parking Standards*, one space per dwelling is only applicable for units up to 3 bedrooms. There is no car parking standard for a dwelling of the size of the appeal proposal in the supplementary planning guidance. This proposal has, in total, 7 bedrooms, and therefore the parking is suitable for a dwelling of this size.
 6. Taking the approval at 128 Longhill Road as a good and most recent example, it appears that the matters of concern raised by the Planning Officer can be controlled through appropriate planning conditions. The proposed dwellings at 128 Longhill Road have clear glazing in the flank elevations. The Council has imposed a condition for obscure glazing in their grant of planning permission. This shows that the matter could be controlled by condition.
 7. The Council have argued that the appeal proposal fails policies in the Development Plan, but the scheme meets all of the policies listed on the back of the permission for 128 Longhill Road, and this includes all of the policies discussed at the hearing.
 8. It is the appellants' firm opinion that this development should have been approved and the minor matters of concern raised by the Planning Officer could have been controlled through appropriate planning conditions. Therefore, for the reasons set out above it is considered that the Planning Officer has acted unreasonably in dealing with this application causing the appellants the unnecessary expense of this appeal, and therefore costs should be awarded in this case.

The Response by Brighton & Hove City Council

9. The reasons for refusal are precise, complete and relevant to the application. Each reason is substantiated by reference to the adopted development plan policies, supplementary planning guidance, and national guidance, as well as all material considerations.
 10. With reference to 128 Longhill Road and the previous application for alterations and extensions to the house on this site, each scheme is dealt with on its merits. Although the scheme for 128 Longhill Road and the previous application for alterations and extensions to the house on this site were discussed at the hearing, their site circumstances and those developments are not comparable with the application scheme. The primary differences are the location and siting. These are material differences between the 2 applications.
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11. Reference has been made to parking standards being applicable to only dwellings with up to 3 bedrooms. The Council imposes this standard on all dwellings regardless of size. When the previous standards were revised to take account of the guidance in Planning Policy Guidance Note 13: *Transport*, the title "up to 3 bedrooms" was left in in error. The standards are in any case maximum standards.
12. Reference has been made to matters in the reasons for refusal which could be controlled by conditions. Under the circumstances that the proposal was to be approved conditions would have been offered. As the proposal was to be refused these matters were included in the reasons for refusal.
13. The Council considers that their decision to refuse the proposal was reasonable and justified in this case.

Conclusions

14. I have considered this application for costs in the light of Circular 8/93 and all the relevant circumstances. This advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused another party to incur or waste expense unnecessarily.
15. Reason for Refusal 1 concerned the impact of the proposed house on the street scene and on the character and appearance of the surrounding area. The Council explained in their statement and at the hearing that, because of its siting and its scale, in their view, the house would be unduly prominent in the street scene in Longhill Road. Whilst I have found otherwise, the Council were entitled to exercise their judgement in what is essentially a subjective matter. The Council have substantiated their case by reference to the development plan and all other material considerations. Their reason for refusal was precise, specific and relevant to the application.
16. Reason for Refusal 2 concerned the impact of the proposal on the living conditions of the neighbouring occupiers with regard to overlooking and loss of privacy. In their statement, the Council expressed their concerns about the juxtaposition of the windows and balconies on the appeal dwelling and on the neighbouring dwellings, and they explained their concerns about actual and perceived overlooking and loss of privacy at the hearing. Even though I do not concur with their view, the Council exercised their judgement having regard to the development plan and all other material considerations. They have substantiated their case. They also recommended a condition for obscured glazing to overcome their objection. The Council's reason for refusal was specific and relevant to the application.
17. Reason for Refusal 3 concerned the provision of refuse and recycling facilities. In their statement the Council recommended a condition which would overcome their concerns, and they referred to Policies QD27 and SU2 in the Local Plan which were relevant. Had the proposal been considered to be acceptable, the Council would have offered to impose a condition, but as it was not, refuse and recycling was included in the reasons for refusal. The condition was acceptable to the appellants, and the minimal amount of discussion about it at the hearing was not unreasonable. The Council's reason for refusal was complete and specific.

18. Reason for Refusal 4 was concerned with the 'excessive number of car parking spaces'. At the hearing the Council clarified that their concern was only with the amount of car parking in the garage. The Council substantiated their case by reference to the development plan and other material considerations. Their concerns were in line with the thrust of national policy which seeks for development to be sustainable. Although I have found that a double garage would not cause harm, they had exercised their judgement based on their supplementary planning guidance and they had come to a different view, which they were entitled to do. Their reason for refusal was relevant to the application.
19. Having regard to all 4 reasons for refusal, I have found no evidence that the Council's behaviour has been unreasonable.
20. I consider that unreasonable behaviour resulting in unnecessary expense, as described in Circular 8/93, has not been demonstrated and I therefore conclude that an award of costs is not justified.

Formal Decision

21. I refuse the application for an award of costs.

Joanna C Reid

INSPECTOR



Appeal Decision

Hearing held on 3 December 2008

Site visit made on 3 December 2008

by **Wm C Cunningham BSc(Hons) MA**
MCP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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Decision date:
12 December 2008

Appeal Ref: APP/Q1445/A/08/2073976

2 Northgate Close, Rottingdean, Brighton, BN2 7DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs M Sodeau against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00177, dated 11 January 2008, was refused by notice dated 8 April 2008.
- The development proposed is extensions and alterations.

Procedural Matters

1. The above description of the development, which has been completed but not in accordance with a scheme approved on 11 January 2007 (Application Ref BH2006/03116), is as provided on the application form. As accepted at the Hearing a more accurate description would be "*to raise the roof on the appeal property to provide first floor accommodation, together with a rear two storey extension – retrospective*".
2. As also accepted at the Hearing, the ridge on the front half hipped gable feature as completed is the same height as the main roof ridge and not as shown on the south east elevation on Plan G, and that the relative locations of the first floor windows on the north west elevation as completed do not comply with those shown on the elevation drawing (Plan G) and the floor plan (Plan F). I have considered this appeal on the basis of the building as completed and as viewed at my site inspection.

Main Issue

3. The main issue in this case is whether the overall scale and visual impact of the development materially harms the suburban character and appearance of the surrounding locality.

Reasoning

4. The completed scheme differs from that approved in January 2007 in two principal respects. The first is that the main and rear roof ridges are about 0.6m higher than those on the approved scheme. The second is that the ridge on the front gable feature is at the same height as the main ridge and not about 0.4m lower as shown on the approved scheme. The front gable feature is therefore about 1m higher than as shown on the approved scheme, has an eaves level on the north west corner that is similarly about 1m higher than as approved, and it meets the north facing roof slope on the integral garage higher than as approved. As accepted at the Hearing, the rear extension is the same as that approved.
5. The appeal building is one of 10 individually designed detached dwellings grouped around Northgate Close. Those on the south west side of the road, including the appeal property, were designed and originally built as relatively low properties. A

principal feature of these was and is their extensive roofs, the prominence of which is enhanced by the properties being located below the level of the road. Those on the north side are two storey dwellings on land elevated above the road that are therefore visually prominent in the street scene.

6. As can be ascertained by comparing Plans D and G, the appeal building as extended is now between about 1.8m and 3m higher than the original single storey building. It is therefore significantly higher and more visually prominent in the street scene than the original dwelling. In contrast to the approved scheme, it is also marginally higher than Gate Cottage, the adjoining property to the north west, and its front gable feature is also higher and wider than a similar feature on Gate Cottage and on the front of the nearby No 6.
7. The relative prominence of the appeal property within that part of the street scene represented by the properties on the south west side of Northgate Close is enhanced by its location in front of the adjoining dwellings (Gate Cottage and No 4) but is mitigated by its having a main ridge about 9m long that is some 2m less than the ridge on Gate Cottage. Its prominence on the south west side of the road is however significantly eclipsed by the scale and visual impact made by the elevated two storey properties on the north east side of the road. I do not therefore consider it represents an overly dominant built structure in the wider street scene and does not materially harm the character and appearance of the surrounding locality. It does therefore comply with Policies QD1(a), QD2(a) and QD14(a) in the Brighton & Hove Local Plan 2005 and the relevant provisions of the Supplementary Planning Guidance (SPG) publication "*Roof Alterations & Extensions*" and is acceptable.
8. In the light of the above I have allowed this appeal. The Council confirmed at the Hearing that no conditions are required to impose controls on the building as existing.

Other Matters

9. All other matters raised in the written representations and at the Hearing have been considered, including references to the Council having described the front gable feature as a dormer when applying the provisions of its Supplementary Planning Guidance (SPG) publication "*Roof Alterations & Extensions*". References to this feature in the officer report and in the Council's Statement refer to it as a "dormer style roof extension", an expression that clearly refers to the front gable feature as shown on the elevation drawings (Plan G). Whilst reference to text in the SPG that deals with dormers may not in this case be directly applicable, I consider the Council is correct in applying the thrust of the SPG policy document that supplements design policies in the Local Plan and deals with all forms of roof alterations. These other matters do not outweigh the main considerations that have led to my decision.

Decision

10. I allow the appeal, and grant planning permission to raise the roof on the appeal property to provide first floor accommodation, together with a rear two storey extension – retrospective, at 2 Northgate Close, Rottingdean, Brighton in accordance with the terms of the application, Ref BH2008/00177, dated 11 January 2008, and the plans submitted with it.

Wm C Cunningham

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr M J Lewis DiplArch(Dist)	Agent – Architectural and Planning Consultant.
Mr M Sodeau	Appellant. 2 Northgate Close, BN2 7DZ.
Mrs M Sodeau	- ditto -

FOR THE LOCAL PLANNING AUTHORITY:

Miss Kathryn Boggiano	Planning Dept, Brighton and Hove City Council.
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DOCUMENTS

- 1 Hearing notification letter and address list.
- 2 Hearing attendance list.

APPEAL PLANS

- A Location Plan – OS extract at 1:1250 scale.
- B Site Plan – Scale 1:500.
- C Drawing No A191 01 – Original plan.
- D Drawing No A191 02 – Original Elevations.
- E Drawing No A191 03A – Existing Ground Floor Plan.
- F Drawing No A191 04A – Existing First Floor Plan.
- G Drawing No A191 10 – Existing Elevations and Section.

NEW APPEALS RECEIVED

WARD

APPLICATION NO

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

WITHDEAN

BH2007/03736

43 & 45 Surrenden Road Brighton

Demolition of boundary walls along both sides of the garage access road between no.s 43 and 45 Surrenden Road.

APPEAL LODGED

10/12/2008

Delegated

WARD

APPLICATION NO

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2008/01370

27 Stanmer Avenue Brighton

Single storey side extension with pitched roof over.

APPEAL LODGED

15/12/2008

Delegated

WARD

APPLICATION NO

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

EAST BRIGHTON

BH2008/00774

102 Marine Parade Brighton

External paving to provide parking/access drive - retrospective.

APPEAL LODGED

16/12/2008

Delegated

WARD

APPLICATION NO

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANOVER & ELM GROVE

BH2008/01101

148 Elm Grove Brighton

First floor extension and conversion of shop and garage to form 2 one bedroom flats. Retention and improvements to existing first floor flat.

APPEAL LODGED

12/12/2008

Delegated

WARD**APPLICATION NO****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****QUEEN'S PARK**

BH2008/01039

115 St James's Street Brighton

Change of use from use class A1 (retail) to mixed A1/A3 coffee shop.

APPEAL LODGED

04/12/2008

Delegated

WARD**APPLICATION NO****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WESTBOURNE**

BH2008/02108

149-151 Kingsway Hove

Demolition of existing dwellings.

APPEAL LODGED

16/12/2008

Delegated

WARD**APPLICATION NO****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WESTBOURNE**

BH2008/02107

149-151 Kingsway Hove

Demolition of existing dwellings and erection of 8 apartments with associated parking and gardens.

APPEAL LODGED

16/12/2008

Delegated

WARD**APPLICATION NO****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2008/02451

100 Buckingham Road Brighton

Three storey side extension to provide 2 no. maisonettes. (Resubmission).

APPEAL LODGED

12/12/2008

Delegated

WARD**APPLICATION NO****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2008/02517

45 Lewes Road Brighton

Installation of double glazed window with PVC frame at first floor, front of property and rear access staircase from ground floor to first floor using existing window as entrance.

APPEAL LODGED

16/12/2008

Delegated

WARD**APPLICATION NO****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2008/02095

Royal Alexandra Hospital 57 Dyke Road Brighton
Demolition of all existing buildings. Erection of 149 residential units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (including 102 square metres for a pharmacy) together with associated access, parking, amenity space (including a public garden) and landscaping.

APPEAL LODGED

18/12/2008

Environmental Services Planning (Applications) Committee

WARD**APPLICATION NO****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****BRUNSWICK AND ADELAIDE**

BH2008/03108

9 Cross Street Hove

Second floor rear extension.

APPEAL LODGED

23/12/2008

Delegated

WARD**APPLICATION NO****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2007/04164

40 Princes Road Brighton

Removal of ground and first floor bay window and replacement to match original style.

APPEAL LODGED

30/12/2008

Delegated

WARD**APPLICATION NO****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2008/02579

12 Sussex Road Hove

Creation of a new first floor rear extension, alteration of windows to south elevation and extension of existing stair enclosure at second floor.

APPEAL LODGED

06/01/2009

Delegated

WARD

APPLICATION NO
ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

PATCHAM

BH2008/02762
Adjacent to Recreation Ground Patcham By Pass Brighton

Installation of a 10 metre high, slim line monopole design telecommunication base station incorporating 3 shrouded antennas, radio equipment housing and development ancillary thereto.

APPEAL LODGED
08/01/2009
Environmental Services Planning (Applications) Committee

WARD

APPLICATION NO
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

GOLDSMID

BH2008/00457
70 Goldstone Road Hove
Conversion of ground floor window to french doors. Formation of terrace with stairs leading down to garden. (Retrospective).

APPEAL LODGED
02/01/2009
Delegated

WARD

APPLICATION NO
ADDRESS
DEVELOPMENT DESCRIPTION
APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

HANGLETON & KNOLL

BH2008/01721
26 Moyne Close Hove
Single storey rear extension.

APPEAL LODGED
12/01/2009

WARD

APPLICATION NO
ADDRESS
DEVELOPMENT DESCRIPTION

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

REGENCY

BH2008/01466
21 Clifton Hill Brighton
Reinstatement of canopy to bay window to front elevation (resubmission of refusal BH2008/00484)

APPEAL LODGED
09/01/2009

WARD

APPLICATION NO

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

NORTH PORTSLADE

BH2008/02798

Fox Way (opposite Harebell Drive) Portslade
Brighton

Installation of 10m high street monopole with
associated equipment cabinet.

APPEAL LODGED

09/01/2009

Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES
4 February 2009

This is a note of the current position regarding Planning Inquiries and Hearings

PLANNING & ENFORCEMENT APPEAL 20-26 York Place, Brighton

Planning application no: BH2008/01562
Description: Regularisation of development as built (commercial on ground floor with residential above). Specifically regularisation of the roof and alteration to architectural adornments to parapet walls.
Linked appeal against enforcement notice. The notice alleges "Various works were carried out without the grant of planning permission".
Decision: Delegated
Type of appeal: Public Inquiry
Date: 3 and 4 Feb 2009
Location: Jubilee Library

Rear of 48-50 Old Shoreham Road, Hove

Planning application no: BH2007/04047
Description: Construction of two, three storey, four-bedroomed houses.
Decision: Delegated
Type of appeal: Hearing
Date: 24 February 2009
Location: Hove Town Hall

Maycroft & Parkside, London Road & 2 4 6 & 8 Carden Avenue, Patcham

Planning application no: BH2008/00925
Details of application: Demolition of existing buildings and development of residential care home.
Decision: Planning Committee
Type of appeal: Public Inquiry
Date:
Location:

Royal Alexandra Hospital, 57 Dyke Road, Brighton

Planning application no: BH2007/04453
Details of application: Demolition of existing buildings and erection of 156 residential units and 751 square metres of commercial floor space (doctor's surgery and pharmacy). Associated access, parking and amenity space (including a public green). (Resubmission of BH2007/02926.)
Decision: Committee
Type of appeal: Public Inquiry 599

Date:
Location:

Royal Alexandra Hospital, 57 Dyke Road, Brighton

Planning application no: BH2007/04462
Details of application: Conservation Area Consent for demolition of existing buildings (former children's hospital) (resubmission of BH2007/02925).
Decision: Not determined
Type of appeal: Public Inquiry
Date:
Location:

Royal Alexandra Hospital, 57 Dyke Road, Brighton

Planning application no: BH2008/02095
Details of application: Demolition of all existing buildings. Erection of 149 residential units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (including 102 square metres for a pharmacy) together with associated access, parking, amenity space (including a public garden) and landscaping.
Decision: Committee
Type of appeal: Public Inquiry
Date:
Location:

PLANNING & ENFORCEMENT APPEAL: Starbucks Coffee Co. (UK) Ltd, 115 St James's Street, Brighton

Planning application no: BH2008/01039
Enforcement no: 2008/0250
Details of application: Change of use from use class A1 (retail) to mixed A1/A3 coffee shop
Details of enforcement: Alleged unauthorised change of use to mixed A1/A3 use.
Planning Decision: Delegated
Type of appeal: Public Inquiry
Date:
Location:

14 Langdale Gardens, Hove.

Planning application no: BH2008/02759
Description: Loft conversion to form self-contained flat to include hip to gable end and dormer extension.
Decision: Delegated
Type of appeal: Informal Hearing
Date:
Location:

