





Brighton & Hove
City Council

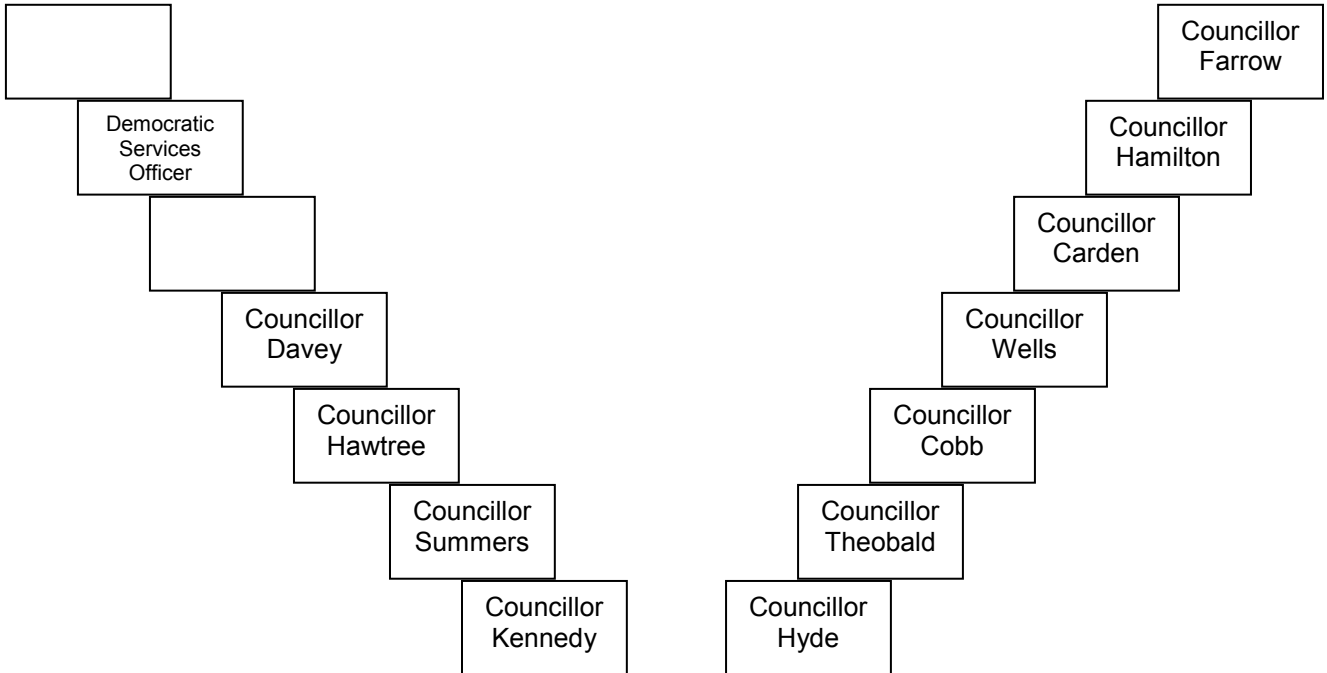
Planning Committee

Title:	Planning Committee
Date:	16 May 2012
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Farrow, Hamilton, Hawtree, Kennedy, Summers, C Theobald and Wells Co-opted Members: Mr Graham Towers (Conservation Advisory Group) and Mr Chris Kift (The FED Centre for Independent Living)
Contact:	Ross Keatley Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gov.uk

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Democratic Services: Meeting Layout

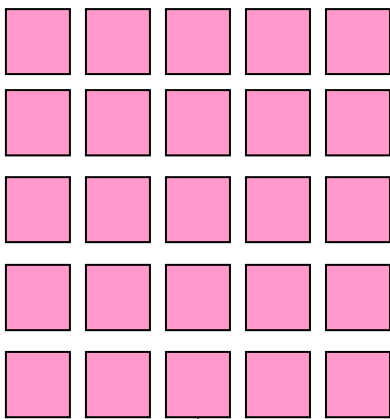
Senior Solicitor Chairman Head of Development Control



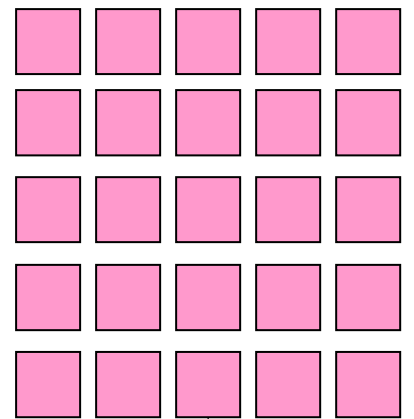
Rep from the FED Chairman of CAG

Press

Officers Officers



Public Seating



Public Seating

AGENDA

187. 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 or Lobbying - All Members present to declare 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, and to declare any instances of lobbying they have encountered regarding items on the agenda.
- (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.

188. MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 25 April 2012 (copy attached).

189. CHAIR'S COMMUNICATIONS

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

191. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A. BH2011/03765 - 19-27 Carlton Terrace

17 - 36

Demolition of existing buildings and erection of new 3no. storey block of 41 retirement apartments with communal facilities, car parking and landscaping works, erection of new 2no. storey block of 4no. affordable apartments with car parking and landscaping and associated works.

Recommendation – REFUSE

PLANNING COMMITTEE

Ward Affected: *South Portslade*

- B. BH2011/03791 - Land adjoining Unit 5, 274 Old Shoreham Road 37 - 52**
Erection of new single storey non-food retail unit with mezzanine floor.
Recommendation – MINDED TO GRANT

Ward Affected: *Hove Park*

MINOR APPLICATIONS

- C. BH2011/03950 - 3 Kelly Road 53 - 62**
Re-modelling of existing property including roof extensions, raising ridge height, front and side single storey extension, two storey side and rear extension and associated alterations. (Amended drawings).
Recommendation – GRANT

Ward Affected: *Hove Park*

- D. BH2012/00531 - 130 Old Shoreham Road 63 - 72**
Display of 3no internally illuminated fascia signs.
Recommendation – SPLIT DECISION

Ward Affected: *Hove Park*

- E. BH2012/00587 - 20 Rutland Gardens 73 - 82**
Change of use from residential house (C3) to child care facilities (D1) with self contained living accommodation to second floor.
Recommendation – REFUSE

Ward Affected: *Westbourne*

- F. BH2012/00248 - Glebe Villas Playing Fields, Chelston Avenue 83 - 96**
Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities.
Recommendation – GRANT

Ward Affected: *Wish*

- G. BH2012/00229 - Wolseley Buld Centre, 19 Bristol Gardens 97 - 116**
Demolition of existing building and erection of 9no residential dwelling houses with associated parking and landscaping.
Recommendation – MINDED TO GRANT

Ward Affected: *East Brighton*

PLANNING COMMITTEE

H. BH2012/00712 - 9 Ridgeside Avenue 117 - 128

Demolition of existing garage and erection of a granny annexe ancillary to the main dwelling house.

Recommendation – REFUSE

Ward Affected: Patcham

I. BH2011/03487 - 247-249 & Land Adjacent to 251 Ditchling Road 129 - 150

Erection of 2no residential dwellings to replace 247-249 Ditchling Road, Brighton. Erection of two storey office building (B1) and single storey retail/financial and professional services building (A1/A2) over existing basement to North.

Recommendation – GRANT

Ward Affected: Preston Park

J. BH2011/03488 - 247-249 & Land Adjacent to 251 Ditchling Road 151 - 156

Demolition of two storey building at 247-249 Ditchling Road, Brighton.

Recommendation – GRANT

Ward Affected: Preston Park

K. BH2012/00801 - 128 Beaconsfield Villas 157 - 164

Replacement of raised timber decking to rear. (Retrospective)

Recommendation – REFUSE

Ward Affected: Preston Park

L. BH2012/00471 - 6 Challoners Close 165 - 172

Alterations to existing ground floor and extension at first floor level to form a two storey four bedroom house and installation of rooflights to front and rear and to low level roof side elevations. (Part retrospective)

Recommendation – GRANT

Ward Affected: Rottingdean Coastal

192. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

INFORMATION ITEMS

193. APPEAL DECISIONS 173 - 186

(copy attached).

PLANNING COMMITTEE

194. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **187 - 190**

(copy attached).

195. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES **191 - 192**

(copy attached).

196. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

(there was none).

197. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) **193 - 302**

(copy attached)

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at:

<http://www.brighton-hove.gov.uk/index.cfm?request=c1199915>

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.

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PLANNING COMMITTEE

If you have any queries regarding this, please contact the Head of Democratic Services or the designated Democratic Services Officer listed on the agenda.

For further details and general enquiries about this meeting contact Ross Keatley, (01273 291064, email ross.keatley@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 8 May 2012

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 25 APRIL 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Deane, Farrow, Hamilton, Hawtree, Pidgeon, Shanks, Summers and Wells.

Officers in attendance: Jeanette Walsh (Head of Development Control), Nicola Hurley (Area Planning Manager – West), Kathryn Boggiano (Senior Planning Officer), Kate Brocklebank (Senior Planning Officer), Andy Renault (Head of Transport Strategy and Policy), Hilary Woodward (Senior Lawyer) and Ross Keatley (Democratic Services Officer).

PART ONE

171. PROCEDURAL BUSINESS

171a Declarations of substitutes

171.1 Councillor Deane was substituting for Councillor Davey, Councillor Shanks was substituting for Councillor Kennedy and Councillor Pidgeon was substituting for Councillor Carol Theobald.

171b Declarations of interests

171.2 Councillor Deane explained she been in correspondence with the applicant in relation to Application BH2011/02401 – Land at 27-31 Church Street; however, she had not expressed an opinion on these matters, and, as such, she would remain present during the debate but abstain from the vote.

171c Exclusion of the press and public

171.3 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members

of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

171.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

172. MINUTES OF THE PREVIOUS MEETING

172.2 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 4 April 2012 as a correct record.

173. CHAIR'S COMMUNICATIONS

173.1 The Committee was currently trialling a new format of the agenda, and the Chair welcomed any comments directly to him, or the Democratic Services Officer, Ross Keatley.

173.2 Since the publication of the agenda the Chair had agreed to accept two questions from members of the public, set out below.

Question 1: (Rebecca Crook)

Please can you provide an update on the local planning authority's position with regards to Saltdean Lido including an update on the latest warning letter sent to the leaseholder?

Response:

This matter has not yet been reported to the Planning Committee and therefore that Committee is not in a position to respond to such a question. Officers for the local planning authority have, to date, been acting under delegated powers and will continue to do so unless or until it is considered necessary to seek formal authority to serve a Repairs Notice. No specific timescale can be given at this stage as to if or when the matter may be reported to Planning Committee.

Question 2: (Bridget Fishleigh)

English Heritage recently said that the Saltdean lido building is not coming off its At Risk register and that the work done so far by the leaseholder is purely cosmetic and has done nothing towards remedying the structural issues.

Bearing this in mind, if and when you serve the section 48 repairs notice, how long will you give Mr Audley to complete the works? Two months is the minimum time and, given Mr Audley's past record, this is the time period our campaign is requesting so that the situation can be resolved as quickly as possible.

Response:

If the council as local planning authority decides to serve a Repairs Notice it is not required by law to specify a period for compliance with the Repairs Notice. In drafting

the Notice the local planning authority is simply required to advise the owner that after two months has elapsed it is entitled to seek the Secretary of State's approval to compulsorily purchase the building. However, the Secretary of State would need to be satisfied that reasonable steps were not being taken to preserve the building. Therefore, if the local planning authority serves a Repairs Notice we would expect to monitor any progress towards complying with the Notice before deciding when, and indeed whether, to seek the Secretary of State's approval for compulsory purchase. Available research of local authorities using these powers has shown that the average time between service of the Repairs Notice and preparation for compulsory purchase is 6 months.

- 173.3 Ms Crook asked a supplementary question, and the Chair agreed to consult with Officers and provide the response in writing.

'Has the Leaseholder responded to the letter from the Council dated 22 March 2012?'

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

- 174.1 There were none.

175. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

(i) Major Applications

A. BH2012/00384 - Former Falmer High School, Lucraft Road

- (1) Construction of a temporary car park (4 years) accommodating 684 parking spaces and accessed via the A270 junction and existing tunnel under the railway-line, for use up to 50 times in any 12 month period in connection with events taking place at the American Express Community Stadium, along with erection of a temporary building (4 years) to accommodate the Bridge Community Education Centre.
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) The Senior Planning Officer, Kathryn Boggiano, drew Members attention to information listed on the Late List, and gave a presentation detailing the scheme as set out in the report by reference to plans, photographs and elevational drawings. The application was for a 680 space car park for 4 years, which would be restricted to 50 uses in a 12 month period in connection with the stadium; the car park would include 24 disabled spaces, and there would be a buggy service between the site and the stadium. When the original stadium consent was granted it had included a section of the former Falmer High School for shared use parking; however, since then the ownership of the land had passed to the academy and this was no longer a viable option. The existing planning permission for 1000 spaces was a material planning consideration; there was planning permission for an existing site of 650 spaces within the boundary of Lewes District Council that would expire in June 2014 along with significant parking at the University of Sussex as well as other smaller arrangements for parking. It was agreed that there was an established need for the car park.

- (4) Part of the application related to the temporary accommodation for the Bridge Community Education Centre; the temporary building would be a pre-fabricated modular build and would have a temporary appearance. The principle was deemed acceptable as the development would not be visible from the national park; was temporary in nature and the nearest residential properties were approximately 40 metres away. The impact of the additional parking on the highway network was outlined in the report; the tunnel would be used for stadium traffic; tickets would be pre-sold to spectators and traffic flows would be managed by stewards. It was not considered there would be an adverse impact on highway safety, and the one protected tree would be maintained appropriately onsite. In summary the use of the car park was established; the highway impact was largely similar to that agreed in the original application, and the community facility was protected on site. The application was recommended for approval subject to conditions in the report.

Questions for Officers, Debate and Decision Making Process

- (5) Councillor Farrow asked how vehicular access would be controlled via the tunnel rather than through the use of Lucraft Road. In response it was explained that the section of Lucraft Road, which was directly adjacent to the application site, was privately owned, and stewards would be employed to manage the traffic with the necessary authority to undertake this role.
- (6) Councillor Farrow went to ask about pollution of groundwater at the site. Officers explained that the Environment Agency has considered all the appropriate information, and were satisfied that the issue could be addressed through the relevant conditions outlined in the report. Councillor Farrow expressed concern that the report did not contain all this information in full, and this would impact of the ability of the Committee to make a fully informed decision. The Head of Development Control, Jeanette Walsh, explained that the full details were on the case file attached to the application; and Officers were satisfied that the advice of the appropriate professionals had been sought from the Environment Agency; consequently, the recommendation to the Committee was this level of detail was not required to make a fully informed decision.
- (7) Councillor Hawtree asked for more information on the routing of traffic, and the role of the stewards. Officers explained that the club were proposing a 'tidal' system which would give priority to cyclists and pedestrians. It was also explained that there was already an established stewarding system in place at the stadium.
- (8) Councillor Shanks asked about uses of the car park that were not linked to match days at the stadium. It was explained that on non-match days the car park would reserve 10 spaces – plus 3 disabled spaces – for use in connection with the Bridge Community Centre. The club would be required to submit information on how the parking would be monitored to ensure there was efficient management of the space. In relation to availability of disabled parking it was explained that the number of spaces across all the parking sites would meet the agreed provision. There would also be appropriate provision for drop off facilities.
- (9) Of the twelve Members present it was unanimously agreed that planning permission be granted.

175.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

B. BH2011/03861 - American Express Community Stadium

- (1) Variation of condition 43 of planning permission BH2001/02418 and 38 of planning permission BH2008/02732 to increase the maximum attendance capacity from the existing maximum of 22,500 to a maximum of 30,750 attendees (an increase of 8,250) and Conditions 39 of BH2001/02418 and 35 of BH2008/02732 to allow a reduction of the minimum number of car parking spaces required in connection with the stadium within 1.5km of the site from 2,000 down to 1,500 and to increase the maximum number from 2,200 to 3,000
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (3) The Senior Planning Officer, Kate Brocklebank, drew Members attention to information on the Late List, and gave a presentation detailing the scheme as set out in the report by reference to plans, photographs and elevational drawings. Since the closure of the Late List additional letters had been received from the 'Campaign to Protect Rural England and the Highways Agency which had lead to Condition 36 being amended. An additional letter had also been received from the University of Brighton who did not withdraw their objection, and, as such, the recommendation had been altered to include a requirement to wait for consent from the university to the application detailed on the supplement to the late list. It was explained that the additional seating would form part of the current east stand; the physical works themselves did not require permission, but rather the actual use of the seating. To address concerns from East Sussex County Council, Lewes District Council and the Highways Agency it was proposed that improvements be made to the junction of the A27 and the B213. Since the original application there had been a greater than expected use of sustainable transport; upgrades to cycling provision were proposed to increase the number of available spaces to 308 and station improvements at Falmer Station would allow an additional 3500 to use this service by improvements to lengthen the platform to accommodate eight carriage trains. The current park and ride facilities at the Brighton Racecourse were underused and could accommodate an additional 1100 spectators and the club were intending to greater publicise this facility.
- (4) A controlled parking zone (CPZ) was proposed in North and South Moulsecomb where a significant level of displacement parking currently occurred on match days; a number of other solutions had also been suggested such as including the price of sustainable transport in the overall ticket price. The disabled parking for the stadium would be monitored through the management plan to ensure it adequately catered for need. It had been concluded there would be no significant changes to levels of noise nuisance or air quality. It was recommended that the Committee be minded to grant the application subject to the amended recommendation on the supplement to the Late List, conditions and informatives in the report and those updated in the Late List.

Public Speakers and Questions

- (5) Councillor Lepper spoke in her capacity as local Ward Councillor and explained that she was grateful to the club for the active steps taken to address some of the problems in Coldean as the area was within walking distance of the stadium, and currently was used by spectators for parking. She highlighted some of the problems this caused on match days, and explained that there had been occasions when it had been necessary for buses to take alternative routes because of the extent of the problems. She welcomed the conditions addressing these problems, and in particular referenced the additional signage and commitment to monitor the effectiveness of the conditions.
- (6) Councillor Mo Marsh spoke in her capacity as local Ward Councillor and explained that she was in favour of the general provision of the stadium as it was an important means to create employment for the city; she stated that the situation had progressed since the beginning of 2012 and many concerns were now being addressed. She stated that the only way to solve the parking issues in the Moulsecomb and Coldean areas was through the introduction of a match day CPZ. She welcomed the introduction of integrated tickets for both the match and the sustainable transport; hoped yellow line enforcement would increase on match days in her Ward and noted that steps had been taken to address anti-social behaviour on match days.
- (7) Councillor Hawtree asked both Ward Councillors if the report had addressed many of their earlier concerns, and in response it was explained that as Ward Councillors they dealt with much correspondence in relation to these issues, and it was felt that the conditions in the report reflected the steps that had been made address the concerns of local residents. It was also highlighted that monitoring was important as it allowed changes to be made where necessary.
- (8) Martin Perry spoke in support of the application on behalf of the applicant; he stated that the stadium had been a substantial success and employed approximately 1000 people; 94% of whom lived within the city; the stadium had also added approximately £24 million into the local economy, and was supplied by 260 local companies. The application sought to build on these successes, and provide another 430 jobs both directly and indirectly. In relation to facilities at the Bridge Community Centre it was explained that the club would be contributing to the costs of the move. It was highlighted that currently 68% of spectators arrived by sustainable transport - with averages for other clubs ranging between 22% and 33% - it was explained that the introduction of the travel voucher included the cost of the sustainable transport in the ticket price. The club were determined to foster positive relationships with local residents and has taken active steps to address local concerns. The application was an important means for the club to further development, and it was asked that the Committee approve it.
- (9) Councillor Farrow asked how the club would work with the Council to ensure the CPZ effectively addressed the local issues in relation to displacement parking. In response it was explained that, if the scheme was approved following local consultation, the club would be meeting the costs to implement and operate the scheme.
- (10) Councillor Hawtree asked for more information on the rationale behind the application for the additional seating; how the current arrangement of temporary parking would be addressed in the long term, and more information on the acoustics at the site. In

response it was explained that the club technically operated at full capacity for games; there was a waiting list of fans for season tickets, and the club had aspirations to further its league performance and would need to address the additional demands this would create. In relation to the parking matters it was explained that the club intended to apply for another four year temporary use at the Brighton Racecourse when this permission expired later in the year; however the club were seeking a permanent solution and had identified a potential site. Lastly it was explained that the additional seating would actually improve the current acoustic arrangements and it was estimated the impact on Falmer Village would reduce by 2dba.

- (11) Councillor Hyde asked if the current park and ride facilities were at capacity, and in response it was explained that the Racecourse site was at capacity, but there was additional scope for increased use at other sites.
- (12) Councillor Cobb asked for more informed on the breakdown of use of sustainable transport between 'home' spectators and 'visiting' spectators. In response it was explained that the club advertised the stadium car park free for visiting supporters, and the majority of these arrived at matches by organised coach services.
- (13) In response to a query from Councillor Hyde it was explained that there were approximately 30 games played per year.

Questions for Officers

- (14) Councillor Farrow asked how the CPZ would operate in practise, and if the scheme had to be in place before the additional seating could be used at the stadium. In response Officers explained that the first phase of the application could be implemented as there were interim proposals for additional stewarding; the actual practicalities of the scheme were currently unknown as the progression and details were all subject to consultation. Councillor Farrow asked if an additional condition could be attached to request that the use of the additional seating be restricted until the proposed CPZ was in place. The Senior Lawyer, Hilary Woodward, explained that there was no guarantee the CPZ would be agreed as it would be subject to consultation and, as such, to attach a condition to this extent would be unreasonable.
- (15) Councillor Summers enquired in relation to potential changes to the traffic management on Lewes Road, and how this might affect the application. In response it was explained that the consultation was currently taking place; the information would not have been available to the applicant at the point of submission, but the club was a participant in the development of the proposals.

Debate and Decision Making Process

- (16) Councillor Wells highlighted his support of the application, and stated that he hoped the concerns of the local Ward Councillor would be considered as part of the implementation of the application.
- (17) Councillor Hamilton explained that he has attended matches at the club, and used the various sustainable means to access the stadium; he was pleased to report that the

arrangements worked well, but hoped a long term permanent solution to the parking facilities could be found.

- (18) Councillor Carden noted his concerns about traffic on the trunk road from Eastbourne though to Portslade, but noted he wished the club every success.
- (19) Councillor Farrow stated that, despite his earlier concerns, he would support the application, and he hoped local residents would support the introduction of the match day CPZ.
- (20) Councillor Hawtree explained that he echoed many of the positive comments made by other Members of the Committee, and stated, from his personal experience, he was pleased to see the facilities being enjoyed by families with children.
- (21) Councillor Summers noted she agreed with the views put forward by Councillor Farrow in relation to the proposed CPZ, as it affected residents in her own Ward; she went on to state that she also echoed some of the concerns of the other local Ward Councillors, but hoped that the club would continue to foster positive relations with the Council.
- (22) Of the twelve Members present it was unanimously agreed that planning permission be granted.

175.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and is **MINDED TO GRANT** planning permission subject to the completion of the s106 Planning Obligation and deeds of variation and the conditions and informatives all as set out in the Report.

(ii) **Minor Applications**

C. BH2011/03956 - 191 Kingsway

- (1) Demolition of existing building and construction of nine residential flats.
- (2) The Area Planning Manager (West), Nicola Hurley, gave a presentation detailing the scheme for Application BH2011/03956 for full planning permission and Application BH2011/03957 for conservation area consent by reference to photographs, plans, elevational drawings and concept images. The application sought the demolition of the existing two storey Victorian building, and the creation of a new five storey building; with a fourth storey penthouse set into the building. It was noted that the legal representative for the owners of the site at 189 Kingsway had raised objections in relation to 'right to light' but the legal advice from the Council stated that this was not a material planning consideration. The principle of the redevelopment; the impact of the design and the standard of the accommodation had all been deemed acceptable.
- (3) The current Victorian building was considered out of keeping with its surroundings and it was proposed to replace it with a modern building taking up the entire width of the site; there was no objection to the proposed size and scale, and it was considered a suitable addition to the Kingsway. In relation to design it was noted that the floors did not align with the neighbouring building, but this was considered acceptable through the hierarchical arrangements that were proposed. The size and layout of the proposed

units were acceptable, with good access to amenity; and the Environmental Health Team were satisfied that issues in relation to noise could be addressed through appropriate conditions. The site included basement parking for 10 cars, and 9 cycle spaces. In relation to the conservation area consent it was highlighted that this was subject to the approval of the full planning permission, and the loss of the building was considered acceptable. For the reasons set out in the report Applications BH2011/03957 & BH2011/03956 were recommended for approval.

Public Speakers and Questions

- (4) Mr Barling, the legal representative for the owners of 189 Kingsway, outlined the objections to the scheme and stated that the former building at 189 Kingsway had been demolished and this applicant did not give consideration to a potential scheme that could come forward at 189 Kingsway. It was proposed that a development at 189 Kingsway would have windows in similar positions to the demolished building, and the application would reduce the amount of light available. Concern was also expressed in relation to underground parking and the amount of traffic on the Kingsway combined with the close proximity of a pedestrian crossing. It was felt that the scheme was undeliverable, and by granting consent the potential redevelopment of the site at 189 Kingsway would be put in jeopardy; it was important that the application be considered in the context of the larger redevelopment.
- (5) Councillor Hawtree asked for more information in relation to Mr Barling's comments that the application was undeliverable, and in response it was explained that if the application was granted the owners of 189 Kingsway would have no option but to appeal the decision through the appropriate legal channels.
- (6) In response to a query from Councillor Hyde Mr Barling was unable to confirm the size of the proposed gap between the building and the site at 189 Kingsway.
- (7) Mr Coleman, the agent for the applicant, spoke in support of the application, and stated that the application had emerged through close work with the Development Control and Conservation teams at the Council; it was considered that the proposals were an improvement on the existing building. Despite the proposed building being larger than the current one the actual density would be reduced due to the size of the units. In relation to issue of 'right to light' it was reiterated that this was not a material planning consideration, and should not form any part of the decision of the Committee. It was considered that the scheme was well suited to the site and location.

Questions for Officers

- (8) In response to queries in relation to 'right to light' the Senior Lawyer clarified that it was not a material planning consideration, and there was relevant case law to support this position. In relation to comments made about legal proceedings it was clarified that if these were a reference to right to light issues this would be a private matter between the two adjoining landowners.
- (9) Councillors Shanks asked for more information in relation to the access the underground parking. In response it was explained that there was no concern with the access; the central reservation of the Kingsway would prevent right turning into the

basement car park, and the vehicles existing would only not be able to turn towards the pedestrian crossing.

- (10) Councillor Hyde asked for confirmation on the proposed material that would be used on the balustrades, and it was confirmed that this would be stainless steel.

Debate and Decision Making Process

- (11) Councillor Cobb noted that this type of modern building was not uncommon on the Kingsway; and stated that, although she was disappointed with the code level 3 for sustainability, she would support the application.
- (12) Councillor Hawtree felt that the design was not of sufficient standard, and suggested better quality could come forward for development of the Hove seafront.
- (13) Councillor Hyde stated that she liked the design, and felt the living accommodation would be of good standard; furthermore she welcomed the amenity created through the large balconies and was pleased with the parking arrangements. She would support the application.
- (14) A vote was taken and of the eleven Members present planning permission was refused on a vote of 6 to 5. Councillor Hawtree proposed reasons that planning permission be refused and these were seconded by Councillor Summers; a short recess was then held to allow the Chair, Councillor Hawtree and Councillor Summers to agree the reasons for refusal in full in consultation with the Head of Development Control and the Senior Lawyer. A recorded vote was then taken. Councillors Hyde, Carden, Cobb, Farrow and Hamilton voted that planning permission be granted. Councillors MacCafferty, Deane, Shanks, Hawtree, Summers and Wells voted that planning permission be refused. Therefore on a vote of 6 to 5 planning permission was refused.

176.3 **RESOLVED** – That the Committee has taken into consideration the recommendation but resolves to **REFUSE** planning permission for the reasons set out below.

1. The site occupies a prominent position on the seafront and is within the Sackville Gardens Conservation Area. The proposed development by virtue of its bland architectural style and detailing would result in a development which would be incongruous in the context of its surroundings. The scale and form of the development fails to respect the character of the properties to the north in Sackville Gardens and Walsingham Road. For these reasons the proposal is considered to be contrary to policy QD1 of the Brighton and Hove Local Plan 2005 which aims to ensure that the development preserves or enhances the character or appearance of conservation areas and local characteristics
2. The proposed development by virtue of its poor quality of design would result in a scheme having an adverse impact on strategic views along the seafront and the Sackville Gardens Conservation Area. For this reason the proposal is considered to be contrary to policy QD4 of the Brighton and Hove Local Plan 2005.

Note: Councillor Pidgeon was not present during the consideration or the vote on this application.

D. BH2011/03957 - 191 Kingsway

- (1) Conservation Area Consent for the demolition of existing building.
- (2) Due to the refusal of Application BH2011/03957, and therefore the lack of acceptable plans for the site, Officers amended the recommendation set out in the report and proposed that conservation area consent be refused and that the wording for the reasons for refusal be delegated to Officers.
- (3) Of the twelve Members present it was unanimously agreed that planning permission be refused.

176.4 **RESOLVED** – That conservation area consent be **REFUSED** and that the wording of the reasons for this decision be delegated to Officers.

E. BH2010/03696 - 6-8 St James St

- (1) Installation of storage containers incorporating sound insulated panelling and removal of Dawson's chiller unit from service yard. Removal of existing palisade fencing and erection of new acoustic fencing and gates to service yard. (Part retrospective)
- (2) It was noted that the application had formed to subject of a site visit prior to the meeting.
- (3) The Area Planning Manager (West) gave a presentation for Application BH2010/03696 for full planning permission and Application BH2010/03717 for the variation of an existing condition detailing the schemes by references to plans and photographs. The applications sought the installation of new insulation around an existing storage unit and the removal of an unauthorised storage unit; the erection of acoustic fencing and a variation to allow deliveries to take place on Sundays. The main considerations related to the visual impact and the potential noise disturbance that could be caused. Although the Heritage team had suggested the height of the fencing be reduced it was felt that this would reduce the effectiveness of the mitigation provided by the acoustic fencing. In relation to the change of hours it was highlighted that the Environmental Health team had stated the proposals were acceptable. Both applications were recommended for approval subject to the reasons set out in the report.

Public Speakers and Questions

- (4) Mr Patrick, a local resident, spoke in objection to the application and stated the erection of the acoustic fencing would have an overbearing impact on his neighbouring property. He stated that the fencing was to prevent trespassing onto the site, but the operators had taken adequate steps to address these problems without the need for the additional fencing. In relation to lorries it was explained that they would now have less room to manoeuvre which would create more noise nuisance. The extension of delivery hours to Sundays was unnecessary and the operators were already taking deliveries without the necessary permission in place.

- (5) Councillor Hyde stated that the fencing was for acoustic purposes, and asked if there were existing problems with noise at the site and if the fencing would be beneficial. In response Mr Patrick explained it was unnecessary as his living room was above the line of the fencing.
- (6) Mr Grotta, the agent for the applicant, spoke in support of the application and apologised for any inconvenience and stress caused to Mr Patrick. The applicant had worked to reduce noise levels and the application proposed a material that would reduce sound as well as providing additional security. In relation to the extension of delivery hours to Sundays it was explained that this was necessary as Sunday trading had grown significantly since the original planning permission was granted, and the amendments would allow a flexible window for deliveries.
- (7) Councillor Hyde asked how many deliveries currently took place Monday to Saturday, and Mr Grotta explained that he did not have this information.
- (8) Councillor Hawtree asked if there were any measures which could be taken to improve the bulk of the fencing, and it was explained that this could be done at the side elevation, but not around the bin store.
- (9) Councillor Deane asked if there was any scope to condense deliveries, and it was explained that due to the size of the storage facilities this was not possible.

Questions for Officers

- (10) In response to a query from Councillor Cobb it was noted that the recommendations outlined by Environmental Health at p. 237 of the agenda had not been included in the Officers recommendation.
- (11) Councillor Shanks asked why no enforcement action had been taken in relation to the Sunday deliveries; in response the Head of Development Control explained that a decision had been taken to not pursue enforcement as the operators had taken active steps to regularise the current arrangements.
- (12) On a vote of 10 to 2 planning permission was granted.

175.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

F. BH2010/03717 - 6-8 St James St

- (1) Variation of condition 5 of permission BN84/0222/F for delivery hours to be extended to 0700 to 2030 on Monday to Saturday (including Bank Holidays) and 0900 to 1600 on Sunday (part retrospective).
- (2) It was noted that this application had formed the subject of a site visit prior to the meeting.

(3) On a vote of 8 to 4 planning permission was granted.

175.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves to **GRANT** the variation subject to the conditions and informatives set out in the report.

G. BH2011/02401 - Land at 27-31 Church St

(1) Erection of mixed use development comprising 9no residential dwellings, retail and offices incorporating basement level parking and associated landscaping.

(2) Of the twelve Members present it was unanimously agreed that planning permission be refused.

176.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 Planning Obligation and conditions and informatives as set out in the report.

Note: Councillor Pidgeon and Councillor Deane were not present during the consideration and vote on this item.

H. BH2011/03764 - 27-29 Pembroke Crescent

(1) Application for removal of condition 8 of application BH2011/02434 (Conversion of existing rest home (C2) into 2no six bedroom dwellings incorporating demolition of existing rear extension, removal of roof terrace and external fire escape with associate alterations and erection of new single storey rear extension) which states that the development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

(2) The Area Planning Manager (West) gave a presentation detailing the application by reference to photographs, and stated that the application sought the removal of condition 8; however, the applicant had lodged an appeal for non-determination and Officers were asking the Committee to express an opinion had this been bought before them for determination. The site was located within a CPZ – zone R - and there was no waiting list - but it was considered the location was sustainable in relation to distance to public transportation. It was highlighted that the relevant policy did not react to demand or capacity, and therefore the applicant's arguments in relation to demand or capacity were not relevant, and they had not been able to demonstrate that the site did not have access to sustainable transportation. The site had previously been a residential care home, and the two associated staff parking permits had been rescinded. It was recommended that had the appeal not been lodged the Committee would have resolved to refuse the application.

Public Speakers

- (3) Mr Burgess, the agent for the applicant, spoke in support of the application and explained that the planning permission had been for the conversion of the residential care home back into two semi-detached family homes, and it was unlikely that families would be car free. He stated that if the condition were not removed then it was likely that a planning application would have to be submitted and the units further subdivided into flats. There was no waiting list in the zone, and as the previous residential care home had two business permits there would be no additional stress on the potential number of vehicles parking. Mr Burgess referred to National Planning Policy Framework which stated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- (4) It was confirmed for Councillor Hamilton that other properties in the street were entitled to parking permits.
- (5) Councillor Cox spoke in his capacity as the local Ward Councillor and stated that he was not against a car free development, but asked the Committee to apply a common sense approach to the application as the properties were being returned to their original use as family homes.
- (6) Councillor Hawtree asked for more information in relation to the current parking situation in the area, and it was explained that there no strain and many spaces were free.

Questions for Officers

- (7) The Area Planning Manager (West) confirmed that the condition did not prevent the occupiers owning a car, but they would not be able to apply for a parking permit. It was also advised that the NPPF referred to the importance of promoting sustainable transport, which the car free condition was in accordance with. It was highlighted that the policy was being successfully operated across the city.
- (8) In response to a query from Councillor Hamilton the distance to the nearest free parking from the site was highlighted.

Debate and Decision Making Process

- (9) Councillor Hyde stated it was her belief that the applicant had successfully demonstrated that this application should be treated as an exception to the policy; as the properties were being converted back to family homes and there was a risk the developments would not come forward without the removal of the condition. She stated that there were no objections from neighbours and there was capacity in the CPZ, furthermore a recent decision at appeal had overturned the policy. Councillor Hyde said that the city needed to demonstrate it was not anti-car, but instead encourage sustainable means of transport.
- (10) Councillor Cobb stated that the condition would also prevent any future car ownership at the site for families who may need a car in the future.
- (11) Councillor Wells stated there was no demand for parking in the area, and, as such, he would be voting against the Officer recommendation.

- (12) Councillor Summers noted she agreed with the comments made by Councillor Hyde and Councillor Cobb and would vote against the Officer recommendation.
- (13) Councillor Deane stated that there was no change to footprint of the buildings and she could not see how any additional stress would be created to local parking amenity.
- (14) The Head of Development Control clarified that the policy had been operating successfully in the city, and that it did not respond to demand within the CPZ.
- (15) On a vote of 10 to 1 it was agreed that had the application come before the Committee for decision the removal of the condition would have been agreed.

175.8 **RESOLVED** – That the Committee has taken into consideration the recommendation but resolves that it would have **GRANTED** the removal of the condition had the decision been brought to the Committee.

Note 1: Councillor Pidgeon was not present during the consideration or vote on the item.

Note 2: The Head of Development Control explained that the report and the minutes would be forwarded to the Inspector who was currently considering the appeal for non-determination.

176. 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

176.1 There were none.

Information Items

177. APPEAL DECISIONS

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

178. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

178.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

179. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

179.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

180. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

180.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

181. LIST OF APPLICATION DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)

181.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place under delegated powers be noted.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Strategic Director of Place. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

The meeting concluded at 5.53pm

Signed

Chair

Dated this

day of

LIST OF MAJOR APPLICATIONS

<u>No:</u>	BH2011/03765	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19-27 Carlton Terrace, Portslade		
<u>Proposal:</u>	Demolition of existing buildings and erection of new 3no. storey block of 41 retirement apartments with communal facilities, car parking and landscaping works, erection of new 2no. storey block of 4no. affordable apartments with car parking and landscaping and associated works.		
<u>Officer:</u>	Jason Hawkes	<u>Valid Date:</u>	16/02/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 May 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	The Planning Bureau Ltd, 26-32 Oxford Road, Bournemouth		
<u>Applicant:</u>	McCarthy and Stone Retirement Lifestyles Ltd & Vye's (Hove) Ltd, Emerald House, 30-38 High Road, Byfleet		

1 RECOMMENDATION

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

1. The scale of the main three-storey building, due to its bulk, extensive coverage of the site and limited open space would appear as an overdevelopment of the site and an over dominant feature in contrast to the character and context of the surrounding area. Additionally, the proposal results in a front elevation which is significantly further forward than the existing adjacent building line on Carlton Terrace. This coupled with the design of the front elevation with a second floor set back and three-storey appearance would make the front elevation dominate the street scene and is considered to represent inappropriate development which poorly relates to the character and appearance of the street scene. For these reasons the development is contrary to policies QD1, QD2, QD3, HO4 and HO6 of the Brighton & Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.
2. The proposed development by reason of its height, scale, excessive footprint, fenestration detailing and positioning would result in an unneighbourly development and lead to a significant overbearing effect, increased sense of enclosure, increased overlooking and perceived overlooking to neighbouring properties to the detriment of the living conditions of occupiers. The proposal would therefore be contrary to planning policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.
3. The proposal includes 4 affordable housing units out of 45 units which equates to an 8.9% element of affordable housing. Policy HO2 of the

Brighton & Hove Local Plan requires a 40% element in schemes of 10 or more dwellings. The applicant has failed to provide a robust and comprehensive justification for a significantly low level of affordable housing. The scheme is therefore considered contrary to the above policy.

4. The applicant has failed to demonstrate that the impact of the development will be significantly mitigated in matters directly related to planning by means of planning obligations as outlined in policy QD28 of the Brighton & Hove Local Plan. These matters relate to the impact of the development in terms of policy TR1, that requires development proposals to provide for the demand for travel they create, policy HO6 that states new development will not be permitted unless the requirement of outdoor recreation space are suitably provided, policy QD6, which requires development to provide new public art in major development schemes and the requirement of the scheme to contribute towards local employment and training schemes. The scheme is therefore considered contrary to the above policies of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on the Statement of Community Involvement, Planning Statement, Embodied CO2 Estimator Sheet, Affordable Housing Statement, Energy / Sustainability Statement, Design, Access and Sustainability Statement, Refuse and Waste Minimisation & Management Plan, Utilities Statement, Sustainability Checklist, Drainage Survey, Traffic and Transport Consultation, Extended Phase 1 Habitat Survey, Site Investigation Report, Viability Assessment and Review, Validation Statement, Assessment of Potential Noise Impact, Biodiversity Checklist and drawing nos. 10-1769-100, 101, 102, 103, 104, 105, 106, 107, 108, 109, MCS441/Drg01A, PP/2813/M&S/2010/A, B2452/12_02, 03 & 04 received on the 9th December 2011 and 16th February 2012.

2 THE SITE

The application relates to a site fronting Carlton Terrace, located between Portslade Station and Old Shoreham Road. The site is irregular in shape and approximately 0.36 hectares in size. The topography falls from north to south and from the east to west. A vacant single storey car workshop and associated car parking area is situated to the rear of the site, and the land fronting Carlton Terrace forms a car sales area.

The adjacent pair of Victorian semi-detached houses form ancillary offices for these uses. An access road runs across the site which also provides access to the Telephone Exchange to the rear and to a car park. The application site includes this car park to the rear of 28-29 Carlton Terrace. The land to the south of the site forms the car park to the Aldi store and buildings fronting Carlton Terrace are a mix of commercial/offices and residential. The site is within close proximity to Portslade Station and the main shopping area on Boundary Road / Station Road. Adjacent to the site to the east at 301 Old Shoreham Road is a piece of vacant land which is used for telecommunications equipment. The site is not within a conservation area.

3 RELEVANT HISTORY

BH2010/03128: 19-27 Carlton Terrace. Outline application for demolition of existing buildings and erection of 4no blocks of mixed flats/houses totalling 15no units. Approved 18th January 2012.

BH2010/3124: 19-24 Carlton Terrace. Outline application for erection of 4 x 3 bedroomed houses, including conversion of No.24 from ancillary office to existing car sales use, to residential. Approved 18th January 2012.

BH2001/01102/FP: 24 Carlton Terrace. Construction of single storey flat roofed extension to south of existing building. Approved 25th October 2010.

BH1998/2148/FP: 19-24 Carlton Terrace and rear of 16 -18 Carlton Terrace. Change of use from redundant petrol station and ancillary parking area to hard landscaping area for display of cars for sale. Approved 28th January 1999.

4 THE APPLICATION

Planning permission is sought for the demolition of existing buildings and the erection of a new 3no. storey block of 41 retirement apartments with communal facilities, car parking and landscaping works. The scheme includes a new 2no. storey block of 4no. affordable apartments to the northern part of the site. The scheme comprises the following:

Main block of three-storeys:

Ground floor:

- 3 x 2 bedroom retirement flats
- 8 x 1 bedroom retirement flats
- Residents lounge
- Offices
- Buggy store
- Refuse store
- Landry room
- Communal amenity area and landscaped areas
- Front railings, piers and landscaped areas
- 14 car parking spaces

First Floor:

- 4 x 2 bedroom retirement flats
- 12 x 1 bedroom retirement flats

Second floor:

- 8 x 2 bedroom retirement flats
- 6 x 1 bedroom retirement flats

Affordable housing block of two-storeys:

- 4 x 1 bedroom units
- Communal amenity area
- 4 car parking spaces

A Community Consultation report has been submitted as part of the application outlining the consultation exercises that have taken place, and this

includes a newsletter to local residents and ward councillor consultation.

5 CONSULTATIONS

External

Neighbours: One (1) email of representation have been received from **Flat 1, 9/10 Carlton Terrace** objecting to the application for the following reasons:

- Boundary Road is blocked with cars queuing due to the poorly timed traffic lights at the top of the road and the slow level crossing gates. Construction works and 45 more cars trying to negotiate a very small section of the road will add to the traffic congestion in the area.

Hangleton & Knoll 50 Plus Steering Group: Support the scheme as being suitable for the area and a much needed development.

UK Power Networks: No objections.

East Sussex Fire and Rescue Service: The plans do not indicate satisfactory access for fire appliances for fire fighting purposes. The applicant is referred to the British Standard Codes of Practice for guidance on sprinkler systems.

Environment Agency: No objection subject to conditions relating to land contamination.

Southern Water: There is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. If approved, the applicant will have to enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required.

Sussex Police: No objection.

Internal:

Access Advisor: Objection. The scheme is inadequate as no wheelchair accessible units have been identified. 2 (5%) of the units should be wheelchair accessible. The scheme also requires amendments to fully meet Lifetime Homes requirements.

Ecology: No objection.

Environmental Health: No objection subject to conditions for further land quality assessment and further details on how the residents will be protected from road traffic noise.

Economic Development: No objection. A contribution is requested through a Section 106 agreement for the payment of **£22,500** towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.

Housing: In line with the affordable housing brief, 40% of the units are

required to be affordable housing units. This would equate to 18 units and only 4 are being offered. Additionally, some of the affordable units should be 2 bedroom homes and at least 10% of the affordable units should wheelchair accessible.

Planning Policy & Projects: Redundancy can be accepted on the basis of the recent planning approvals. The proposed level of affordable housing of 9% in response to policy HO2 is unacceptably low. In accordance with policy HO6, new development will not be permitted unless the requirement of outdoor recreation space is suitably provided. Provision for recreation and open space is inadequate. This can be addressed through a contribution of **£64,990.95**. In accordance with policy QD6, an artistic public component should be included in the scheme to the value of **£19,600**.

Sustainability: There are shortcomings in the scheme which means that approval is not recommended without the submission of further information. This can be controlled by suitably worded conditions.

Sustainable Transport: Refusal is recommended as the proposal does not protect the interests of the public using the roads and footways. The application is unacceptable for the following reasons:

- Lack of disabled parking
- Lack of cycle parking
- Lack of pedestrian facilities within the site
- Doors for buggy store and refuse store should not open outwards

If recommended for approval, conditions are recommended which could address the above concerns. Additionally, a financial contribution of **£10,800** would be required to improve off-site walking facilities in the surrounding vicinity of the site.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD27	Protection of Amenity
QD28	Planning obligations
HO2	Affordable housing
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
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main considerations of this application relate to the principle of the proposed development and impact on neighbouring amenity, standard of accommodation, the impact of the development in terms of design and scale on the surrounding landscape and the suitability of the layout. The related highway implications, ecology, landscape design, land contamination and

sustainability are also assessed.

National Planning Policy Framework:

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development.

The Framework identifies that there are three dimensions to achieving sustainable development- economic, social and environmental- which should be sought jointly and simultaneously through the planning system.

To support these three dimensions, the Framework identifies twelve core land use planning principles. These principles include (amongst others) a commitment to securing economic growth in order to create jobs and prosperity, promoting sustainable transport, delivering a wide choice of high quality homes, the desire to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings and to encourage the effective use of land by reusing land that has been previously developed.

The NPPF encourages Local Authorities to proactively drive and support sustainable development to deliver homes, business and industrial units, infrastructure and thriving places that the country needs.

As outlined below, the scheme is deemed contrary to the NPPF as it does not promote sustainable development in terms of delivering good design, promote sustainable transport, deliver an acceptable mix of housing with an adequate level of affordable housing or mitigate the impact of the development on the surrounding area through appropriate measures or contributions.

Background:

Recently, outline planning permissions were granted for two schemes on the site. The first was for 19-27 Carlton Terrace, which granted outline consent for 4 blocks to create a total of 15 units (**BH2010/03128**). The second was for 19-24 Carlton Terrace and granted outline consent for 4 houses and the conversion of no. 24 from ancillary office to existing car sales use, to residential. (**BH2010/03124**). Only the principle was granted at outline stage.

This application is for 41 retirement flats in a three-storey block and a separate 2-storey block to form 4 affordable units. McCarthy & Stone provide sheltered accommodation for older people who require housing which provides them with security and the ability to manage independently. They provide two forms of specialised accommodation:

- (i) Category II Accommodation.
- (ii) Assisted living.

The proposal at 19-27 Carlton Terrace falls with Category II which is designed for the more independent older person with one or two bedroom apartments around a central core of communal facilities. All floors are accessed by a lift and the development is supervised by a house manager.

The occupation of the apartments is controlled through the lease which is subject to conditions. One of the conditions to be satisfied is that in the case of a couple, one of the occupants has to be over the age of 60 and the other is over the age of 55.

McCarthy & Stone have identified this site as an opportunity to provide special needs housing for elderly within the Brighton & Hove area. McCarthy & Stone acknowledge that Brighton & Hove has a lower population over the age of 65 when compared to the rest of the South East. They however state that there is growing older population in Brighton & Hove and that this scheme will help provide suitable options for older people who wish to downsize and to remain in the city.

Policy HO15 of the Brighton & Hove Local Plan states that planning permission will be granted for the provision of residential accommodation for people with special needs, included supported housing. This scheme is for independent living with the advantage of communal facilities and does not fall within this category. The Local Plan does not include any specific policies that relate to this type of housing. However, due to the nature of the housing which is for market self contained residential one and two bedroom flats, the scheme is assessed against the relevant housing policies and supplementary planning guidance, taking into account the NPPF.

Financial Viability and Affordable Housing:

Policy HO2 of the Brighton & Hove Local Plan states that where a proposal is made for residential development, the Local Planning Authority will negotiate with developers to secure a 40% element of affordable housing. In assessing the appropriate level and type of provision, consideration will be given to the following:

- i. local need in respect of the mix of the dwelling types and sizes,
- ii. the accessibility of the site to local services and facilities and public transport;
- iii. the particular cost associated with the development of the site;
- iv. the extent to which the provision of affordable housing would prejudice the realisation of other planning objectives; and
- v. the need to achieve a successful housing development.

The scheme provides 45 residential units and only 4 are provided for affordable housing. This equates to 8.9%. This is well below the recommended 40% outlined in policy HO2. To achieve 40% affordable housing, the scheme would have to provide 18 units out of the 45 proposed.

The previous scheme for 15 units (BH2010/03128) secured 26.6% affordable housing. This level was deemed acceptable based on the financial viability assessment and justification submitted with that application. The Council's Planning Policy Section has stated that the low level of 8.9% of affordable housing for the current scheme for 45 units is unacceptable and that it would be reasonable to assume that the significantly increased density over the recent approval would also allow a higher level of affordable housing to be provided rather than less.

The applicant's Affordable Housing Statement is considered weak and focuses heavily on viability arguments. The acceptability of the affordable element of the scheme to a Registered Social Landlord also needs to be demonstrated by the applicant as this is not clear in the submission. The Council's Housing Commission have stated that there is pressing need for affordable housing in the city with over 12,000 people on the Housing Register waiting for affordable rented housing. The Housing Team have also commented that some of the affordable units should also be 2 bedroom homes. Additionally, to secure the creation of mixed and integrated communities, the affordable housing should not be visually distinguishable from the market housing on the site in terms of build, quality, materials, details and levels of amenity space.

The applicants have stated that the modelling carried out as set out in an accompanying Viability Assessment and Review Report 2011 concludes that, due to the interplay of gross development value, development costs and the market value of the site, 4 shared equity affordable housing units of accommodation can be provided. The Viability Assessment states that the scheme does not include any planning gain packages through Section 106 agreements.

The Viability Assessment submitted raises concerns due to the methodology used and there are also doubts over some of the figures used in the calculations. For example, the methodology includes the market value of the site (£600,000) as development cost and states there would be a deficit at the completion of the scheme of £21,955.

The calculation to work out the residual land value should include all development costs, including Section 106 contributions and the cost of providing affordable housing. The end result, having removed all costs from the development value, is the price the land is worth. If the developer has purchased the site at market value, this is not a material planning consideration.

There is also concern over some of the figures used in the calculation of the residual land value. For example, the finance arrangement fee of £50,000 seems high. This along with a number of other figures given is not backed up with evidence from an independent source. Additionally, the scheme states that developer's profits will be 20%. Given the current financial climate, this also seems high and that there is scope for this to be reduced.

It is therefore felt that low level of affordable housing (9%) has not been justified. The scheme is therefore contrary to policy HO2 of the Brighton & Hove Local Plan.

Loss of Industrial Use:

Policies EM3, EM5 and EM6 of the Brighton & Hove Local Plan relate to the loss of land in industrial uses. The policies state that land in industrial use (Class B1, B2 and B8) will not be released for other uses unless the site has been assessed and found to be unsuitable for modern employment needs.

The industrial land at 19-27 Carlton Terrace was partly occupied by “Vyes” and formed a car paint shop / workshop with a gross floorspace of 1,125m² and associated car parking, until it closed in November 2008. The buildings comprise four interconnecting workshops of varying ages and an ancillary office with a converted semi-detached house. In the previous scheme, the applicants considered the buildings to have outlived their useful life, that the redundant nature of the buildings and limitations of the site had been demonstrated by the poor vehicular access and turning, the low eaves height to the workshops, poor thermal and sound insulation, height restrictions on access way to the lower yard, domestic style offices with no open plan flexibility, and low grade amenities. As part of the previous applications, marketing reports were submitted which demonstrated that the industrial premises were no longer viable. On this basis there was no objection to the loss of employment floorspace on the previous scheme. Similarly on this scheme, the Economic Development officer has commented that the loss of employment floorspace is acceptable.

It should be noted that the site is partly used for a car showroom which will be lost if the permission is granted. Car showrooms fall under a *sui generis* use and are not protected by the EM policies in the Local Plan.

No marketing has been submitted with the current application to demonstrate that the loss of the industrial use is acceptable. Given the extensive marketing undertaken in the previous schemes, which were recently granted consent, it is felt that the principle of the loss of the offices has been established and remains relevant. Furthermore the use of the site for residential purposes is considered acceptable.

The Economic Development Officer has commented that the current scheme is acceptable subject to the applicant entering into a legal agreement to secure a contribution of £22,500 towards the Local Employment Scheme (LES) in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase. The main purpose of the financial contribution is that it provides towards the programme with a range of support measures that directly assists local residents in respect of accessing work and training in construction.

As outlined above, the applicant has stated that due to the financial viability of the scheme, no Section 106 contributions can be offered as part of this scheme. The lack of a contribution towards the Local Employment Scheme forms the third reason for refusal.

Design:

Policies QD1, QD2 and QD3 state that all new developments should show a consistently high standard of design and detailing reflecting the scale and character or appearance of the area. Development should 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.

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Policy HO4 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.

The previous approval (BH2010/03128) was for outline consent for 15 units. Indicative plans indicated the development comprising four blocks which were 2 and 3 storey in height. However, the scale and design was not secured at outline stage. This proposal involved the demolition of a pair of two storey Victorian properties, originally dwelling houses, which now form ancillary offices. The second outline consent granted permission for three pairs of semi-detached houses fronting onto Carlton Terrace (BH2010/03124). The two consents included indicative designs of the houses. The actual designs and appearance of the proposed houses were not included in the outline consents and were required by condition to be approved in reserved matters applications.

The current scheme is for a much larger scheme in terms of bulk and scale when compared to the outline consents. The proposal can be divided into two distinct sections. To the south of the site a three-storey structure is proposed for 41 retirement flats with communal facilities, parking, landscaping and an outside amenity space. This building is three-storeys high and can be described as an inverted 'J' shape. This provides a frontage to Carlton Terrace with a central wing aligned to the access drive. The element of the proposed building facing Carlton Terrace includes a top floor set back from the main frontage which allows a balcony area. The southern and northern properties include dormer extensions onto the balcony areas. The front elevation is divided into four blocks which respect the plot width of the adjacent properties on the street. The blocks are linked by stair cores in glazed curtain walling. The rest of the building is proposed in a combination of red brick and render with the set back floor proposed with cladding with UPVC windows and doors. The scheme includes steel railings with brick pillars to the front elevation.

It is felt that the plot width and roof height of the Carlton Terrace elevation is acceptable and in line with the rest of the street. There are, however, concerns that the front elevation is inappropriate partly due to the inclusion of a set back balcony area. This set back reduces the size of the roofs and gives the buildings a three-storey appearance with a higher eaves height than the adjacent buildings. The set back at second floor level is not seen in any other adjacent buildings on the street which are mainly traditional two-storey Victorian houses with gabled and pitched roofs.

The scheme also proposes a building line which comes forward of the building line of the adjacent buildings to the immediate north and south. The proposed front elevation is 2.1m further forward than the front building line of no.18 Carlton Terrace. No.18 is within close proximity (2.2m) to the south elevation of the front building. Due to this close proximity, it is felt that the difference in the building line will be particularly obvious and will make the front elevation stand proud of the rest of the Carlton Terrace. This along with

the elongated appearance and set back at second floor level results in a front elevation which has an inappropriate visual impact in the context of the rest of the street scene.

It is also felt that the plot coverage and overall scale of the proposal is out of character with the area and an overdevelopment of the site. The 'J' shape of the development results in a three-storey block along the eastern elevation as well as full coverage of the site with a three-storey building from east to west. The western elevation proposed will dominate the boundary with a bank of windows. Also, the shape of the development results in the appearance of a large and dominant structure when viewed from the south and north. The southern elevation will be viewed from the Aldi car park and the north elevation goes along the access road and will be partly visible from the street. The proposal results in a much larger building when compared to the existing structures on site. It is felt that the use of a three-storey building across the whole site is unacceptable to such a scale proposed which results in an over dominant building and over development of the site.

The affordable housing block proposed is a much smaller two-storey to the northern section of the site set behind the gardens of 28-31 Carlton Terrace and 305 & 307 Old Shoreham Road. This block matches the materials and design of the larger block and the block includes a communal garden area and 4 car parking spaces. Due to the scale and position of the affordable block no objection is raised to its design or visual impact.

In conclusion, it is considered that the overall scale and coverage of the larger block serving the market housing will be out of context with the surrounding area and that this part of the proposal will appear as an inappropriate and incongruous development.

Whilst some aspects of the front elevation respect the scale and character of the area, there also concerns that the front elevation with its set back roof gives the building a top heavy appearance and that the building line proposed is too far forward, which will make the development stand out as visually inappropriate in the street scene. It is therefore considered that the scheme is contrary to the above guidance as well as local plan policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

Impact on Amenity:

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

Having regard to the orientation and position of the proposed development, the scheme is likely to have most impact on the neighbouring properties to the south, no. 18 Carlton Terrace and no. 28 Carlton Terrace to the north. No. 18 Carlton Terrace appears to be in residential use, which is confirmed by council tax records. The amenity space at the rear appears to be tarmac and used in connection with a commercial unit to the south of no. 18 Carlton

Terrace. Windows are located in the west facing elevation of no. 18 Carlton Terrace. Given the increased depth of the development to the north and the overall footprint of the development, together with the increased height, there is concern raised regarding the increased bulk of the proposed development for the occupiers of no. 18 Carlton Terrace. The resulting increase in bulk at the rear is considered unneighbourly leading to a significant overbearing effect and increased sense of enclosure and likely to result in a detrimental impact on amenity. Fenestration is proposed in the east facing elevation, which faces onto no. 18 Carlton Terrace. Whilst a separation distance of approximately 24 metres would separate the proposed development and the rear elevation of no. 18 Carlton Terrace, given the increased height and fenestration detailing concerns are raised in respect of increased overlooking and perceived overlooking.

Turning to no. 28 Carlton Terrace, there are some side windows facing south, with additional windows facing west onto the proposed affordable block. This property appears to be in commercial use and is separated from the development by the retained access road. The development is not considered to result in a detrimental impact on the occupiers of no. 28 Carlton Terrace.

Since the site extends further south to the rear than the element fronting onto Carlton Terrace, part of the site shares a boundary with the Aldi car park. However, given its use, the development is not likely to have a detrimental impact on the car park.

To the rear of the site, there is a single storey commercial building which is unlikely to be affected by the increased scale and bulk of the proposed development. Residential properties are located to the south west of the application site, known as Links Close. Links Close is formed of two-storey blocks of flats which are set at a lower ground level than the application site. Whilst the proposed development is positioned in close proximity to the western boundary, given the fact that Links Close is bounded by extensive trees and the orientation of the development, no significant impact on amenity is considered likely to result.

Turning to the properties on the opposite side of the application site, the properties comprise of two-storey dwelling houses and a parade of shops, some with first floor flats. The front elevation of the proposal includes balconies, which will allow views across the road. Due to the distance between the balconies and the properties opposite, approximately 27 metres, the balconies and front windows of the flats will not result in any significant loss of privacy and is no different to similar front to front separation distances in the area.

In relation to the two-storey block of affordable housing, this is set to the north of the main block and is also considered acceptable in terms of its impact on the amenity of adjacent properties due to its distance away from the nearest residential properties. It is adjacent to a piece of vacant land to the west used for a telecommunications installation. This block is also adjacent to the rear

gardens of 28-31 Carlton Terrace and 305-307 Old Shoreham Road. The block will not affect these gardens or the houses / buildings they serve. The gardens of 305 & 307 Old Shoreham Road are set at a higher ground level than the application site and the gardens of the Carlton Terrace properties are set a significant distance from the affordable housing block, separated by an access road and parking area for the block.

Environmental Health:

Environmental Health has commented that they have no objection to the scheme subject to conditions. The applicant has submitted a Site Investigation Report and an Assessment of Potential Noise Impact. The Site Investigation Report identifies the site as being potentially contaminated due to its former uses and correctly acknowledges that further works are necessary to suitably characterise the site. On this basis, if recommended for approval, a condition would be recommended requiring the submission of an additional site investigation report documenting the ground conditions of the site and a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants.

The noise assessment submitted considers the impact of the road adjacent to the proposed flats and the potential noise impact of this busy road. The assessment indicates that this is a marginal site in terms of its suitability for housing. However, given that residential properties adjoin the site and are in close proximity, including flats recently constructed above the Aldi store to the south, all of which would experience similar levels of noise, it is considered that with appropriate conditions the site would make a welcomed contribution to the housing stock.

Environmental Health officers have advised that the consultants have suggested a scheme to allow the build to proceed. Essentially this involves the acoustic requirements for all habitable rooms facing Carlton Terrace. Additionally, all habitable rooms to the rear may be based on thermal performance glazing. The accompanying report states that normal trickle ventilation on window frames is not appropriate in this location with a need for either passive wall ventilators or a whole house ventilation system. The Environmental Health officer broadly agrees with the noise impact assessment. This can be dealt with by condition in the event planning permission is recommended.

Standard of accommodation:

Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. Each house includes appropriate sized rooms with adequate light and outlook to habitable rooms and will provide a suitable standard of accommodation. Additionally, the retirement flats (excluding the affordable housing units) benefit from the use of communal facilities including a resident's lounge and laundry room.

New residential buildings are expected to be built to a lifetime homes standard whereby it can be adapted to meet the needs of people with

disabilities without major structural alterations. The Council's Access Advisor has commented that the scheme requires amendments in order to fully comply with Lifetime Homes standards. These alterations include checking the gradient of ramps, handrails for ramps and internal alterations to bathrooms and doors. These amendments are relatively minor and, if recommended for approval, could be secured by condition.

The Access Advisor has also commented that 5% of the total number of units should be wheelchair accessible as built. This equates to 2 fully wheelchair accessible units. No wheelchair accessible units have been identified in the scheme. Such a unit would be expected to include its own dedicated parking space, its own electric mobility scooter storage space and charge point and a bathroom with a level entry shower. It is felt that the 2 units could also be achieved through minor alterations which can be required by condition. A refusal based on the lack of wheelchair accessible units can therefore not be supported.

Policy HO5 requires suitable external amenity space to be provided for new residential development. The scheme includes an outside communal garden adjacent the southern elevation for the 41 market retirement flats. The scheme also includes a number of private balconies for the flats. The 4 affordable housing units also have access to a communal amenity area adjacent the northern boundary. The applicant has stated that the communal areas proposed would meet the amenity needs of the elderly occupants. The communal areas and balconies are deemed satisfactory and in accordance with the policy.

Provision of outside recreation space:

Policy HO6 states that new residential development will not be permitted unless the requirement for outdoor recreation space, generated by the development, is suitably provided. Where it is not practical or appropriate for all or part of the outdoor recreation space requirements to be provided on site, contributions to their provision on a suitable alternative site may be acceptable. The Policy Section has commented that the scheme has failed to address wider recreation and open space facilities in accordance with the policy. The approved ready reckoner associated with draft SPGBH9 calculates a contribution of £64,990.95 to meet the additional requirements for recreation arising from the proposed development. This has been calculated on the basis of the number of bedrooms (54) in the development assuming an occupancy rate of one person per bedroom and discounting provision for children's play space.

If the proposal is providing accommodation for immobile elderly / those in need of extra nursing care then this will need to be taken into account and the open space requirements amended. However, the age requirements for retirement accommodation are for anyone over 55, in the case of a couple, one of the occupants has to be over the age of 60 and the other is over the age of 55. In addition to this it is likely retired people will have more time for leisure activity including visiting a park and garden, playing tennis/bowls etc, taking on an allotment, taking an interest in natural / semi natural

environments, etc.

In order to avoid delay and to enable developers to have a clear and transparent method for calculating the open space requirements it is common practice to use open space standards. The open space requirements seek to be as fair as possible by reflecting the size of each unit. In this particular case the bed spaces were inputted as bedsits because this excludes a requirement to provide children's equipped play space (even though it is likely a demand could be generated when grandchildren are entertained by residents).

On this basis, it is felt that the contribution for outside recreation space is justified and necessary to make the development acceptable in planning terms. The applicant has stated that no contributions are available for this scheme. Without the contribution, the scheme fails to address the requirements of policy HO6 and QD28 and is recommended for refusal on this basis.

In accordance with policy SU2, the scheme includes a large integral refuse store to the north east corner.

Sustainable Transport:

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

The scheme includes 14 car parking spaces for the market retirement flats (including 2 undercroft spaces) located on the north side of the three-storey block. The affordable housing unit also have 4 car parking spaces adjacent the affordable flats. All the car parking spaces are accessed via the existing access road from Boundary Road which is to be retained.

The Transport Team have commented that the scheme is unacceptable on a number of issues. Firstly, as this is a scheme for older residents, it is important that the scheme includes disabled parking spaces. This is also in accordance with policies TR1, TR18, TR19 and Supplementary Planning Guidance Note 4. The scheme should include a minimum of 5 disabled spaces. This could be achieved through amendments to the proposed 14 car parking spaces which could be secured by condition. Due to the size of disabled car parking spaces, this will result in an overall reduction in the total number of car parking. The Transport Team has commented that the reduction of the overall number of car parking spaces is acceptable given the importance of providing disabled car parking spaces.

The Transport Team has also commented that the scheme requires a suitable amount of cycle parking. If approved, this could also be achieved through condition as there is some space within the development for either integral cycle parking or a separate cycle store.

The Highway Authority has also raised concern about the lack of pedestrian facilities such as dropped kerbs and footways. They also state that the buggy

store and refuse store should have internal opening. The lack of footways and adequate pedestrian access can be adequately addressed by appropriately worded conditions. If deemed appropriate, a condition could also be imposed requiring the doors of the buggy store and refuse store to be internally opening. As the above can be addressed by suitably worded conditions, a refusal on the above concerns is not deemed warranted.

In terms of trip generation, the Highway Authority agrees with the applicant's prediction that the existing car show room will generate a greater amount of vehicular trips, however also predicts that there will be a significant difference in the amount of walking, bus use and cycling generated by the proposed housing site to the existing site use as a car show room. This means that there will be an increase in non-vehicular trips due to this proposal and that the trip generation created by the proposal is comparatively acceptable. The Highway Authority are also satisfied that the number of car parking spaces proposed (notwithstanding the inclusion of disabled spaces) is acceptable and that there appears no significant circumstances in the surrounding area that would exacerbated by this proposal.

The Highway Authority has stated that this application requires a contribution of £10,800 to improve off-site walking facilities in the surrounding vicinity of the site. These include the reinstatement of the surrounding footway and removal of 'keep clear' white lines on the carriageway. There are two redundant crossovers along the eastern edge of the proposed site to allow additional access to the car showroom. If these remain the crossover will cause undue difficulty to users of the footway and could cause obstruction if used for illegal parking. The contribution will go towards reinstating the footway. The Highway Authority has also stated that the contribution will go towards to installing dropped kerbs with tactile paving to improve pedestrian safety to be installed at Gladys Road, Dorothy Road, Margery Road and Florence Road junctions with Hallyburton Road.

On this basis, it is felt that the contribution for sustainability improvements in the area is justified and necessary to make the development acceptable in planning terms. Without the contribution, the scheme fails to address the requirements of policies TR1 and QD28 and is recommended for refusal on this basis.

Sustainability & Biodiversity:

Whilst the proposals address local sustainability policies well in some aspects, there are shortcomings in the overall scheme and the Council's Sustainability Officer recommends that further information and clarification is submitted by the applicant which can be secured by conditions.

Currently the applicant has committed to assessing the residential aspect of the scheme only under a certified national assessment scheme (the Code for Sustainable Homes to level 4), and not the shared communal areas. This meets the minimum recommended standard expected for residential development under SPD08 but leaves the remaining floor area not meeting minimum standards.

The methodology suitable for assessing the scheme as a whole is likely to be BREEAM 'Multi Residential' or a combination of this and the Code for Sustainable Homes. In this case BREEAM 'excellent' would be expected, with a score of 60% in the energy and water sections and Code level 4.

SPD08 recommends that all development be assessed for sustainability standards. There are 3 possible options therefore.

- 1) The residential aspects could be assessed (as the applicant has indicated) to Code for Sustainable Homes to level 4, and the shared areas could be assessed under a relevant BREEAM scheme to 'excellent' standard, with 60% score in energy & water section.
- 2) The entire development could be assessed under BREEAM Multi Residential to 'excellent' standard, with 60% score in energy & water section.
- 3) The applicant could propose an alternative assessment tool for the whole scheme if there is an equivalent alternative nationally recognised and certified standard to an equivalent standard, and where this is approved by the Local Planning Authority.

If the application is approved without further information submitted, it is recommended that a condition be attached which requires that all the development be assessed and certified, and this is undertaken under the Code for Sustainable Homes to level 4, or under BREEAM Multi Residential to an 'excellent' standard with 60% scored in the energy and water sections or under or under a Combination of BREEAM and Code.

In terms of biodiversity, the Council's Ecologist has commented that as the site is predominately buildings and hardstanding, the loss of the site raises no biodiversity concerns. There may be nesting birds within the vacant buildings or within the vines growing within the site. If recommended for approval, the applicant would be advised of the importance of avoiding disturbance to nesting birds during the construction works.

Provision of Public Art:

Policy QD6 states that the planning authority will seek the provision of new public art in major development schemes. The provision of public art will be secured via a legal agreement and the use of conditions.

The Policy Section has commented that it is disappointing that the applicant does not recognise the relevance of policy QD6 to this application.

The level of contribution is arrived at after the internal gross area of the development (in this instance approximately 3,920 sq m) is multiplied by a baseline value per square meter of construction arrived at from past records of public art contributions for this type of development in this area. This includes average construction values taking into account relative infrastructure costs. The level also takes into account the prominence of the site location, and that the application includes the provision of affordable housing. It is suggested that the public art element for this application is to

the value of £19,600.

The provision of public art can create and enhance local distinctiveness and helps develop a desirable place to live. Some public art schemes also provide important opportunities to involve the local community and will offer work to local artists. On this basis, it is felt that the contribution for public art provision is justified and necessary to make the development acceptable in planning terms. Without the contribution, the scheme fails to address the requirements of policies QD6 and QD28 and is recommended for refusal on this basis.

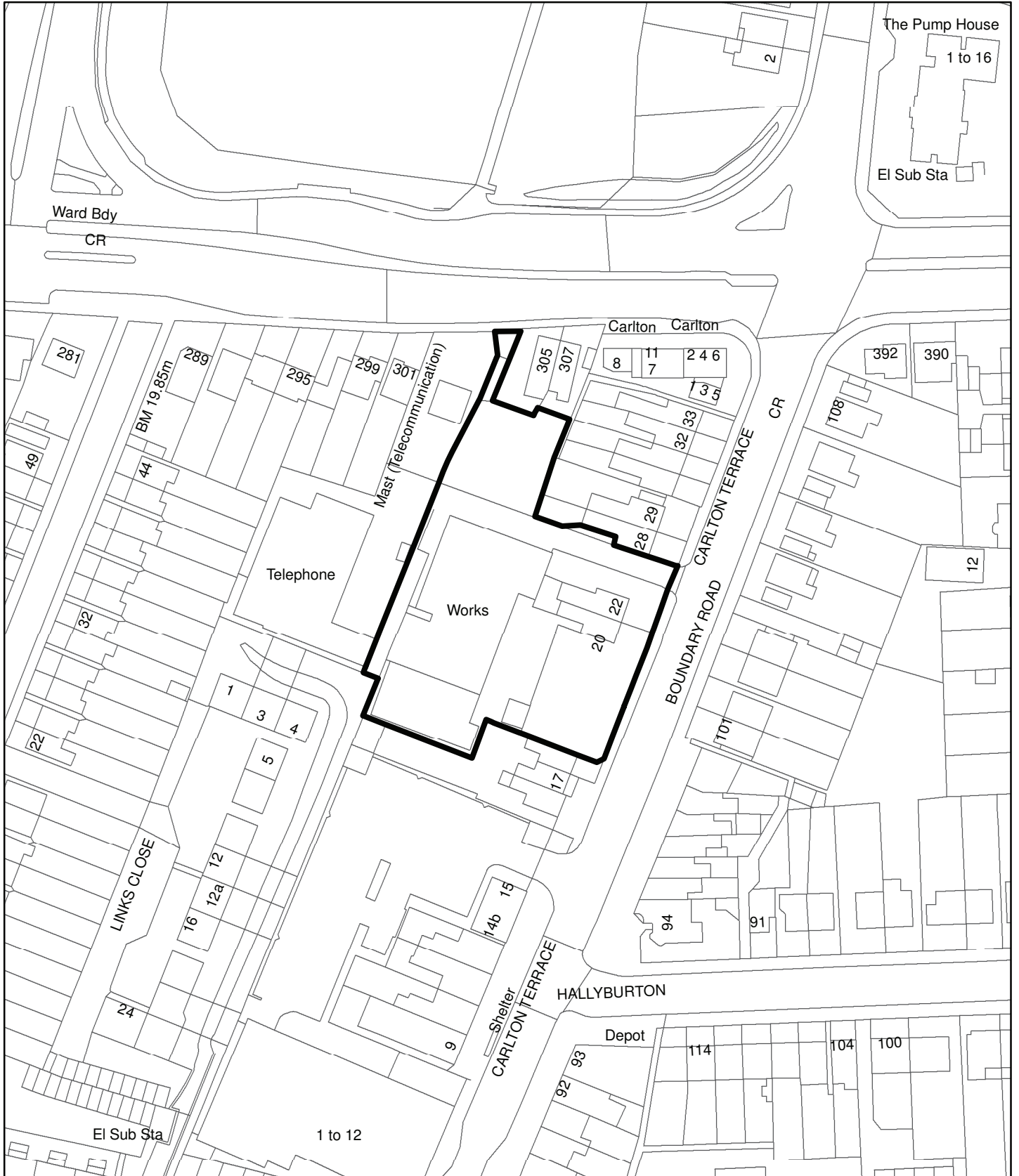
9 CONCLUSION

The loss of the industrial use is deemed appropriate and the use of the site for residential purposes acceptable in principle. However, the proposal for 45 retirement flats is deemed contrary to the Local Plan and NPPF as it does not propose good design representing an inappropriate form of development out of context with its surroundings, promote sustainable transport, provide a suitable mix of housing with an adequate provision of affordable housing or propose suitable measures to mitigate the impact of the proposal on the surrounding area.

10 EQUALITIES IMPLICATIONS

The new units are required to comply with Part M of the Building Regulations and the Council's Lifetime Homes policy.

BH2011/03765 19-27 Carlton Terrace, Portslade.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/03791	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land adjoining Unit 5, 274 Old Shoreham Road, Hove		
<u>Proposal:</u>	Erection of new single storey non-food retail unit with mezzanine floor.		
<u>Officer:</u>	Guy Everest, tel: 293334	<u>Valid Date:</u>	16/12/2011
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	16 March 2012
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Montagu Evans LLP, Clarges House, 6-12 Clarges Street, London		
<u>Applicant:</u>	Metric Property (Hove) Ltd, c/o Montagu Evans LLP		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in below and the policies and guidance in section 7 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the completion of a S106 Agreement and the following Conditions and Informatives.

S106 Heads of Terms

- A contribution of £11,150 towards the Local Employment Scheme;
- A commitment to achieve 15% on site Local Employment during construction.

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no. 9003 E 001 A, 9003 S 002 B, 9003 S 004, 9003 E 005 E, 9003 P 007 & 9003 P 008 received on 12th December 2011; and drawing nos. 9003 L 001 C, 9003 P 001 B & 9003 P 005 C received on 16th December 2011.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) Notwithstanding the provisions of Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) none of the following goods shall be sold from the retail store except where these items relate to use or consumption by or for animals (or unless such goods are ancillary to the main retail use):-
 - a) food and drink

- b) clothing, footwear, handbags, fashion accessories, or jewellery
- c) books, newspapers, magazines and stationary
- d) crockery, glassware, china and kitchenware
- e) toys
- f) sports equipment and clothing (including walking and climbing equipment)
- g) cosmetics, pharmaceuticals and toiletries
- h) videos, DVDs, CDs, audio cassettes and records

The total area devoted to goods ancillary to the main retail use shall not exceed 10% of the gross floor area.

Reason: To ensure that the unit remains suitable for the sale of bulky goods and does not harmfully compete with existing established shopping centres and to comply with policies SR1, SR2 and SR3 of the Brighton & Hove Local Plan.

- 4) No loading, unloading or deliveries shall be carried out on the site before 07.00 or after 19.00 hours Monday to Saturday and at no time on Sundays or Bank Holidays.

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

- 5) The hereby approved mezzanine floor shall not exceed 279 sq metres and no further floorspace at mezzanine level shall thereafter be created without the specific grant of planning permission.

Reason: For the avoidance of doubt and to enable the Local Planning Authority to assess the impact of additional floorspace on the vitality and viability of existing centres, on existing highway and access conditions and on-site car parking availability, and to comply with policies SR2, SR3, TR1, TR7 and TR19 of the Brighton & Hove Local Plan.

- 6) The building, as shown on approved drawing no. 9003 P 007, shall remain as a single retail unit and at no time be sub-divided into smaller units.

Reason: To ensure that the unit remains suitable for the sale of bulky goods and does not harmfully compete with existing established shopping centres and to comply with policies SR1, SR2 and SR3 of the Brighton & Hove Local Plan.

- 7) If during development any visibly contaminated or odorous material is found, no further development shall take place until a method statement to identify, risk assess, and deal with the contaminant(s) has been submitted to and approved in writing by the Local Planning Authority. No further development shall take place except in accordance with the approved method statement.

Reason: To safeguard the health of future residents or occupiers of the site and to comply with policies SU3 and SU11 of the Brighton & Hove Local Plan.

- 8) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which

within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

Pre-Commencement Conditions:

- 9) Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until:
- a) evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM Retail Shell and Core and a Design Stage Assessment Report showing that the development will achieve an BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development have been submitted to the Local Planning Authority; and
 - b) a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all cafe development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

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

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

- 11) 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 private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, and planting of the development.
Reason: To replace existing landscaping and enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 13) No development shall commence until details of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and be maintained as such thereafter.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 14) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175; and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- (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) (b) that any remediation scheme required and approved under the provisions of condition (i) (b) 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) 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) (b).
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

Pre-Occupation Conditions:

- 15) Unless otherwise agreed in writing by the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Retail (fit-out) Design Stage Certificate and a Building

Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 16) A Staff Travel Plan shall be submitted to the Local Planning Authority within three months of the commencement of the use. The Travel Plan shall include a package of measures aimed at promoting sustainable travel choices and reducing reliance on the car and shall be implemented within a time frame as agreed with the Local Planning Authority and should be subject to annual review.

Reason: In order to promote sustainable choices and to reduce reliance on the private car to comply with policies SU2, TR1 and TR4 of the Brighton & Hove Local Plan.

Informatives:

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

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

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

- (ii) for the following reasons:-

It has been demonstrated that there is a need for the development which cannot be met from a sequentially preferable site and the impact on surrounding established shopping centres would be limited. The additional car parking requirements resulting from the development can be accommodated within existing facilities and no harmful demand for travel will be created.

The development is of an appropriate height, scale, bulk and design having regard to the immediate surroundings and would not result in unacceptable harm to the amenity of neighbouring occupiers by reason of loss of light or increased noise and disturbance.

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

www.wrap.org.uk.

3. The applicant is advised that in respect of condition 13 infiltration of surface water into the ground, if proposed, would only be permitted in parts of the site where it has been demonstrated that there is no resulting risk to controlled waters.

2 THE SITE

The application site relates to an out of town retail warehouse, and associated surface parking, on the southern side of Old Shoreham Road adjoining the Sussex House Industrial Area. The site comprises extensive hard landscaping with a service yard and turning area to the south-eastern corner secured from the remainder of the site. The nearest residential dwellings are located on Amherst Crescent and Old Shoreham Road.

3 RELEVANT HISTORY

BH2008/03894: Erection of single storey non-food retail unit (A1). Approved 05/06/2009. This permission has not been commenced (with the permission lapsing on 05/06/2012).

BH1998/01873/RM: Revised Reserved Matters Application - regarding demolition of existing building and construction of a mixed use scheme for employment (B1(C), B2 and B8) uses and non-food retail warehouse development (A1) with new access road, associated parking and landscaping. Approved 23/11/1998.

3/94/0762(O/L): Outline application for mixed use scheme for employment (B1C, B2 & B8) uses and non-food retail warehouse development (A1) with new access road associated parking and landscaping. Approved 20/09/1996.

4 THE APPLICATION

Planning permission is sought for the erection of a single-storey double height non-food retail unit abutting the existing PC World retail unit. The proposed unit is of a comparable design to that existing with servicing to the south-eastern corner of the site. The development would result in a reduction of existing on-site parking provision with the resulting spaces shared between both units.

5 CONSULTATIONS

External

Neighbours: 1 representation has been received from **64 Amherst Crescent** objecting to the application as the development would eliminate side access and dramatically increase noise and disturbance due to increased traffic on the shared access road adjacent to residential housing.

East Sussex Fire & Rescue Service: No objection. Recommend the installation of sprinkler systems.

Environment Agency: The site overlies a principal aquifer and is within groundwater Source Protection Zone 2 for the Goldstone public water supply

abstraction. The location is therefore extremely sensitive to pollution.

It is known that the site is in an area of former activities that may have resulted in contamination of the underlying soils and groundwater. There are concerns that pollution may be present beneath the site.

The submitted report provides only a qualitative risk assessment based on limited intrusive sampling and testing; it does confirm that there is no evidence of gross or widespread contamination. The development is unlikely to cause significant mobilisation of contamination. It must be noted though that surface water drainage may cause a risk to controlled waters if infiltration occurs through impacted soils.

Recommend conditions (*nos. 7 & 11 of the recommendation*).

Southern Gas Networks: There are gas mains in proximity to the site. No mechanical excavations should take place above or within 0.5 metres of the low and medium pressure system, and 3 metres of the intermediate system. The position of mains should be confirmed using hand dug trial holes.

Southern Water: A formal application for connection to the foul and surface water sewer would need to be made by the developer. If any sewer is found crossing the site during construction works an investigation of its condition, the number of properties served and potential means of access would be required.

UK Power Networks: No objection.

Internal:

City Clean: The development would not produce household waste and no collections would therefore be required. Separate bins should be provided for waste and recycling.

Economic Development: Supports the application. Requests a contribution of £11,150 towards the Local Employment Scheme and the provision of an Employment & Training Strategy, with the developer committing to using 15% local employment during the construction phase.

Environmental Health: Based on the submitted reports it is recommended that a phased contaminated land / site investigation report be required (minus the desk top study).

Due to the industrial history at and near to this site, as well as it being close to a historic landfill site which was once a railway cutting, a contaminated land discovery condition is recommended.

Planning Policy: The principle of a new retail unit of this size has been sufficiently demonstrated as acceptable in impact and capacity terms. A

significant amount of extra information based on trading format has been submitted in relation to flexibility of unit size.

The applicant has requested an amendment to the restriction of goods condition attached to BH2008/03894, this is considered to be unacceptable as it would cause harm to the vitality and viability of existing centres by increasing the amount on non-bulky comparison goods to be sold from the unit.

Sustainable Transport:

Parking: The proposal would reduce parking from 101 spaces (98 general + 3 disabled) to 90 spaces (85 general+ 5 disabled). These revised numbers are in compliance with SPG4. The applicants have also satisfactorily demonstrated using TRICS surveys and surveys of use of the existing car park that there are enough spare spaces to accommodate the small amount of extra parking which is likely.

Highways impact:

The TRICS work referred to above also demonstrates that the number of additional trips will be negligible.

Sustainable modes:

It is proposed to provide an extra 2 Sheffield stands as well as relocating the existing 6. This number complies with SPG4 but the applicants have not provided details and these should be required by condition.

Local sustainable modes provision is reviewed in the Transport Statement but there are no positive proposals to improve it as part of the application. A sustainable modes contribution of £25,000 should be required to comply with TR1. This amount would fund accessibility works at the Amherst Crescent bus stops and dropped kerbs at a number of local pedestrian crossing points.

Travel Plan:

The applicants propose to provide a staff travel plan and have provided a satisfactory framework for this. This is positive and complies with policy TR4. This travel plan provision should be secured by condition.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);

- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning Obligations
SR1	New retail development within or on the edge of existing defined shopping centres
SR2	New retail development beyond the edge of existing established shopping centres
SR3	Retail Warehouses

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main issues of consideration in the determination of this application is

whether the proposed retail unit would be likely to harm the vitality and viability, or attractiveness, of the Brighton Regional Shopping Centre and the Hove Town Centre; its impact on neighbouring amenity and highway safety; and sustainability issues.

Impact on existing retail centres

An existing planning permission on the site, which could still be implemented, permitted a 981 sq m non-retail unit. The current application seeks to provide an additional 134 sq m, over and above that previously approved under the 2008 application. The additional floorspace would be created through the formation of a mezzanine level (as the ground floor footprint is to be decreased).

Local plan policy SR2 relates to new retail development beyond the edge of existing established shopping centres and cross-references policy SR1 (with the exception of criteria b). The policy essentially states that new retail development will be permitted provided no detriment to the vitality or viability of existing established shopping centres and parades in Brighton & Hove will result; that there is a need for the development and that no suitable site can be identified within the existing centre.

The Brighton & Hove Retail Study Update (dated September 2011) outlines current retail capacity across the city and confirms that, when taking into account existing commitments, there is no capacity for additional comparison goods floorspace until 2016. The study does though take into account the existing consent for the site and therefore only the additional floorspace (i.e. 134 sq m) needs to be considered.

A full Retail Impact Assessment has been provided with the application demonstrating the impact of the proposal on the existing centres within the catchment area, and these are primarily the Brighton Regional Centre and the Hove Town Centre. The Retail Impact Assessment confirms that the additional floorspace has a marginal impact on expenditure. This combined with the limited floorspace and expenditure would ensure that there would be no discernable impact on the vitality or viability of the existing retail centres, and thus is acceptable.

The submitted Retail Impact Assessment identifies the range of units within the existing centres that are vacant. The majority of these units are significantly below the required floorspace of the proposed occupier, and thus have been discounted. The applicant has submitted additional information on the proposed trading format and this provides some justification for the size of retail unit required. This is considered acceptable and it has been demonstrated that there are no sequentially preferable premises within existing town centres and it is not possible to reduce the floorspace requirements of the proposed tenant.

The existing planning permission permits a relatively flexible range of goods

that could be sold from the unit. Planning Policy has advised that any further relaxation of the range of goods and percentage of non-bulky goods to be sold from the unit would cause harm to the viability and vitality of the Hove and Brighton Town Centres. The proposed occupant is a comparison arts and crafts retailer which the applicant considers could operate under the existing consent. It is recommended that the condition applied to application BH2008/03894 is re-attached to the current application (no. 3).

Transport

The existing PC World retail unit has surface parking for up to 101 vehicles, with 3 disabled accessible spaces. A Transport Assessment (TA) has been submitted which indicates the existing car park has a maximum occupancy of approximately 42% in the weekday peak period, 45% on a Saturday peak period and 53% on a peak Sunday period. At its busiest the car park therefore has 47 free spaces available at any one time.

The proposed development would result in a reduction of 11 car parking spaces, with a total of 90 retained of which 5 would be disabled accessible spaces. The TA assesses the likely trip generation of the proposed development and indicates that the reduced level of on-site parking would be sufficient to accommodate demand from the existing and proposed retail units.

The methodology and findings of the TA are accepted as robust and there are no reasons to take a different view. On the basis of the available information the proposed car park would be able to operate well within capacity and would not result in displaced parking or cause harm to highway safety. The proposed level of disabled parking accords with adopted guidance on parking standards.

The TA indicates that the proposed development would result in a negligible number of additional trips to and from the site and this takes into account existing trips to the adjoining (PC World) unit and existing trips on the wider highway network. The TA also indicates that the proposal would result in fewer trips than would result from the existing planning permission on the site (ref: BH2008/03894) due to the revised internal configuration (which incorporates a reduced ground floor footprint and an additional mezzanine floor). The TA is considered sufficient to demonstrate that there would be no detrimental impact on the local highway network.

The existing planning permission for a retail unit on the site included a contribution of £25,000 towards sustainable transport infrastructure. The Transport Planning Team has recommended this contribution be sought as part of the current application. The Council's Transport Planning Team have though accepted the findings of the TA and consider the increased demand for travel would be negligible and there would be no unacceptable impact on transport. As a result no remedial measures to the highway network have been identified as necessary to accommodate the development.

A contribution towards sustainable modes of transport could not therefore be directly related to the proposed development and would not be necessary to make the development acceptable in planning terms. For these reasons, and taking into account changes to planning legislation relating to planning obligations (in the form of the Community Infrastructure Levy Regulations), it is considered that the absence of a contribution should not warrant refusal of the application and would be a difficult position to sustain at appeal.

The application creates an opportunity to introduce a Staff Travel Plan to make staff aware of their travel choices and encourage the use of public transport, walking and cycling. A framework for the Travel Plan has been submitted with the application and includes measures to encourage cycle ownership and use and monitoring of travel modes and patterns. This is acceptable in principle and further details are secured through a recommended condition.

The existing retail unit includes the provision of 6 cycle stands which would be relocated as part of the proposal. The revised siting remains in an accessible location to the front of the unit and 2 additional cycle stands are also proposed. This provision would exceed the minimum standards outlined in SPGBH4 and is secured through condition.

Design

The existing retail unit adjoining the application site is approximately 8 metres in height and features a curved roof form. The proposed retail unit would abut the existing building and incorporate a curved roof approximately 1 metre higher than the adjoining building. The considerable visual separation around the site would minimise the impact of the proposed scale and it is considered that there is no need for the proposed building to replicate the existing. The proposal would create a single building, with a taller narrower element adjoining a shorter wider element, with a continuity of materials and building lines. This is considered an appropriate response to the site would not harm the prevailing character or appearance of the wider surrounding area.

The development would entail the loss of soft landscaping planted in association with construction of the existing retail unit. Whilst the loss of this landscaping is regrettable it is not worthy of protection and there is no objection in principle to its loss subject to replacement landscaping of a comparable size / standard. It is recommended that replacement planting on the site be secured through conditions.

For the reasons outlined the proposal is considered to comply with local plan policies QD1, QD2, QD14 and QD15. It should be noted that the design, scale and siting of the proposed development is the same as that approved as part of BH2008/03894. This permission could still be implemented.

Impact on amenity

The application site is immediately adjoined by various commercial / industrial

units and service yard areas the future use of which would not be materially affected by the proposed development.

The nearest residential properties to the site are on Amherst Crescent, approximately 25 metres to the east with the most likely cause of disturbance from deliveries to the proposed unit. A condition is recommended to restrict delivery times to between 07.00 and 19.00 Monday to Saturday and at no times on Sundays or Bank Holidays. This is consistent with the permitted delivery times for the (existing) adjoining retail unit, where there is no history of noise complaints, and the existing planning permission on the site (ref: BH2008/03894). This condition is considered sufficient to prevent any material harm to occupiers of adjoining residential properties. The application does not propose any plant or machinery.

Sustainability

The applicant has advised that the development is for a retail unit which would initially be delivered to shell standard. It would then be for the eventual tenant to complete the building internals: the energy, heating, lighting and cooling strategies have not therefore been determined at this stage in the process.

Policy SU2 requires proposals demonstrate a high standard of efficiency in the use of energy, water and materials. Further guidance within Supplementary Planning Document 08 'Sustainable Building Design' recommends that new-build development of this scale should achieve 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'.

It is acknowledged that there needs to be a degree of flexibility in applying the required standards in relation to shell and core buildings as there are limitations on the influence of the applicant (as opposed to the eventual tenant) in the final, fitted out, performance of the building. As such it may not be possible to demonstrate full compliance with some of the BREEAM criteria at the pre-commencement stage. It is though possible to assess non-fitted 'shell and core' buildings using BREEAM Retail at a design stage and for a further assessment to then take place at 'fit out' stage. This phased approach would provide a level of robustness in assessing the scheme and demonstrate compliance from a shell and core perspective and the eventual BREEAM rating. The final BREEAM rating of the building could therefore be satisfactorily secured through condition without conflict with the requirements of SPD08.

The Site Waste Management Plans Regulation (SWMP) 2008 was introduced on 6 April 2008. As a result it is now a legal requirement for all construction projects in England over £300,000 to have a SWMP, with a more detailed plan required for projects over £500,000. The proposal represents a major development and is therefore required under the regulations to have a SWMP. An informative is recommended to advise the applicant.

Contaminated Land

The site overlies a principle aquifer and is within groundwater Source Protection Zone 2 for the Goldstone public water supply abstraction. The location is therefore extremely sensitive to pollution. As a result an Environmental Risk Assessment has been submitted to establish potential contamination and pollutant linkages at the site. The assessment concludes that the made ground represents a low risk to human health and further monitoring of ground gases (due to historic landfill on the north-eastern boundary of the site) should take place prior to construction.

A condition is recommended to secure further monitoring and if necessary appropriate remediation works. A contaminated land discovery condition is also recommended due to the history of industrial activity at and near the application site. The recommended conditions would minimise risk of contamination to controlled waters and comply with local plan policies SU3 and SU11.

9 CONCLUSION

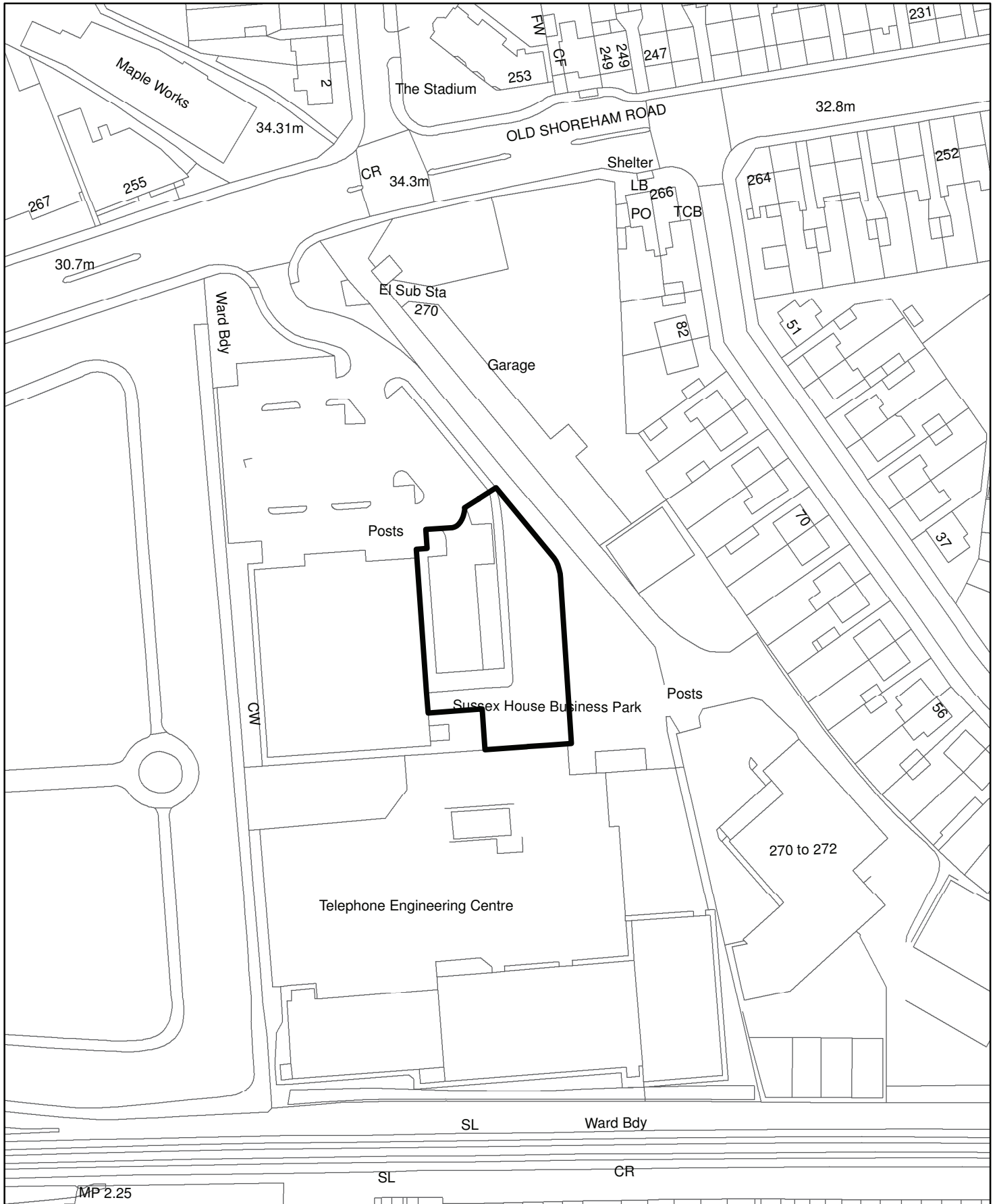
It has been demonstrated that there is a need for the development which cannot be met from a sequentially preferable site and the impact on surrounding established shopping centres would be limited. The additional car parking requirements resulting from the development can be accommodated within existing facilities and no harmful demand for travel will be created.

The development is of an appropriate height, scale, bulk and design having regard to the immediate surroundings and would not result in unacceptable harm to the amenity of neighbouring occupiers by reason of loss of light or increased noise and disturbance.

10 EQUALITIES IMPLICATIONS

The development makes provision for disabled parking, in accordance with adopted parking standards, and incorporates an accessible main entrance.

BH2011/03791 Land adj. Unit 5, 274 Old Shoreham Rd, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

LIST OF MINOR APPLICATIONS

<u>No:</u>	BH2011/03950	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	3 Kelly Road, Hove		
<u>Proposal:</u>	Re-modelling of existing property including roof extensions, raising ridge height, front & side single storey extension, two storey side & rear extension and associated alterations.		
<u>Officer:</u>	Christopher Wright	<u>Valid Date:</u>	16/01/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	12 March 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Darren Moore, 21 Sutton Drive, Seaford		
<u>Applicant:</u>	Mrs Caroline King, 3 Kelly Road, Hove		

1 RECOMMENDATION

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

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved location plan revision C; block plan revision C; and drawing nos. 09C, 10C, 11C, 12C, 13C, 14C, 15C, 16C, 17C, 18C and 19C received on 7 March 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 5) The windows on the southern flank elevation of the development hereby permitted, including the high level windows and the two lower rooflights proposed on the main roof, shall not be glazed otherwise than with obscured glass and shall be non opening unless the parts which can be opened are more than 1.7m above the floor of the room in which the window is installed and thereafter permanently retained as such.

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

- 6) The high level windows on the southern flank elevation of the development hereby permitted shall have a lower sill height of not less than 1.7m above the floor of the room in which the windows are installed and thereafter permanently retained as such.

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

Pre-Commencement Conditions:

- 7) No development shall commence until full details of existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections, proposed siting and finished floor levels of the development, have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved level details.

Reason: To ensure a satisfactory appearance to the development and to protect the amenity of surrounding neighbours in accordance with policies QD1, QD2, QD14, and QD27 of the Brighton & Hove Local Plan.

- 8) No development shall commence until a method statement setting out a strategy for maintaining fences necessary for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the method statement as approved.

Reason: To protect the trees adjoining the application site and in the interests of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 9) BH03.01 Samples of Materials Non-Cons Area (new buildings)

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

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

Informatives:

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

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:

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

(ii) for the following reasons:-

The scale, design, form and detailing of the proposal is considered appropriate to the site and in relation to the street context and would bear similarities with existing development such that the resulting dwelling would appear neither incongruous nor detrimental to visual amenity. The design has taken steps to ensure satisfactory separation from the adjoining property and the design and position of windows and other openings is such that the development would not have a significant adverse effect on residential amenity.

2 THE SITE

The application relates to a two storey detached family dwellinghouse adjoining the corner of a school playing field and situated on the west side of Kelly Road, a private un-made cul-de-sac off Hove Park Road. The property was built in the late 1930s. The local neighbourhood predominantly comprises residential development in the form of detached houses of varying designs.

The site is not situated in a Conservation Area and the house is not listed.

3 RELEVANT HISTORY

M/13380/68: Entrance to existing first floor flat. Approved 18 June 1968.

M/12580/66: Garage and bedroom extensions to ground floor flat. Approved 10 July 1967.

M/7097/60: Conversion of private dwellinghouse into two self contained flats.

4 THE APPLICATION

Planning permission is sought for the re-modelling and enlargement of the existing house into a Georgian style to include:

- Part single and part two storey side and rear extensions;
- Enlarged pitched and hipped roof with central roof lantern;
- Raising roof height by 700mm;
- Raising eaves height on front elevation and incorporating a gable feature;
- New windows with Georgian style configuration;
- Rooflights;
- Adding a single storey porch to front elevation.

5 CONSULTATIONS

External:

Neighbours: Four (4) letters of representation have been received from **35 and 44 Hove Park Road; and 1 and 2 Kelly Road**, objecting to the application for the following reasons:

- Over development.
- Harmful to character and appearance.
- Out of keeping, design.
- No break between houses.
- More on-street parking.
- Highway safety.
- Loss of daylight/sunlight.
- Loss of outlook.
- Insufficient information.
- Ability to implement permission.
- Amendments do not address neighbour concerns.

Three (3) letters of representation have been received from **'Atelier' The Drove**, **10 The Drive** and **46 Hove Park Road**, in support of the application for the following reasons:

- Improve appearance of old house.
- Will blend in with neighbouring homes.

Councillor Brown and Councillor Bennett object to the application and have requested that it be determined by the Planning Committee (copy of letters attached).

Internal:

Council Arboriculturalist: No objection.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU13	Minimisation and re-use of construction industry waste
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH1	Roof Alterations & Extensions
SPGBH4	Parking Standards

Supplementary Planning Documents:

SPD06	Trees & Development Sites
SPD08	Sustainable Building Design

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the design and appearance of the development and impact on the character of the host property and visual amenity together with the impact on neighbour amenity.

Planning Policy:

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

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

In considering whether to grant planning permission for extensions to residential properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

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

Design:

Whilst there is no planning history relevant to the application site, it is important to identify that within the context of the site there is a precedent for the style and scale of development being proposed.

Application BH2004/02895/FP was granted on 3 November 2004 and approved the demolition of 1 Kelly Road, which was a smaller dwelling with part single and part two storey flat roof rear extensions at the time, and replacement with a new, larger dwellinghouse in a modern Georgian style.

The current application is a similar proposal, albeit not involving the complete demolition of 3 Kelly Road as existing. The proposal seeks to square the footprint with a two storey rear extension going no farther into the rear garden than existing single storey extensions (5.67m excluding the conservatory which would be demolished), and replacing the existing garage and car port at the side of the house with a two storey extension which lines up with the façade of the dwelling. The side extension would be set off the joint boundary with 1 Kelly Road by 100mm at ground floor level and by 1m at first floor level. The resultant footprint and plot coverage of the dwelling as extended would be similar to that of 1 Kelly Road.

In addition the Georgian styling and roof design is similar to the style of 1 Kelly Road. Notwithstanding the roof height would be increased by 700mm over existing, the height of the property as extended would be 8.5m above ground level, which is the same height above ground level of 1 Kelly Road adjacent, which from the approved plans measures up to 8.7m in height. Due to the natural topography the application site is on higher ground level than 1 Kelly Road so the development would appear slightly higher, but the actual heights of each building would be similar.

SPGBH1: Roof alterations and extensions states that altering a roof's basic form or ridge height is not usually appropriate but this primarily applies to uniform terraces and groups of buildings and hence in the location of the application site is considered acceptable because it is a detached house and existing development takes on a variety of forms and designs.

A roof lantern is proposed on the flat roof area on top of the proposed main roof, but this would not be readily visible when viewed from the street.

For these reasons the scale, height and design of the proposal is not considered to be out of keeping or discordant with the character of existing development and is acceptable in this location.

QD14 of the Local Plan requires development to take into account the layout

and spaces between buildings and neighbours have expressed concern over the close proximity of the proposed side extension with the joint boundary with 1 Kelly Road.

There is an existing single storey garage and car port on the side of the property and these are built up to the boundary with 1 Kelly Road. The proposed side addition would extend the full depth of the property but would be set 100mm from the joint boundary at ground level and set back 1m from the joint boundary at first floor level. The neighbouring house 1 Kelly Road is also set back 1m from the joint boundary and as such, at first floor level there would be a gap of 2m between the two properties and this is considered sufficient to preclude a terracing effect and there are examples of existing houses in the immediate locality which are a similar distance apart.

The front elevation of the proposed development is considered to be well composed and would feature a projecting porch enclosure and a gable feature with a tall arch topped window detail. Amendments have been made to the design to improve the front elevation, including sandstone quoins detailing and an arch detail over a narrowed entrance archway.

In respect of the front rooflights, SPGBH1: Roof alterations and extensions, states that rooflights should be kept as few and as small as possible and should relate well to the scale and proportions of the elevation below. They should not dominate a roof. Neighbour objections have been received on the basis of the front rooflights and the applicant has deleted both of the front rooflights and substituted two rooflights on the northern side roof slope on either side of, and set back from, the chimney stack to be retained. This amendment is considered to meet the guidance set out in SPGBH1.

The number of rooflights proposed on the southern side roof slope has also been amended and reduced so there would be three small rooflights and this is considered appropriate and would not dominate the roof slope to the detriment of visual amenity.

The proposed external finishes include white painted render walls and grey slate type roof tiles. These finishes are used to varying degrees on existing development in the locality, and though different from the facing brick walls of 1 Kelly Road, the proposal is in keeping with the variety of finishes and details of existing houses.

The northern flank elevation of the property is visible from across the adjacent playing fields and on this elevation an existing chimney stack would be retained and two windows inserted at first floor level to add further visual interest. This is considered appropriate.

In summary, the proposal is considered to have taken into account local characteristics, such as the height, scale and detailing of existing development, and is appropriately designed and detailed in relation to the property to be extended and its surroundings. The proposed development is of a satisfactory standard of design and would not be discordant or

incongruous with the locality and as such would not be detrimental to visual amenity.

Impact on Amenity:

The proposed front extension would advance closer to the front boundary of the site by 1m, but only at ground floor level. As a street facing elevation, this is not considered to compromise the privacy of neighbouring occupiers in properties opposite. The northern side of the application site is adjacent to playing fields and at the rear a back garden measuring 27.5m in length would remain. As such the extensions would not cause overshadowing or overlooking in these directions.

The property most likely to be affected in terms of residential amenity is the neighbouring house, 1 Kelly Road. The neighbour has raised objections based on loss of light, outlook and loss of privacy.

On the ground floor of the flank elevation to 1 Kelly Road there are three openings: to a utility room and side windows to a through kitchen and dining room, which has its primary windows on the rear elevation of the house along with French doors. The three side openings are situated opposite the existing garage and car port of the application site, which are built up to the joint boundary. The ground floor element of the proposed extension would be set 100mm further back from the joint boundary.

The first floor of the proposed side extension would be set back 1m from the joint boundary, and as 1 Kelly Road is also set back 1m, the gap between the properties at first floor level would be 2m. Again there are three windows at first floor level on the flank wall of 1 Kelly Road and these are north facing and all obscure glazed and, in accordance with the approved plans of 2004, serve a bathroom or form secondary bedroom windows. As such these windows are neither to habitable rooms nor form the primary light sources for the bedrooms, the main windows being on the front/rear elevations of the house.

As well as the gap between the properties at first floor level being 2m, the eaves heights would be similar though reflecting the higher ground level of the application site, and above eaves the hip of the roof would pitch away from the neighbouring property and this would minimise the impact of the bulk of the extension and allow light to reach the flank windows of the neighbouring property.

For these reasons it is not considered the proposal would have an overbearing impact or a significant adverse effect on neighbour amenity.

In terms of privacy, the proposal has high level windows to a bedroom and a bathroom window on the south facing flank elevation and these would be 1.7m above floor level and obscure glazed and non opening below a height of 1.7m above floor level respectively. Conditions are recommended to secure this. This is sufficient to prevent overlooking of the neighbouring property. There are also rooflights proposed, both in the roof of the ground floor portion of the side extension, and also over the first floor bedroom and over the

bathroom proposed in the loft space. These would all be sufficiently high up above internal floor level to prevent overlooking of the neighbouring property.

For these reasons it is not considered that the proposed would result in loss of privacy for neighbouring residents.

Sustainable Transport:

The application would result in the loss of the existing garage and car port, but a new garage is incorporated into the plans and would provide parking for a single car. There is some degree of on-street parking in Kelly Road and the street is approximately 9m wide which is sufficient to turn a vehicle around. It is not considered that the concerns of neighbours in respect of parking and manoeuvring could be successfully upheld as a reason for refusal of the application. The proposal is not contrary to Local Plan policy in respect of highway safety and parking provision including policies TR1, TR7 and TR19 of the Local Plan.

Sustainability:

Proposals for householder extensions are not required to meet minimum levels of sustainability in accordance with adopted policy, including SPD08: Sustainable Building Design.

9 CONCLUSION

The scale, design, form and detailing of the proposal is considered appropriate to the site and in relation to the street context and would bear similarities with existing development such that the resulting dwelling would appear neither incongruous nor detrimental to visual amenity. The design has taken steps to ensure satisfactory separation from the adjoining property and the design and position of windows and other openings is such that the development would not have a significant adverse effect on residential amenity.

10 EQUALITIES IMPLICATIONS

None identified.

<u>No:</u>	BH2012/00531	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Advertisement		
<u>Address:</u>	130 Old Shoreham Road, Hove		
<u>Proposal:</u>	Display of 3no internally illuminated fascia signs.		
<u>Officer:</u>	Clare Simpson, tel: 292454	<u>Valid Date:</u>	05/03/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30 April 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Stiles Harold Williams, 69 Park Lane, Croydon		
<u>Applicant:</u>	Caskade Caterers Ltd, C/O Stiles Harold Williams		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves to make a **SPLIT DECISION** for advertisement consent.

REFUSE advertisement consent for the internally illuminated ‘Colonels Head’ sign shown on drawing no. 0000/2011/A110b and A903b for the following reason:

1. The proposed illuminated sign by virtue of its design, size and positioning extending forward from the front elevation of the building fails to relate to the existing building. The sign would be overly dominant feature which would be visually intrusive to the detriment of the appearance of the building and the overall street scene. This sign is contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document on Signs SPD07.

GRANT advertisement consent for the internally illuminated KFC sign(s) shown on drawing no. 0000/2011/A110b, A901a A902a, and subject to the following Conditions and Informatives:

Conditions:

1. BH10.01 Standard time condition (Advert).
2. BH10.02 Clean and tidy condition.
3. BH10.03 Safety.
4. BH10.04 Removal if necessary.
5. BH10.05 Owner’s permission.
6. BH10.06 Highway Safety.
7. BH10.07 Non-intermittent illumination.

Informatives:

1. This decision to issue a split decision is based on drawing nos. 0000/2011/A110b, A901a A902a received on 21st February 2012.
2. This decision to grant Advertisement Consent for the KFC lettering sign has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan: (Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed illuminated KFC signs are considered to be an acceptable size and design and positioned appropriately on the front and side elevations of the building.

2 THE SITE

The application relates to a detached property on the south side of Old Shoreham Road at the corner of Newtown Road. The site was previously occupied by Oddbins and is currently vacant. The site is opposite Goldstone Retail Park and adjacent to the Shell garage on Old Shoreham Road. Directly opposite the site are residential premises and Hove Park.

3 RELEVANT HISTORY

BH2012/00530: Change of use from retail (A1) to restaurant and take away (A3/A5) with part re-cladding of existing building and associated parking alterations. Refused 20/04/2012 for the following reasons:

The on-site disabled car parking provision is considered deficient in the number of spaces and those spaces which are provided are unacceptably restricted. The development relies on car parking on an adjacent site outside of the control of the applicant. The application fails to demonstrate that the forecast demand generated from the proposed site can be accommodated within the site or on-street within close proximity to the site and not cause a detrimental highway impact. The proposal is therefore contrary to policies TR1, TR7, TR18, TR19 and Parking Standards SPG4

BH2011/03245: Display of 3no internally-illuminated fascia signs and 1no internally-illuminated free standing totem sign – split decision issued 22/12/2011.

Refuse advertisement consent for the illuminated roof sign on the northern elevation, the illuminated colonels head sign shown on the eastern elevation for the following reason:

The internally illuminated sign on the north elevation and the ‘colonels head’ sign on the eastern elevation by virtue of their form and positioning extending beyond the existing elevations of the building would be unduly dominant and

visually intrusive. The proposed illuminated 'totem sign' located on a small forecourt close to highway would dominant the northern elevation and contribute to giving the site a cluttered appearance. Overall the signs would be visually intrusive harming the appearance of the building, the wider street scene and harming the outlook from neighbouring occupiers. The proposed signs are therefore contrary to QD12 and QD27 of the Brighton & Hove Local Plan and SPD07 Advertisements.

Approve advertisement consent for the internally illuminated KFC fascia sign on the eastern elevation for the following reason:

The illuminated KFC lettering sign on the eastern elevation has an acceptable design and appearance and is appropriately located. No-intermittent illumination is proposed.

4 THE APPLICATION

Advertisement consent is sought for display of 3no internally illuminated fascia signs. On the eastern elevation an internally illuminated KFC sign would be located to the rear of the building and an internally illuminated 'Colonels Head' on the entrance portal towards the front of building. On the northern elevation fronting Old Shoreham Road a KFC lettering sign is proposed.

5 CONSULTATIONS

External:

Neighbours: Sixty-six (66) letters of representation (see appendix A attached to this report for list of addresses) have been received, objecting to the application for the following reasons:

- The lighting to the signage proposed would impact on neighbouring properties.
- The works would be detrimental to highway safety.
- The traffic survey is insufficient and does not consider peak times.
- Congestion and problems relating to emergency.
- Reliance on car parking facilities not on the site, vehicles at the junctions.
- Lack of car parking on-site.
- Pedestrian safety issues.
- Lack of car parking for existing retail facilities at Goldstone Retail Park.
- Lack of cycle parking.
- The TA submitted with the application is unacceptable and fails to consider all of the issues.
- The applicant has not demonstrated that the existing A1 use is unviable contrary to policy SR8 of the Brighton & Hove Local Plan.
- The application conflicts with the NPPF in that the access is unsuitable, delivery and good have not been adequately considered, and traffic safety hazards.
- The development would breach policy SR12 of the Brighton & Hove Local Plan as a large A3 use close to existing large A3 uses.

- Visually dominant and intrusive external appearance out of character with the area,
- Existing units in the area are set back from the road this unit would dominate the area,
- The opening hours are excessive,
- Potential for anti-social behaviour,
- Other retailers would apply for extended hours,
- Impact of lighting on neighbouring properties,
- Noise and odour from the extraction,
- Waste management policies,
- Litter issues,
- Impacts on healthy eating strategies, especially for nearby school children,
- Obesity and health issues,
- Conflict with Brighton & Hove Local Area Agreement 2008.
- Concentration of other hot food take-away in the area,
- Dangers in the location close to a petrol station,
- Small comparable units would be put out of business resulting in job losses,
- Adjoining properties would suffer overshadowing, overlooking, and loss privacy,
- Concern over the restricted consultation undertaken.

Councillor Jayne Bennett and Councillor Vanessa Brown wrote a letter objecting to the application. A copy of the letter is appended to this report.

Mike Weatherly MP wrote a letter objecting to the application for the following reasons:

- The roads in the area are too busy,
- Impact on neighbouring residential premises on Old Shoreham Road,
- The area is currently relatively quiet in the evening, late opening hours would have a severe impact.

Internal

Sustainable Transport Team: No objection

The Highway Authority would not wish to restrict grant of consent of this Planning Application.

6 MATERIAL CONSIDERATIONS

Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states “a Local Planning Authority shall exercise its powers under these Regulations in the interests of amenity and public safety, taking into account (a) the provisions of the development plan, so far as they are material and (b) any other relevant factors.”

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);

- Brighton and Hove Local Plan 2005 (saved policies post 2004). The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

- TR7 Safe development
- QD12 Advertisements and signs
- QD27 Protection of Amenity

Supplementary Planning Documents:

- SPD07 Advertisements

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the design and appearance of the designs and public safety.

A large number of letters of representation have been received; many of these are in standard form and refer to this application as well as the full planning application which has recently been refused (ref: BH2012/00530). This application relates solely to the advertisements proposed on the building. Issues relating to the proposed change of use and the changes to materials of the elevations, traffic and parking issues have been considered in the previous application and are not considered as part of this application.

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

The criteria used to determine an advertisement's or sign's suitability will include:

- a) size;
- b) design;
- c) colour;
- d) materials;
- e) lettering;
- f) illumination;

- g) means of fixture;
- h) location; and
- i) overall impact, individually and cumulatively with existing advertisements/signs.

The appropriateness of each sign will depend on the characteristics of the building and the locality within which the advert will be displayed.

The Supplementary Planning Document: SPD07 on Advertisements states:
The council will seek to ensure that advertisements and signs are kept to a minimum and that they relate well to the function and use of the building or structure on which they are displayed. All advertisements should be carefully designed so that the appearance and character of the locality or area in which they are situated is preserved. The size of any sign should be proportionate to the scale of the building or structure to which it is fixed.

Old Shoreham Road is a principal east-west route through the city and is mixed in character. The area around the site contains Goldstone Retail Park to the east and a Shell Garage immediately west of the site. Additional business uses are located further to the west. As a result there are a variety of signs in the locality which make for a varied street-scene. Opposite is a terrace of two-storey houses and Hove Park which is the primary park and recreation site for Hove.

The frontage to Old Shoreham Road is relatively small 8 metres in length. On the previous application an illuminated roof sign and a totem sign was proposed for this elevation. The proposed sign for this elevation is the internally illuminated KFC lettering sign positioned on the main elevation and above the restaurant glazing. The lettering is the only part of this elevation to be illuminated. The design, size and positioning of this sign is considered acceptable.

The proposed signs on the eastern elevation comprise of 'Colonels Head' sign internally illuminated positioned on an extended entrance panel extending out from the main elevation. The surface of this sign would be approximately 4m². This is a reduction in size from the sign submitted on the previous application. Nevertheless, given that this logo would be illuminated, the size, and positioning on an extended entrance portal over the main glazed area, fails to be proportionate to the main building and would be an unduly dominant addition.

The applicant has included visual examples of similar signs on other properties. There is no information on where these properties are located and it is not considered these provide support for the proposals which seek consent for this site.

The KFC lettering sign located on the main eastern elevation is proportionate and considered well-located for this elevation. This sign is considered to be in

accordance with policy QD12 and SPD07 on advertisements.

Letters of representation received from neighbouring residents raise concerns regarding the light levels impacting on neighbouring properties. The luminance levels have been confirmed as 250 candela per square metre for each sign. The SPD advises that the maximum acceptable levels of luminance for any sign will be those allowed with deemed consent which is 600 candela per square metre where the illuminated area is not more than 10 square metres. Given that the proposed illumination is well within suggested levels it is not considered that the signs will impact on the residential amenity of neighbouring occupiers. In addition, the illumination is not considered to visually dominate the setting of Hove Park.

The Sustainable Transport Team have not objected to the proposal and therefore it is considered the signs will not impact on highway safety.

9 CONCLUSION

The KFC lettering signs are considered to have acceptable visual impact. The internally illuminated 'Colonels Head' logo is considered excessive in size and the design and location of the sign including its position extending forward from front elevation of the building fails to relate to the existing building and which would harm the overall street scene. A split decision is recommended.

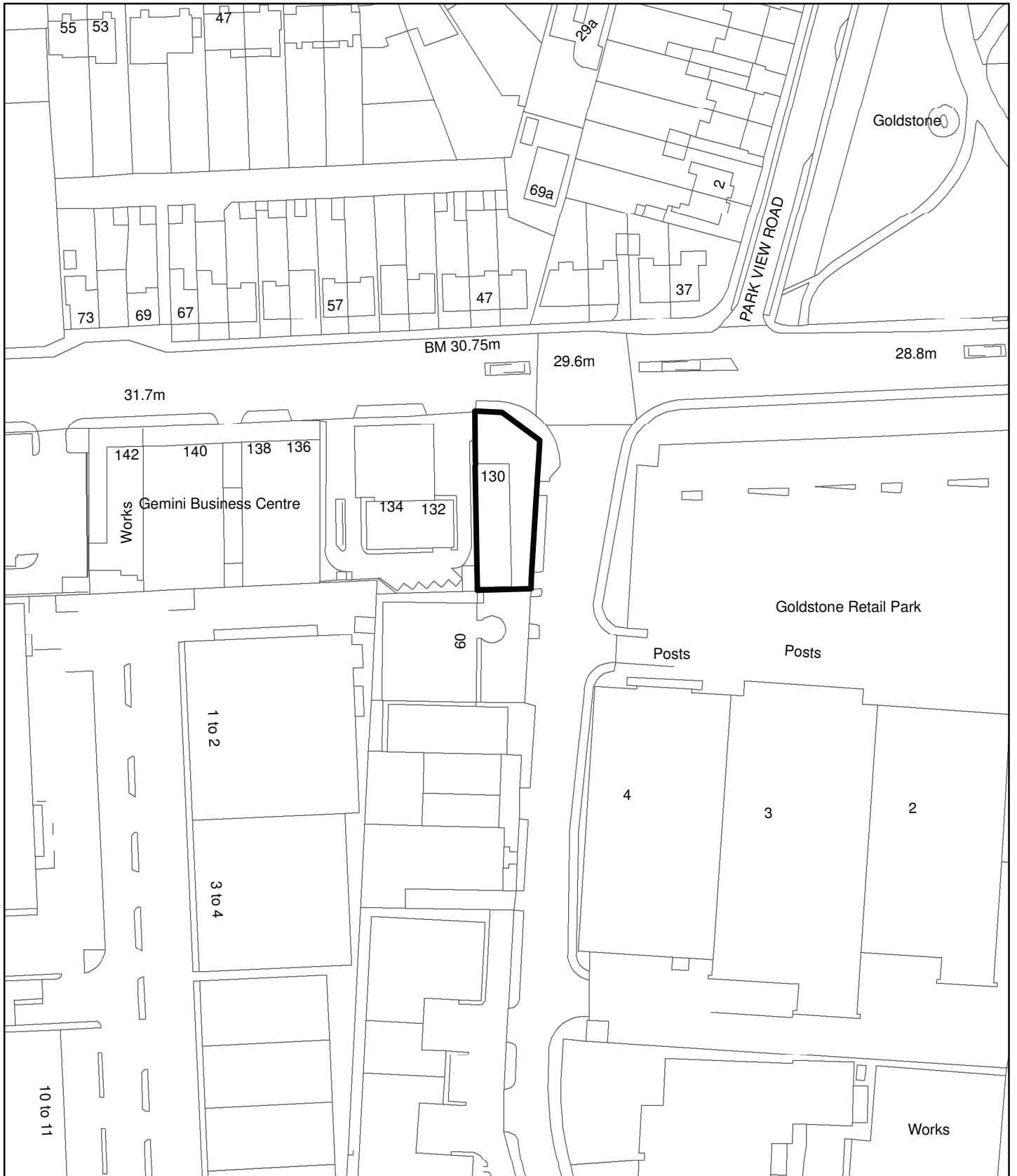
8 EQUALITIES IMPLICATIONS

None identified.

Appendix A - Letters of Objection

Property Name / Number	Street	Town
31, 35, 39, 54, 60, 64, 35, 56(x2), 58, 74,	Fonthill Road	Hove
1, 5, 7, 8, 15, 16, 22,	Nevill Road	Hove
17, 29, 31, 44, 53, 59, 88, 125, 133, 135,	Goldstone Crescent	Hove
2, 3, 7, 5, 15 (x2), 17,	Park View Road	Hove
45 (x2), 49, 51, 61 (x2)	Goldstone Lane	Hove
40	Mill Drive	Hove
5, 15, 12, 18, 33, 37, 39,	Orchard Gardens,	Hove
37, 41, 43, 55 (x2), 65, 67, 57, 73, 91,	Old Shoreham Road	Hove
3	Woodland Avenue	Hove
89,	Hove Park Road	Hove
3	Hartington Villas	Hove
52	Portland Villas	Hove
80	Nevill Avenue	Hove
Hove Park Cafe		Hove
6	New Street Square	London

BH2012/00531 130 Old Shoreham Road, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 16 MAY 2012

COUNCILLOR REPRESENTATION

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

Date: 29 March 2012
Our Ref: JB/VB/eb
Your Ref:

Dear Ms. Simpson

**Re: Planning Application BH2012/00530/0531
Proposal for a Kentucky Fried Chicken Fast Food Establishment on the
Oddbins Site on the corner of the Old Shoreham Road**

As the Councillors for Hove Park Ward where the site is we would again like to register our strong objections to the proposed use of the fast food outlet/eat in and take away.

This proposal will cause an increase in noise and disturbance for local residents living opposite. The opening hours are way too long and will again impact on the residents' quality of life.

The junction where this is situated is already very busy and long tail backs are caused by the retail park at peak times. There is very little parking in the area and Goldsmid Retail Park has controlled parking so this will result in illegal parking close to the junction. There are only 5 parking spaces proposed for this large outlet and this appears to be unrealistic.

We would like this application refused on noise and disturbance grounds and we would like to speak at the Planning meeting against this proposal.

Yours sincerely

Councillor Jayne Bennett

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

Councillor Vanessa Brown

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

<u>No:</u>	BH2012/00587	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	20 Rutland Gardens, Hove		
<u>Proposal:</u>	Change of use from residential house (C3) to child care facilities (D1) with living accommodation to second floor.		
<u>Officer:</u>	Clare Simpson	<u>Valid Date:</u>	07/03/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02 May 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Downsview Associates, 3 Hillside Road, Storrington, West Sussex		
<u>Applicant:</u>	Ms Lisa Southon, 3 Scott Road, Hove		

1 RECOMMENDATION

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

1. The conversion of this semi-detached property with a small garden from a residential house to a nursery gives rise to potential significant noise and disturbance to neighbouring properties. In the absence of an acoustic report, the applicant has failed to demonstrate that the premises can operate whilst preserving the residential amenity of neighbouring occupiers. The proposal is contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan which seek to protect amenity.

Informatives:

1. This decision is based on drawing nos. 2011.64.01 02 and supporting statements received on 24th February 2012.

2 THE SITE

The application relates to a single dwelling on the west of Rutland Gardens. Rutland Gardens is a predominately residential area characterised by semi-detached houses, some properties have been converted in to flats. The property is attached to 18 Rutland Gardens which is located on the corner of Lawrence Road.

3 RELEVANT HISTORY

BH2010/03075: Erection of dormer to front roofslope. Approved 23/11/2010.
BH2005/01659/FP: Change of use from Rest Home to single dwelling. Approved 08/08/2005.

Of relevance to this application are recent planning applications at 3 Scott Road. The applicant currently operates a childminding facility from these premises.

3 Scott Road

BH2010/02383: Change of Use of existing mixed use Day Nursery and residential property (D1/C3) to Day Nursery (D1) to serve up to 18 children on

the ground and first floors and formation of self contained flat above. Refused 06/05/2011. This application was the subject of an appeal to the Planning Inspector. The appeal was dismissed on the 26/10/2011.

BH2009/02405: Use of ground floor as Day Nursery between 8.00am and 6.00pm Monday – Friday. Approved 12/01/2010

It is understood that the number of children in attendance at 3 Scott Road may be in excess of the permitted 9 children allowed under application BH2009/02405. Enforcement action on this property has been held in abeyance pending the determination of this planning application at Rutland Gardens.

4 THE APPLICATION

Planning permission is sought for the change of use from residential house (C3) to child care facilities (D1) with living accommodation to second floor.

The applicant currently runs a childcare facility from 3 Scott Road which has been operating for the last 4 years. The application is accompanied by a Management Plan for the outdoor activities and a Travel Plan.

The proposed opening hours are 8am to 6pm Monday to Friday. The applicant currently runs a flexible childminding facility where children attend for the proportion of the day required. The premises would employ up to 9 members of staff.

5 CONSULTATIONS

External

Neighbours: Twenty Five (25) letters of representation have been received from **Flat 1 30 Goldstone Villas, 37a Hova Villas, 11 Coleridge Street, 26 Wayfield Avenue, 32 Mansfield Road, 49 Rutland Road, 63 Berriedale Avenue, 49 Sherbourne Road, 30 Ghyllside, 63 Highlands Road, 42, 83(x2) Wordsworth Street, 9 St Keyna Avenue (x2), Flat 3 19 Wilbury Villas, 3 Borrow King Close, 55 Ruskin Road, 6 Albany Villas, 16 Alpine Road, 4 (x2) Payne Avenue, 92 Livingstone Road, 100 Tamworth Road, 16 Amesbury Crescent** supporting to the application for the following reasons:

- The applicant and team provide an excellent childcare facility,
- The environment is more homely than other nurseries,
- The new property would provide an excellent environment,
- They are good neighbours,
- The area needs this facility,
- It is essential for flexibility and working parents,
- The facility is rated excellent by Ofsted,
- It is not a nursery and provides a different experience,
- It would be no more disruptive than a family home,
- The facility provides jobs and apprentices,
- Care facilities should be integrated in to the communities which they serve

Forty Seven (47) letters of representation have been received from **1, 2, 3, 4,**

5, 8, 11, Lawrence Road, 7, 10a, 14, Flat 2 17, 17, 16, 18 (x2), 19, Flat 2 20, 21, 23, 22, 24 (x2), 25, GFF 26, 27, 28, 29, Flat 2 30, Flat 1 30, 31, 33, Flat 1 34, Flat 2 41, Flat 1 42, Flat 3 42 (x2), Flat 1 50, Flat 2 52, 55 Rutland Gardens Flat 1 56, Rutland Gardens, 11 65, Rutland Road, 26 Montgomery Street, 13 Payne Avenue, 3 Modena Road, 31 Vallance Gardens, Top Flat 15 Norton Road, objecting to the application for the following reasons:

- There are existing parking stress and parking hazards,
- Insufficient car parking for the site,
- Lawrence Road will be used for car parking as it is not in a fully controlled CPZ,
- Lack of car parking in Rutland Gardens,
- Noise and disturbance issues would result,
- The outdoor space is insufficient in size,
- The property is a semi-detached and too small,
- De-valuing adjoining properties,
- Loss of residential house where there is a need for these for families,
- Sound transfer through walls,
- The opening hours are excessive and beyond usual business hours,
- There is not an identified shortfall in nursery provision in the area,
- The proposed flat would not be genuinely self –contained,
- No space for a buggy or cycle store,
- The outdoor patio is dangerous,
- The application would set a precedent,
- Proximity of existing care homes and hospices nearby,
- Principle of businesses and commercial activity in a residential area,
- Future applications to increase the numbers of children for the site would be forthcoming.

Internal:

City Early Years and Childcare: Recommend approval

The internal accommodation is appropriate for up to 18 children. The amount of outside space is small and the applicants will need a robust management plan to ensure the outside area is used with minimum disturbance to other residents.

Environmental Health: Recommend refusal due to insufficient information: an acoustic survey needs to be provided.

Regarding this application, noise due to children playing both inside and outside of the premises could have an impact on neighbours. In order to address the issue of outside noise, the applicant has supplied a management plan which highlights that there will only be a maximum of 9 children at any one time in the outside area and in accordance with the Early Year Development and Childcare Partnership (EYDCP) they will have a free flow policy, i.e. children choosing whether they play indoors or outside'.

With respect to the success of a free flow system, the EYDCP have found that by giving children unrestricted opportunities to play outside the noise level is

reduced, whereas when play outside is for short periods the activities tend to be purely physical and therefore more noisy.

The management plan also emphasises that the children will be occupied with external trips and the outdoor activities will be closely supervised. The outside space will be an extension of the learning environment and it is indicated that this should also prevent loud noise levels.

Whilst the above Management Plan incorporates some good ideas, it is felt that more information about the management plan (this can be conditioned) and in particular, the noise impacts on neighbours is required before comments can be made. This is because at 3 Scott Road, which is the location that 'My First Word' are moving from, similar problems were raised by a colleague, for a similar planning application at that premises. In this instance my colleague noted that an acoustic survey for the development showed that noise from children in 3 Scott Road significantly raised a low background level of noise inside 5 Scott Road. Whilst the raised noise levels were not above WHO levels, the difference in noise was still significant. Consequently, my colleague was unable to recommend approval for the plan. Having looked on Google Earth and our GIS records it is noted that 3 Scott Road appears to be a solid Victorian Terrace built between 1875 and 1898 and that 20 Rutland Road was built between 1898 and 1910. Therefore, it is concluded that similar problems might also occur for this premises if 18 children are introduced into it, daily between 8am and 6pm.

Therefore, it is recommended that an acoustic survey is provided to show the potential impacts that the addition of up to 18 children in this premises, will have on neighbours. This survey should address both internal and external noise sources associated with the development.

Sustainable Transport: Recommend refusal as the proposal is contrary to Policy TR1, TR14, TR19 of the Brighton & Hove Local Plan and SPG04 as no cycle parking is being provided.

As detailed within the Travel Plan the majority of trips are by walking, however some trips are made by car. There appear to be no significant circumstances in the surrounding area that would be exacerbated by this proposal. The proposed level of car parking is in line with the maximum standards, many parents and staff already use sustainable modes of travel and by securing a Travel Plan any negative impact in terms of increased trips can be successfully mitigated by promoting sustainable travel.

In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 the applicant must provide a minimum of 3 cycle parking spaces and they must be secure, convenient, well lit, well signed and wherever practical, sheltered. The applicant has not provided any information in relation to the proposed level of cycle parking. It is noted that within the submitted Travel Plan that they do indicate that one member of staff always cycles and that some parents cycle to the existing nursery. By not providing adequate cycle parking this is contrary to Policy TR1, TR14, TR19 of the Brighton & Hove

Local Plan and SPG04.

As the proposed development is only 149m² and below the 200m² threshold of when a S106 contribution is sought in this instance we would not be seeking a S106 contribution.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
QD1	Design – quality of development and design statements
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO8	Retaining housing
HO26	Day nurseries and child care facilities
TR1	Development and the demand for travel
SU10	Noise nuisance

Supplementary Planning Guidance:

SPGBH4 Parking Standards

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main considerations in this case relate to whether the change of use is acceptable in policy context, its impact upon residential amenity of adjacent occupiers, highway considerations, the building and nursery meeting council's accommodation and staffing standards; and housing issues.

Proposed childcare use

Policy HO26 of the Brighton & Hove Local Plan states that planning permission for day nurseries and day care provision will be granted where a number of criteria are met. The criteria require that the property is capable of meeting the council's accommodation and staffing standards; the proposal would not have detrimental impact upon the amenity of adjoining residents or the surrounding area; that the location is accessible by walking, cycling and public transport and that adequate storage space for buggies and pushchairs is provided.

The potential impact of the works on the residential amenity of neighbouring occupiers will be assessed in the later sections of this report.

The application is supported by the City Early Years and Childcare Team who are confident that the facility in this property would provide a good standard of care. The applicant has been running a valued service from a terraced property in Scott Road and this application has attracted a significant level of support from the past and present customers appear keen for the expansion of this facility. This provision, if approved, will be classified as a nursery not as a childminder establishment.

The City Early Years Team and Childcare have not identified a need for additional childcare places in this area of the city. However, it is understood that the applicant wants to close the existing service in Scott Road if this application is successful. Should the application be considered acceptable, the City Early Years Team and Childcare Team have recommended a temporary consent of 12 months to ensure that the two premises do not run concurrently.

The applicant reports in the supporting statement that the children will be taken off site for outside play. However this cannot be the children's main way of accessing the outside. It gives them the opportunity to gain more life experiences, but does not give them the freedom to make choices about playing inside or out, in an informal way, which is very different. The City Early Years and Childcare Team work with nurseries in the city to develop effective management of the outside areas which has worked well in other nurseries in the middle of residential areas. The garden area although relatively small is not considered dangerous and is acceptable to the Early Years team.

A buggy store has not been identified on the site. There is an existing storage area which is undercover which runs alongside the building and the boundary to no.22. Rutland Gardens.

Residential Use

Policy QD26 also states that the loss of residential units may be permitted as an exception to policy HO8 to enable the provision of facilities in areas where it can be demonstrated that there is a significant shortfall. In the case of this application, a small residential unit would be retained on the upper floor of the property. This is annotated on the plans as self-contained, however, access to the residential unit is only achieved by using the main staircase through the property. Occupation of this residential unit would therefore only be practical if the occupation in connection with the nursery use. The applicant has stated that this flat would be occupied by the deputy manager who would also have access to the rest of the property outside nursery work hours. This arrangement is not uncommon for combined nursery and residential premises.

Letters of representation have been received regarding the loss of a family home. It is acknowledged that there is an identified need for housing in the city, however the proposed arrangement is not considered to conflict with Local Plan Policies. Notwithstanding this, it is the applicant's intention that the existing facility at 3 Scott Road would be change back to residential use.

Impact on Amenity:

The application has attracted a number of objections from neighbouring properties. The concerns mostly relate to noise and disturbance and traffic issues. In regard to noise and disturbance, the main issue is from noise breakout from the occupation of the property (internal spaces) and noise and disturbance from the use of the garden. The Environmental Health Team have commented on the application and are not satisfied that the use of this property as a nursery facility would have an acceptable impact on neighbouring occupiers.

There is no in principle objection to childcare in semi-detached properties, however, attached properties will always be more sensitive to noise issues compared to detached properties with greater separation distances between the children and neighbouring residential uses. It is for this reason that an acoustic report is considered necessary.

Similarities between this property and the applicant's existing facility at Scott Road have been identified. There has been an issue with noise from Scott Road, which is a mid-terrace property. In the most recent application for Scott Road an acoustic report was submitted with the application to try and demonstrate that significant noise and disturbance was not an issue. The submitted report was considered by the Environmental Heath Team and subsequently the Planning Inspector at appeal and it appears it was not found to demonstrate an acceptable level of noise. As with Scott Road the acoustic report must try to quantify the likely noise breakout from the premises. Only when an acoustic report is submitted and the results considered by the Environmental Health Team can a judgement be made on the suitability of the proposed use so close to residential premises. This application was not accompanied by an acoustic report.

Neighbours have also raised concerns regarding the principle of commercial activity in a residential road, however as stated above, there is no in principle objection to a proposed change of use as long as it can be adequately demonstrated that that residential amenity can be protected. At present this cannot be demonstrated and therefore the application is considered contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

Sustainable Transport:

The Sustainable Transport Team have not objected to the application on the grounds of car parking or increased car movements on site.

The Supplementary Planning Guidance Note (SPG 4) states the maximum car parking standard for educational establishments is 2 visitor car parking spaces. There is a single parking space in the front curtilage of the property which it is stated will be used for parent drop-off and pick up. Additionally parents accessing the site would be expected to find a safe place to park to drop-off their children and there is no specific capacity problem with Rutland Gardens which would make this activity hazardous for existing highway users. Parking and traffic movements are a major concern for many residents, and whilst the trip generation associated with a nursery will be in excess of that attributed to a single house, movements will be spread throughout the day. Residents will experience additional transport movements but this is not considered to warrant refusal of the application. It is also predicted that the facility will result in additional car parking demand in the vicinity of the site, but the transport team have not identified a particular concern with the existing car parking capacity in the area.

The Sustainable Transport Team have recommended refusal of this application due to the lack of cycle parking provided on the site. The Supplementary Planning Guidance Note (SPG4) recommends 3 spaces would be expected to be provided for this site. There is an existing covered storage facility between the side wall of the property and boundary to no.22 Rutland Gardens. The applicant has not identified what this area would be used for however as noted above a secure buggy store would needed to be provided on site and therefore this would not be sufficient for cycle storage.

With very limited outdoor space, there is no obvious location for 3 cycle storage spaces, therefore the concerns of the Sustainable Transport Team are justified. Should the application be acceptable in all other respects, the applicant would be expected to provide more information in this regards to comply with the standards in SPG4.

Sustainability:

The application is for a change of use of the property with no external alterations. The Supplementary Planning Document on Sustainable building Design (SPD08) classifies the development as small scale and does not require the building to meet an identified sustainability standard. The development would not conflict with the requirements of policy SU2 or SPD08.

Other Considerations:

Representations have been received concerning potential reduction of value on neighbouring properties. This is not a material planning consideration that can be taken in to account in a planning application. The impact of the development on neighbouring occupiers is assessed in the relevant section of this report. In regards to concerns about setting a precedent for this type of application, and the potential for future proposals to increase the number of children over time, each application would need to be assessed on its own merits.

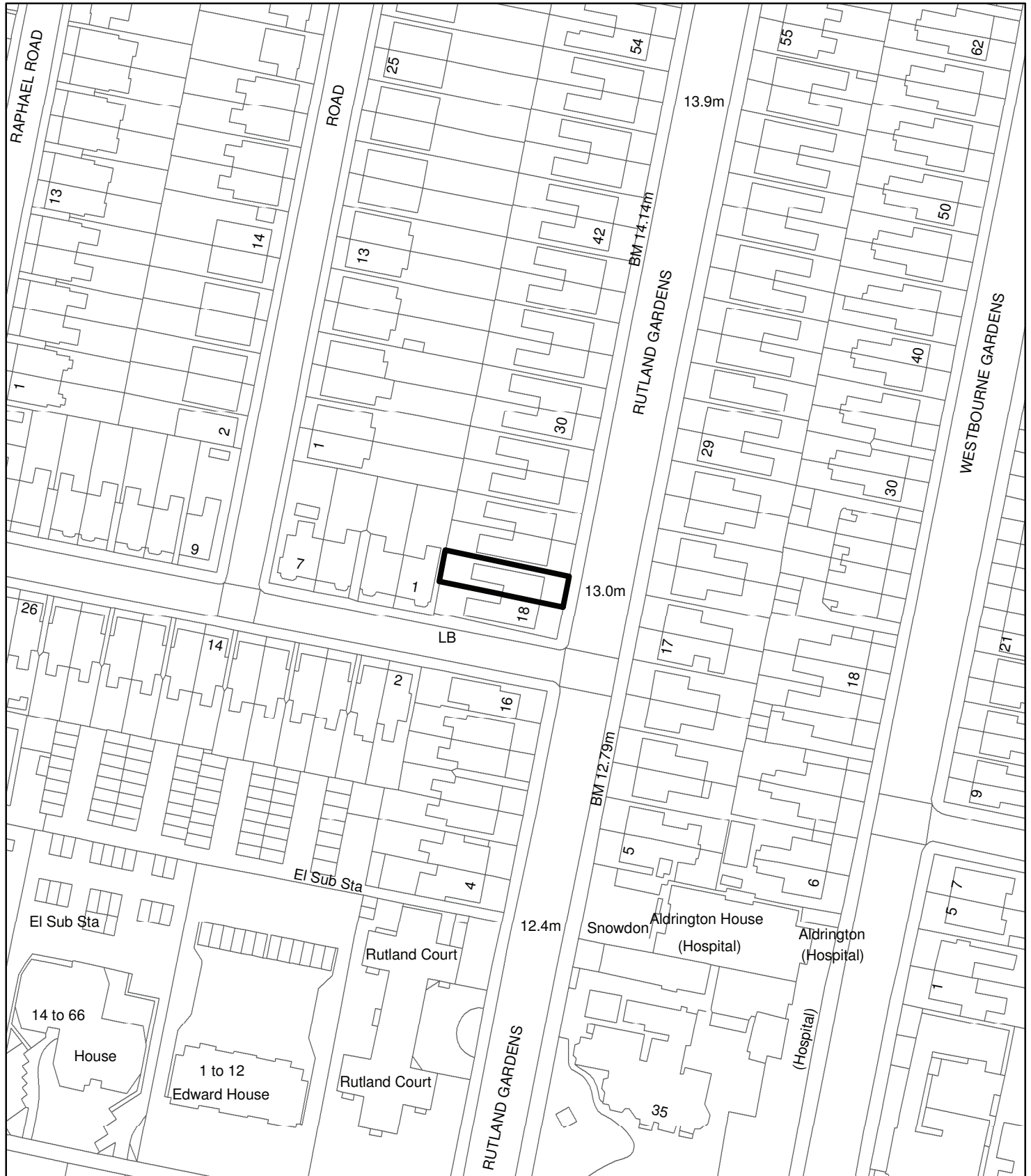
9 CONCLUSION

The conversion of this semi-detached property with a small garden from a residential house to a nursery gives rise to potential significant noise and disturbance to neighbouring properties. In the absence of an acoustic report, the applicant has failed to demonstrate that the premises can operate whilst preserving the residential amenity of neighbouring occupiers. The proposal is contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan which seek to protect amenity.

10 EQUALITIES IMPLICATIONS

No external works are proposed in this application. The property is accessed via a small step to the front door.

BH2012/00587 20 Rutland Gardens, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/00248	<u>Ward:</u>	WISH
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Glebe Villas Playing Fields, Chelston Avenue, Hove		
<u>Proposal:</u>	Removal of existing pavilion and erection of new single storey building (D1 use) incorporating teaching and changing facilities.		
<u>Officer:</u>	Jason Hawkes	<u>Valid Date:</u>	09/02/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05 April 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Blue Forest (UK) Ltd, The Courtyard, Eridge Park, Eridge Green, Tunbridge Wells		
<u>Applicant:</u>	Mr Chris Wheeler, St Christopher's School, 33 New Church Road, Hove		

1 RECOMMENDATION

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

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings no.8238/01A, 02C, 10C, 11A, 12A, 13A, 15B & 16B received on the 31st January and 23rd April 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The structure hereby permitted shall not be used except between the hours of 08.00 and 18.00 on Monday to Friday only.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4) The door located on the north elevation shall be used for emergency purposes only.
Reason: To protect neighbouring amenity in accordance with policy QD27 of the Brighton & Hove Local Plan.

Pre-Commencement Conditions:

- 5) No development shall commence until further details and evidence has been submitted which show that the timber to be used in the construction of the pavilion is from a certified sustainably managed source or evidence the timber is from local woodland. The scheme shall be implemented in accordance with the agreed details.
Reason: To ensure the timber used is from a sustainable source and to comply with policy SU2 of the Brighton & Hove Local Plan.
- 6) No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03:

Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

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

- 7) No development shall commence until details of the proposed timber gates, including elevation drawings, have been submitted to and approved in writing by the Local Planning Authority. The gates shall be constructed in accordance with the agreed details and thereafter retained as such.

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

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

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

- 9) BH14.02 Archaeology (Watching brief)

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) No development shall commence on site until a scheme which provides for the retention and protection of adjacent trees has been submitted to and approved by the Local Planning Authority. The scheme shall include protective fencing for the adjacent trees and shall be implemented in strict accordance with the agreed details.

Reason: To protect the trees in the vicinity of the site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 11) No development shall commence until pruning works to affected trees have been completed. All pruning works shall be carried out in full in accordance with the requirements of BS 3998 (2010) Recommendations for Tree Work.

Reason: To protect the trees in the vicinity of the site, in the interest of the

visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 12) No development shall take place until details of the sedum roof 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.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan.

Pre-Occupation Condition:

- 13) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 14) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Informatives:

1. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
Having regard to the existing pavilion on site, the proposed development would not have a significant impact on the amenities of the occupiers of adjacent properties or have a significant impact on trees within the vicinity of the site. The proposal is also considered acceptable in terms of its design and appearance in relation to the recipient building and surrounding area. Subject to the recommended conditions, the development would represent sustainable development in accordance with development plan policies and the National Planning Policy Framework.
2. Please contact the city council's Ecologist for further advice in respect of creating a nature reserve and a pond.
3. Please note that no excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids should take place within any area

designated as being fenced off or otherwise protected in the approved protection scheme. The applicant should also be aware that the pruning of the trees overhanging the site should be done with the consent of the owners of the trees.

2 THE SITE

The application site relates to St Christopher's School at Glebe Villas Playing Fields. The fields are located to the north of New Church Road and are bounded by detached and semi-detached houses at Glebe Villas to the east, Leicester Villas to the west and Chelston Avenue to the north. St Leonard's Church lies to the north of the playing fields which is a Grade II listed building.

The existing pavilion is a timber structure and is located in the north west corner of the site adjacent to garages serving Leicester Villas. The pavilion was formerly used by St Christopher's School on New Church Road as a changing room and nursery and includes a raised decked area and fenced off playing area. The pavilion is currently unused.

3 RELEVANT HISTORY

BH1999/01940/FP: Demolition of existing Pavilion building D1/D2 and erection of new Pavilion D1/D2. Approved April 2000.

3/83/0414: Demolition of exiting pavilion and erection of a larger terrapin building to improve the facilities in connection with the use of the sports field. Approved 1983.

3/84/0128: Use of pavilion for pre-prep school group. Approved 1984.

4 THE APPLICATION

Planning permission is sought for the replacement of the existing pavilion with a new single-storey building which will be used by St Christopher's School as a changing and teaching facility.

The scheme includes a new timber access gate to allow emergency access to the playing fields and a new nature reserve along the western boundary.

Amendments have been received which reduced the height of the building to match the height of the existing pavilion and reduced the height of the decked area on the east elevation.

5 CONSULTATIONS

External

Neighbours: Eight (8) letters / emails of representation have been received from **22, 24 Chelston Avenue, 17, 21, 22, 25, 27 Leicester Villas** and **15 Glebe Villas** objecting to the application for the following reasons:

- The benefits of replacing the existing pavilion are recognised. However there are several concerns regarding the proposed pavilion.
- The scheme alters the footprint of the existing pavilion by a few metres which results in further encroachment of the privacy of the property to the immediate north. This would result in children and adults in close proximity to a kitchen window and a noise disturbance.
- The use of the building as a classroom with the outside decking will also

result in a noise disturbance. The fence between no.24 Chelston Avenue and the pavilion should be updated to high quality fencing to mitigate the noise impact.

- Locating the access door to the changing room at the side will also mean human traffic along the side of the building adjacent no.24 Chelston Avenue.
- The scheme is likely to result in the escalation of traffic and parking in Leicester Villas and Chelston Avenue. This was witnessed when the building was a nursery and is likely to increase with the use of the building as a classroom. This area already suffers from a lack of car parking.
- The access road to the pavilion is from Leicester Road and this has been blocked in the past by parents, teachers and support staff parking across the driveway.
- The access road is also a privately owned road and there is no evidence that the school has the right to access this road.
- It needs to be demonstrated that the Fire Brigade can access the building safely through the alleyway.
- The use of the building outside school hours, for example as a holiday club, results in disturbance over the weekends. The hours of use of the building should be controlled by condition.
- The building should be in a different position so that it has less impact on adjacent residential properties.
- Concern raised on the number of people consulted and the lack of time to comment.
- This appears to be an intensification of the educational use of the development.
- The scheme will benefit the area with the addition of new reception spaces.

Eleven (11) letters / emails of representation have been received from **5 Broad Reach, Shoreham, 34 St Aubyns Road, 12 Vallance Gardens, 4 Coleman Avenue, 15 Chatsworth Road, 43 Sackville Road, 17 Roman Road, 13 Lloyd Road, 107 Queens Park Road** and **4 The Upper Drive** supporting the application for the following reasons:

- The development will benefit children with the outdoor environment helping them learn.
- This is an amazing building which will provide great facilities and will also be used by local community groups.
- The scheme also meets eco standards and provides a sustainable building.
- The school already have permission to use the building as a nursery and that the proposed use is unlikely to result in anymore disturbance than already exists.
- The current building is in great need of attention and this scheme allows the children to have access to a better designed, safer and more eco-friendly area that the whole school can enjoy.

Brighton & Hove Archaeological Society: Referral is made to the East Sussex County Council Archaeologist.

East Sussex County Council Archaeologist: The site is within Archaeological Notification Area defining the former village of Aldrington. No objection is

subject to a condition stating that no development shall take place until reasonable facilities have been arranged, including rights of access during any construction works, in order to prepare archaeological records.

Sport England: No objection.

Internal:

Arboricultural Section: No objection subject to suitable conditions to protect existing trees.

Children and Young People’s Trust: No objection.

Environmental Health: Comments awaited.

Planning Policy: The proposal to build a pavilion building in the playing fields of St Christopher’s School is considered to comply with policy HO20 of the Local Plan as the facility is to be replaced.

Sustainable Transport: No objection subject to a condition requiring details of cycle parking to be submitted and approved by the Local Planning Authority in writing.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards

PLANS LIST – 16 MAY 2012

SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD20	Urban open space
QD27	Protection of Amenity
HO20	Retention of community facilities
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Documents:

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

The National Planning Policy Framework (NPPF)

8 **CONSIDERATIONS**

Matters relating to rights of access to the lane from Leicester Villas is not a material planning consideration. St Christophers School is looking into the issue of rights access.

The main considerations in the determination of this application relate to the principal of the use, whether the proposal is appropriate in terms of design, residential amenity, sustainability, impact on trees, archaeological considerations and highway safety.

Planning Policy & Principle of Use

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development.

The Framework identifies that there are three dimensions to achieving sustainable development- economic, social and environmental- which should be sought jointly and simultaneously through the planning system.

To support these three dimensions, the Framework identifies twelve core land use planning principles. These principles include (amongst others) the desire to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; take account of the different roles and character of different areas, promoting the vitality of urban areas and encourage the effective use of land by reusing land that has been previously developed.

Policy HO20 states that planning permission will not be granted for development that involves the loss of community facilities including nurseries and schools. The existing pavilion was granted in 2000 under BH1999/01940/FP. This

permission was for a part Class D1 / part Class D2 use. The pavilion was constructed and the pavilion was used as a changing facility for St Christopher School located on New Church Road and as a nursery for 30 children. It appears that the approved Class D2 use was never implemented and it is unclear what this Class D2 use related to.

The pavilion is now in need of repairs and the school have ceased using the facility as they do not feel it is fit for purpose. The proposal is to replace the existing pavilion with a new single-storey structure which will be used as a changing facility and additional classroom for the school. The proposed use again falls under Class D1. This scheme as submitted does not include D2 floor space.

The Policy Section has commented that the applicant should ensure that the building continues to be available to outside groups such as the Scouts in order for the use to remain a true community use. However, the Scouts do not use the building presently. They use a building on Glebe Villas but do have access to the field, which is unaffected by this application.

Policy QD20 states that planning permission will not be granted for proposals that would result in the loss of areas of private or public open space. The proposal moves the pavilion further to the east of the footprint of the existing pavilion in order to allow a new emergency access to the playing fields. This results in the loss of a small section of playing fields. The scheme retains the playing fields and will provide better changing facilities.

Sport England has commented that the scheme is appropriate as it does not affect the playing fields and is largely in the same footprint as the existing pavilion. Given this, Sport England has no objection to the scheme. Additionally, given that the proposed pavilion is largely in the same position as the existing pavilion in the north west corner of the playing fields, the scheme is also deemed in accordance with policy QD20.

Design:

Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood.

The existing pavilion was approved in 2000 (ref: BH1999/01940/FP) and is single-storey timber structure with decked areas and its main entrance facing south. The proposal is for a replacement single-storey structure with a sedum flat roof. The new building is less traditional in design with a curved corner to the south east corner. The building again includes decked areas and also includes a disabled access ramp around the curved corner. The building includes timber windows frames, steps and hand railings. The roof includes a metallic cover at eaves level.

The new structure is roughly in the same position as the existing pavilion in the north west corner of the playing fields. In this enclosed location, the structure

does not form part of any street scene. The structure will be visible from the surrounding houses and partly visible from Leicester Villas down the access road. The new structure is similar in scale and bulk to the existing pavilion and it is felt that the timber modern appearance of the structure with its sedum roof is sympathetic to this area and to the appearance of the playing fields.

Impact on Amenity:

Brighton & Hove Local Plan policy QD27 requires new development to respect the existing amenity of neighbouring properties.

The pavilion is in close proximity to residential properties to the north and west of the site. The closest property to the scheme is 24 Chelston Avenue. This property is most affected by the proposed scheme. The existing pavilion is situated south of the rear garden of this property. It is 17.25m wide and 3.9m high and is within 1m of the boundary with 24 Chelston Avenue which has an approximately 1.8m high timber fence. The existing pavilion already extends along the boundary with 24 Chelston Avenue and has some impact. The proposal is a pavilion which is also 3.9m high and set 1.4 from the boundary.

To allow vehicular access to the site, it is proposed to move the pavilion 2m further east. This results in an additional impact on no.24 Chelston Avenue. However, having regard to the impact of the existing pavilion, the proposed movement of the pavilion further east would not result in a significant difference when compared to the existing or result in a significant increase in the impact the pavilion has on the amenity of no.24. There is a tree adjacent the boundary at no.24 which will mitigate the impact of this change of position to some degree. No.24 includes a south facing window serving a kitchen which allows views over the pavilion. This window will not be significantly affected by the proposal due to its position from the proposed structure.

It also felt that the new pavilion will form a much more attractive addition than the existing pavilion which is need of repair. To protect the privacy of no.24, no windows are proposed to the north elevation. The north elevation does include a door and the applicant has stated that this is required for fire safety purposes and will not be used on a daily basis. The side of the pavilion will be used for cycle storage for staff and refuse storage. These uses will not detrimentally affect the amenity of the immediate adjacent property.

In terms of use, the pavilion is proposed to be used as a changing room and classroom for St Christopher's School. This use will result in some noise disturbance for adjacent properties. However, it should be noted that the existing use as a nursery and changing room already result in a noise impact. It is felt that the use as changing facility and class room will not result in a significant increase in noise levels. The applicant has stated that the pavilion will be used as a classroom between the hours of 8am and 3.30pm and for the community use between 3.30pm and 6pm Monday to Friday. To protect the amenity of adjacent properties, a condition is recommended that the pavilion shall only be used between these hours.

The scheme includes terraces to the east and south elevations. The terraces

proposed are no bigger or higher than the existing terraces on the pavilion and will not result in anymore loss of privacy or noise disturbance than already exists.

Sustainable Transport:

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

The pavilion was until recently used as a nursery for around 30 children. The new pavilion will be used as a teaching space for 20 reception age children and a changing area for the school. The scheme also includes an emergency access to the playing fields which involves installing new timber gates to allow access from Leicester Villas. The pavilion is used by St Christopher's School on New Church Road. The school children travel to the site on mini buses and are dropped off at either the Glebe Villas or Leicester Villas entrance between 8.30-9.00 am. Sports arrangements for the whole school will continue as they currently are with children arriving and departing in a school minibus at the beginning and end of their timetabled sport sessions.

At the end of the day for the children at the pavilion site, parents would pick up between 3.15-3.25pm using the Leicester Villas entrance. Children who had not been collected or are in after school clubs would be transported to the main school at 3.30pm by minibus. The school has stated that based on their Reception class, approximately one third of parents collect on foot and one third of parents use the after school clubs. One third of parents in Reception collect their children by car at the end of the school day.

The Transport Manager has commented that the majority of trips to the proposal are likely to be linked to other local trips and that the proposal is also likely to reduce the number of trips to the site when compared to the previous use as a nursery. Therefore the development is unlikely to have a material impact on the operation of the local highway network. The proposed development also provides cycle parking for employees along the northern boundary.

Sustainability:

Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. Supplementary Planning Document 8 on Sustainable Building Design also states that non residential units (under 235 sqm) should include measures to reduce energy and water.

The applicant stated that the building will built mostly of sustainably sourced and certified timber and will be highly insulated to ensure a high energy performance rating. Additionally, the sedum roof proposal will also insulate the building and offer a habitat for wildlife. A condition is recommended requiring evidence that the timber to used in the construction of the pavilion is from a certified sustainably managed source or evidence the timber it is from local woodland.

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. No statement has been submitted with the application. Therefore, a condition is recommended requiring the submission of a waste minimisation statement to be approved by the local planning authority prior to commencement of works.

Ecology/Nature Conservation:

The scheme includes the formation of a nature reserve in the south west corner of the playing fields. This area is comprised of overgrown bushes and the formation of the nature reserve here would not affect the playing fields.

The nature reserve does not include any substantial works which would result in a significant impact on the amenity of adjacent properties. The Council's Ecologist has commented and provided advice in respect of the creation of a pond and nature reserve.

Archaeological Considerations

The site is within an Archaeological Notification Area. The East Sussex County Archaeologist has commented that the site within the area defining the former medieval village of Aldrington. All that survives above ground is the partial remains of a 13th century church incorporated in St Nicholas Church to the south of the playing fields.

Although damage to archaeological remains may have occurred during the construction of the current pavilion, the proposed building is on a larger footprint which has the potential to impact undisturbed areas.

For this reason, the archaeologist recommends a condition requiring a watching brief, which is secured by condition 9.

Arboriculture:

The Council's Arboriculturist has commented that in close proximity to the current Pavilion (to the rear of number 25 Leicester Vilas) is a Weeping Willow. The footprint of the proposed outbuilding is further away from the tree than the current building and this is to be commended.

The foundations of the current pavilion create a hostile environment for the tree's roots and there are unlikely to be any in this vicinity.

The Arboricultural Section has no objection to this proposal, however, this tree should be surveyed and assessed and if appropriate protected to BS 5837 (2005) Trees in Relation to Construction during the course of the development as far as is practicable. A condition is therefore recommended stating no development shall commence on site until a scheme which provides for the retention and protection of adjacent trees has been submitted to and approved by the Local Planning Authority. The scheme shall include protective fencing for the adjacent trees and shall be implemented in strict accordance with the agreed details.

The Arboriculturist has also commented that trees may need to be pruned prior to the development commencing, this should be carried out to BS 3998 (2010) Tree Pruning Recommendations.

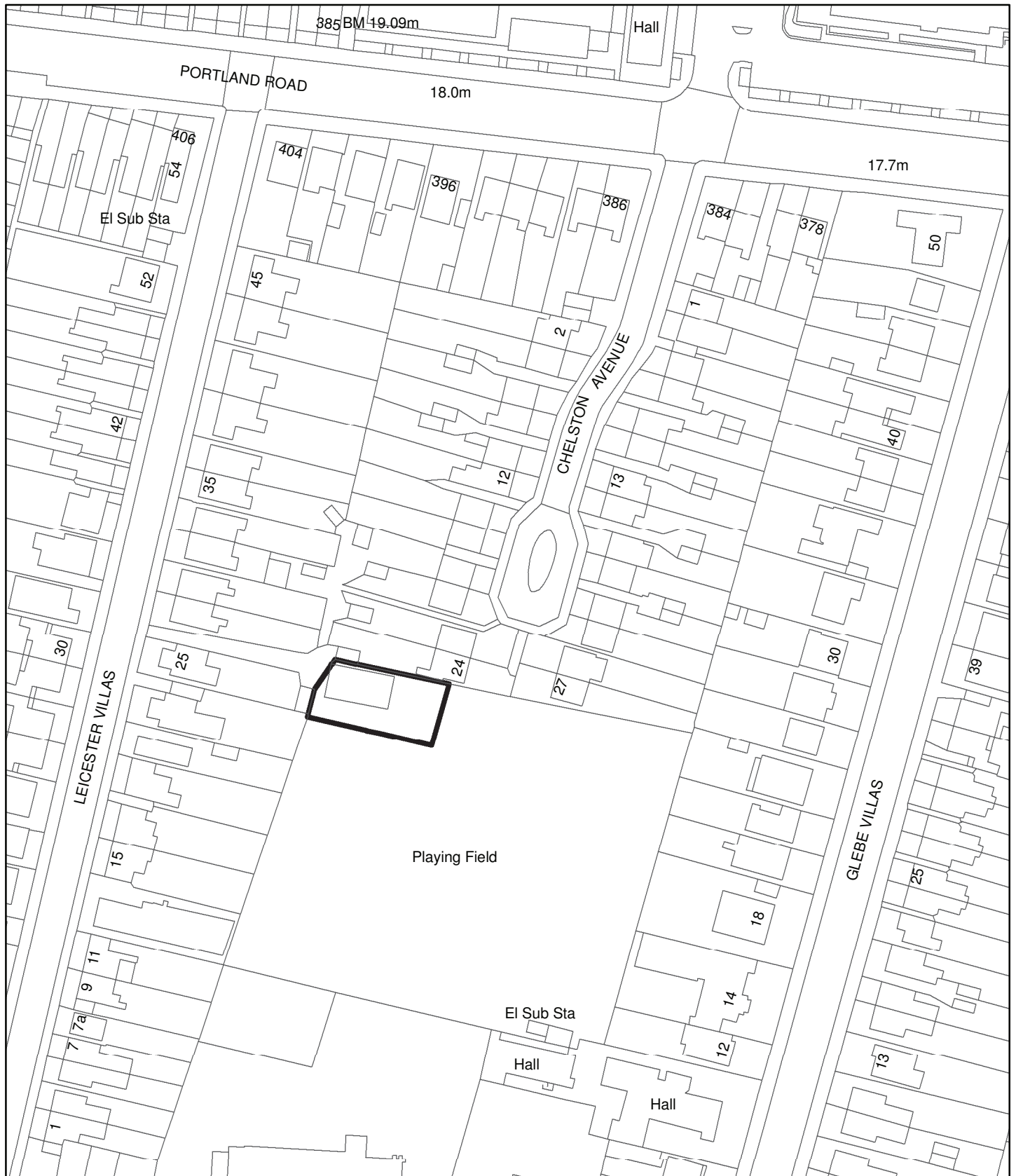
9 CONCLUSION

Having regard to the existing pavilion, the proposed development would not have a significant impact on the amenities of the occupiers of adjacent properties or have a significant impact on trees within the vicinity of the site. The proposal is also considered acceptable in terms of its design and appearance in relation to the recipient building and surrounding area. Subject to the recommended conditions, the development would represent sustainable development in accordance with development plan policies and the National Planning Policy Framework.

10 EQUALITIES IMPLICATIONS

The scheme includes a ramp and allows adequate access for people with disabilities.

BH2012/00248 Glebe Villas Playing Fields, Chelston Avenue, Hove.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/00229	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Wolseley Build Centre, 19 Bristol Gardens, Brighton		
<u>Proposal:</u>	Demolition of existing building and erection of 9no residential dwelling houses with associated parking and landscaping.		
<u>Officer:</u>	Aidan Thatcher	<u>Valid Date:</u>	13/02/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 April 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	ECE Architecture, Brooklyn Chambers, 11 Goring Road, Worthing		
<u>Applicant:</u>	Cross Stone Homes, Mr Ross Barbour, The Old Mill, The Warren, Crowborough		

1 RECOMMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and the policies and guidance in section 7 of this report and resolves it is **MINDED TO GRANT** planning permission subject to the applicant entering into a deed of variation of the s106 dated 13th September 2010 relating to BH2009/01355 and to the following Conditions and Informatives:

Deed of variation

- To secure a contribution of £13,500 towards improving accessibility to bus stops, pedestrian facilities and cycling infrastructure in the vicinity of the site.

Regulatory Conditions

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings nos. LOC A, 01A, 02D and 04A received on 27.01.12 and drawing nos. 03D, 05B, 06 and 08021-02-S-GA received on 13.02.12.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- 4) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.

PLANS LIST – 16 MAY 2012

- 5) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 6) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 8) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 10) 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.

Pre-commencement Conditions

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

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

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

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and

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

A completed pre-assessment estimator will not be acceptable.

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

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

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

14) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;

and, unless otherwise agreed in writing by the Local Planning Authority,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the

implementation of the works.

- (ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
 - b) photographs of the remediation works in progress; and
 - c) certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

- 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.

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) No development shall commence until fences for the protection of trees to be retained shown on the drawings hereby approved have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

Reason: To protect the trees which are to be retained adjoining the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

- 17) The existing crossovers and dropped kerb lines shall be reinstated in strict accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority.

Reason: In order to improve the quality of the public realm, to create a safe pedestrian environment and to comply with policies QD1 and TR7 of the Brighton & Hove Local Plan.

- 18) No development shall take place until confirmation that the contractors working on the site have signed up to the considerate constructors scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the neighbouring residents and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

- 19) No development shall take place until detailed drawings, including levels, sections and constructional details of the access road to include 'rumble

strips', junction treatment, signage, surface water drainage, outfall disposal and street lighting to be provided have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.

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

Pre-occupation Conditions

- 20) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

- 21) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

Informatives:

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

The proposed development would integrate effectively with the scale, character and appearance of the street scene and wider area, would cause no undue loss of light or privacy to adjacent occupiers and would be of appropriate materials to ensure that it would integrate effectively with the wider area. The units would achieve acceptable levels of living conditions for the future occupiers. Subject to conditions, the proposals would have an acceptable impact on sustainability objectives and cause no detrimental impact on highway safety. Therefore, the proposal is considered to be in accordance with development plan policies.
3. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council

website (www.brightonhove.gov.uk).

4. 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).
5. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant is advised to contact Southern Water to agree the measures to be taken to protect/divert the public water supply main. Southern Water can be contacted via Atkins Limited, Southern House, Capstone Road, Chatham, Kent, ME5 7QA, 01634 824103, www.atkinsglobal.com.
7. Notice is given that Section 35 of the East Sussex Act 1981 may apply to this development. This gives Local Authorities the power to reject applications deposited under the Building Regulations, unless after consultation with the fire authority they are satisfied that the plans show adequate means of access for the fire service.
8. IN05.07A Informative - Site Waste Management Plans (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build))
The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html

2 THE SITE

The application site is approximately rectangular in size, which is in existing use as a Builders Merchant Yard, occupied by the Wolessely Build Centre. The site is occupied by a cluster of buildings, being both brick built and metal clad, single storey and are situated on the southeast corner of the site, directly abutting the east and south boundaries.

The remainder of the site is utilised for open storage and vehicular parking.

The site has vehicular access from the south, from Bristol Gardens via a long

narrow road (approximately 4.4m wide) which runs past the western boundary of Sussex Row and the rear of 49-51 Prince Regent's Close.

The site has a significant frontage to its western boundary which fronts onto Prince Regent's Close, this is currently walled to enclose the rear storage yard.

The site is surrounded by residential accommodation to the east, comprising two and three storey residential dwellings, Bristol Gardens is to the south, with predominately residential uses beyond, the southern half of the western boundary has residential properties (with a doctor's surgery to the ground floor) and a garage compound, then due to the curve in Prince Regent's Close, this is then directly alongside the boundary, with two storey modern (1960's) neo-georgian style properties beyond. The same type of properties are situated to the north also, with the flank elevation of no. 48 Prince Regents Close facing the site.

The site is predominantly enclosed with a brick and flint wall, except for the northernmost part of the western boundary, where there is a modern rendered wall.

It is noted that the floor level of the site is significantly higher than the rear gardens of the properties in Princes Terrace by approximately 0.9m.

3 RELEVANT HISTORY

BH2010/03371: Installation of racking to West elevation (Retrospective) – approved 22/12/2010.

BH2010/01047: Installation of racking to West elevation. (Retrospective) – refused 21/06/2010. Appeal Dismissed 07/10/2010.

BH2009/01355: Demolition of existing building and construction of 9 new residential dwelling houses. Provision of on site parking, cycle store and refuse facilities – approved 22/09/2010.

BH2005/01816/FP: Overcladding of existing corrugated asbestos cement roof sheeting with colour coated plastic profiled metal sheeting – approved 05.08.05.

BH2004/02667/AD: Six non-illuminated aluminium panel signs fixed to building – approved 23.09.04.

BN90/1470/F: Erection of 1.2m high post and wire fence above one existing wall on part of the west boundary of one site (part retrospective) – approved 23.10.90.

BN89/2376/F (duplicate of **BN89/2375/F**): Demolition of existing single storey building used for storage/sales/distribution of building materials and erection of replacement single/two storey building and provision of 8 customer parking spaces – refused 20.02.90. Appeal dismissed 25.02.91.

88/238F: Demolition of existing single storey building used for storage/sales/distribution of building materials and erection of replacement single/two storey building: other works include relocation of aggregate bins – Refused 28.06.88. Appeal dismissed 24.04.89.

67/1725: Covering of part of open yard at present used as materials vehicle park – refused 26.09.67.

67/1012: Outline application; Covering part of open yard at present used as materials and vehicle park – refused 13.06.67.

67/1011: Outline application; First floor extension to existing offices by approximately 83sqft – refused 13.06.67.

65/1111: Outline application; residential development – refused 16.03.65.

17.60/1128 – Outline application; erection of single storey building for garaging vehicles – refused 30.08.60.

16.59/1022: Alterations to existing access – approved 30.06.59.

16.59/169: Installation of 3000 gallon underground petrol tanks and 2000 gallon diesel tanks above ground and a hardstanding for vehicles – approved 03.02.59.

55/487: Extending existing offices – approved 05.05.55.

4 THE APPLICATION

This application seeks consent for the demolition of the existing structures on site and the erection of 9 no. two storey dwellings, together with vehicular parking and landscaping, as a variation to the scheme approved in 2010 (BH2009/01355).

There is a proposed mix of dwellings, comprising 3no. 4 bedroom, 4 no. 3 bedroom and 2 no. 2 bedroom dwellings.

A terrace of three 4 bedroom houses is proposed, located to the northern part of the site, directly fronting onto Prince Regent's Close, each would include a dedicated off street parking space through a car port forming an integral part of the footprint of the property.

The ground floor footprint of these units would be L-shaped approximately 10m at its widest point (4.1 at its narrowest), 13.1m at its deepest point (5.45m at its shallowest). The first floor footprint is significantly shallower, and measures 10m wide x 7.1m deep. The height of the terrace would be 5.0m to the lower end of the mono-pitch roof and 5.3m to the higher end.

A terrace of 4 no. three bedroom houses would be located in the central part of the site. These would also be sited fronting onto Prince Regent's Close, but some would be hidden behind the existing brick and flint wall.

This terrace of units is irregularly shaped, and provides a differing design of properties. The overall dimensions of the footprint of the terrace is 29.3m wide x a maximum depth of 9.6m and a minimum of 5.7m.

Two of the units, the furthest north and one of the middle units would have the same ground and first floor footprint of 5.7m wide x 9.6m deep x 5.0m to the lower height of the mono-pitch roof and 5.3m to the higher end.

The unit between these has a ground and first floor footprint of 9.1m wide x 5.7m deep x 4.7m to the lower height of the mono-pitch roof and 4.9m to the higher end.

The unit to the southern end of this terrace has a ground floor footprint of 7.2m deep x 9.2m wide with a first floor footprint of 5.7m deep x 9.2m wide. The height is to be 4.7m to the lower height of the mono-pitched roof and 4.9m to the higher end.

The remainder two units form a semi detached pair to two bedroom units, which are orientated north/south, which is different to the remainder of the development. These are each to measure 4.9m wide x 9.6m deep x 5.0m to the lower height of the mono-pitched roof and 5.3m to the higher end.

The remainder of the plot is set out to provide for 6 no. additional parking spaces within a communal car park accessed from the existing vehicular access from Bristol Gardens, and includes a communal refuse and recycling store and cycle storage for those units which do not have private storage.

A number of landscaping areas are proposed as part of the development, both within the car park area and along the communal frontage to Prince Regent's Close.

5 CONSULTATIONS

External

Neighbours: Seventeen (17) letters of objection have been received from the occupiers of **nos. 16 Princes Terrace, nos. 8, 11, 16 (x2), 18, 19, 24, 40, 41, 42, 48 and 50 Prince Regent's Close, nos. 5 and 7 Bristol Gardens and Prince Regents Court (freeholder of Prince Regents Court, Prince Regents Close) and one with no address** on the following grounds:

- Loss of light;
- Loss of view;
- Loss of privacy;
- Too high a density for the site;
- Increased parking stress;
- Potential damage to and loss of original flint boundary wall;
- Design uncharacteristic with the surrounding area;
- Plots 1-3 should be set back to provide front garden space;
- The flint wall should not be removed;
- Proposed materials are out of character with the existing development;
- Inadequate parking provision provided;
- Potential for increased noise pollution;
- Flat roofs must not be used as terraces in the future;
- Overdevelopment of the site;
- Lack of detail on how the boundary wall with Princes Terrace will be treated and who owns it;
- Insufficient detail on landscaping;
- Would like confirmation that the dwellings would not be used as student housing or HOM's;
- The number of existing vehicle movements per day is significantly lower than as stated within the Transport Statement;
- Inaccurate measurements shown on drawings;
- Proposed alley between plots 3 and 4 could give rise to security concerns;
- Overshadowing;
- Flat roofs are out of keeping with the surrounding development; and
- Inadequate disabled access.

Internal:

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

The Highway Authority have no objections to this application. The proposed amendments to the previous approval (BH2009/01355) are minor in terms of the highway impact and therefore deemed acceptable. Our previous comments and request for S106 funding made as part of BH2009/01355 still stand.

Economic Development: No adverse comments.

Environmental Health: The 2009 application contained a very specific site assessment for land quality carried out by WSP dated April 2008. The report was quite specific in stating that should redevelopment of the site occur, further site assessment is needed.

The 2012 application does not contain any site reports or even acknowledgement of the previous application. The application form also suggests under section 14 that no previous uses or contamination is suspected which is clearly not the case.

Given that the applicants are the same, and that a full contaminated land condition (13) was placed on 2009/01355, Environmental Health feel that the application is insufficient in detail as the matter should have been known about. Therefore consider that insufficient information is present to determine the application.

Access Officer: The proposals appear to meet the requirements of the Lifetime Homes Standards.

Council Arboriculturist: Reiterate comments from previous application (re-provided below).

There are no trees on the site itself, however, immediately outside the site there are 4 trees that are in Council ownership that may be affected by the development.

The only one of any arboricultural value is a sycamore, the northernmost tree of the 4 trees on Prince Regents Close. The Arboricultural Section would like this retained post development. It sits close to the flint wall that borders the site and therefore it is presumed its retention should not impede the development greatly. This tree should be protected during development to BS 5837 as far as is practicable – Arboricultural Method Statement to be provided.

There are also new footpaths in the vicinity of this tree, arboricultural advice should be sought on their construction and an Arboricultural Method Statement provided before any work commences.

There are a further 3 trees on street that are of poor form or in a state of decline,

one Elder and 2 Hawthorns. The Arboricultural Section would not object to their loss as long as a suitable landscaping scheme is produced showing their replacement.

The Arboricultural Section would also like to see a firm landscaping scheme regarding planting to the rear (east) of the properties.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR3	Development in areas of low public transport accessibility
TR4	Travel Plans
TR7	Safe Development
TR8	Pedestrian routes
TR11	Safe routes to school and school safety zones
TR12	Helping the independent movement of children
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance

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SU11	Polluted land and buildings
SU12	Hazardous substances
SU13	Minimisation and re-use of construction industry waste
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
QD5	Design - street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD26	Floodlighting
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
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance Notes

SPGBH 4: Parking Standards

Supplementary Planning Documents

SPD03	Construction and Demolition waste
SPD08	Sustainable Building Design

Planning Advice Notes

PAN03	Accessible Housing and Lifetime Homes
PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste

The National Planning Policy Framework (NPPF)

8 **CONSIDERATIONS**

The main considerations in the determination of this application are the planning history, principle of the development, impact on street scene and wider area, amenity issues, transport issues, contaminated land and sustainability issues including waste management.

Planning history

Permission was granted under application BH2009/01355 for the redevelopment of the site to comprise 9 residential units.

The applicants have amended the design, in terms of proposed materials and internal layout changes. These alterations materially impacted on the external appearance of the development, and thus required the submission of a fresh planning application.

The number and size of units, scale, bulk and massing of the proposal remain identical to that previously approved.

Principle of Development

The application site is situated within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle although must adequately accord to relevant development plan policies.

The approval of the 2009 application confirms the acceptability of the loss of the existing use upon the site, which has been confirmed as a sui generis builders yard. As such there is no policy protection for such uses and the change of use to residential is considered to be acceptable.

Since the determination of the 2009 application the National Planning Policy Framework has been published (27/03/12). The policy thrust of this does not alter the acceptability of the site to be used for residential purposes.

Impact on street scene and wider area

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

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

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

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

The visual appearance of the site would be fundamentally altered to accommodate the proposed development, as per the previous approval.

The site has vehicular access from Bristol Gardens, via a narrow (approximately 4.4m wide) road into the site. This is relatively long (approximately 30m) before the site opens out to the full width of approximately 18m.

The previous approval gave consent for a predominately rendered development, on a low brick base, with recessed areas to be timber clad.

The current application seeks to amend this. Plots 1-3 would utilise an engineered blue/grey brick across the ground floor level and part of the first floor with white rendered blocks at first floor level. They also have a revised window shape at first floor level.

Plots 4 and 6 are sought to be amended to be a fully rendered building, with revised fenestration, removing the timber element and utilising a full height glazed panel (subdivided into smaller frames).

Plot 5 is to be amended to be constructed completely from engineered blue/grey brick, and plot 7 to be fully rendered. Both include minor fenestration alterations.

Plots 8 and 9, the amendments are to replace the recessed timber cladding elements with the same blue/grey engineered brick.

It is considered that the amendments provide additional visual interest to the proposal, and introduce a higher quality material, being brick rather than the timber cladding.

The dark colour of the brick will go some way to integrate more effectively with the dark brick that is used of the majority of the existing Prince Regents Close dwellings.

The fenestration alterations also provide for more continuity within the scheme, and regularises the number of window opening sizes thus ensuring a more regular appearance within the street scene.

As such it is considered that the amendments represent an improvement to the previously approved scheme and are considered to be acceptable.

Amenity Issues

For Neighbours

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

The main issues here are likely to be loss of light, overshadowing, loss of privacy and additional noise and disturbance.

In relation to the general use of the site, it is considered that a residential scheme is likely to reduce the impact of noise and disturbance on the surrounding occupiers by virtue of the removal of the existing commercial use and its replacement with a (generally) quieter residential scheme. Therefore the scheme is considered to improve the impact of noise and disturbance on surrounding occupiers.

In relation to loss of privacy the properties that are most likely to be impacted on are the Victorian two storey dwellings to the east, which front Princes Terrace.

The removal of the existing structure on site, and its replacement with two storey dwellings with rear (east) facing habitable rooms is considered to represent an increase in overlooking. Section details have been provided of the proposed development, with the existing properties in Princes Terrace shown also. This indicates that the distances involved (first floor to first floor) are a minimum of 13.5m, and a maximum of 20m. Whilst this minimum distance is just within the limits of acceptability in terms of overlooking distances, this only relates to a single dwelling and in general the distances are in excess of 17m, which is considered appropriate within a city centre location such as this. It is also noted that the relationship between the existing properties on the eastern side of Prince Regent's Close and Princes Terrace is 16m. Therefore, the relationship is broadly the same as that of the existing street.

Therefore, on balance, it is considered that there would be no undue overlooking issues arising from the scheme, and none that would warrant a refusal of the development on these grounds. It is also noted that the situation remains unchanged from the previous 2009 approval.

The scheme also has the potential to result in loss of light, particularly to the lower ground floor levels of the three storey properties fronting Princes Terrace. This is most relevant towards the northern part of the site where there is currently no built form (but there are piles of building materials, sometimes higher than the boundary wall).

At this point the scheme has the potential to cause a loss of light to the properties to the east, however it is unusual to have this type of relationship between residential properties and open sites within a city centre location. The relationship between the existing development to the north of the application site is more usual, and thus whilst some light will be lost, the degree to which this will occur is to be assessed having regard to the city centre location and the relationship between surrounding buildings.

To the southern portion of the site, the existing single storey buildings, which have a maximum ridge height of 4.0m, are to be removed. These are visible from the basement levels of the Princes Terrace properties. The proposed site would include a higher development height (a maximum of 5.3m furthest from the boundary) however this would be set well back (in excess of 6m) from the boundary, and thus will appear as less dominant than the existing buildings which are constructed against the eastern boundary.

On balance, it is considered that the existing dwellings to the east will still receive an acceptable level of natural light which would not unduly harm the amenities of the occupiers of these dwellings.

It is also noted that the site is located due west of these properties, and thus the amount of sunlight these would achieve as existing would be limited to late afternoon / evening during the summer months only.

Again, the situation is exactly the same as the previous approval in any event and therefore, on balance, although there will be some loss of light, particularly

to those properties adjacent to the northern part of the site, this would not be to a level which would warrant a refusal of the scheme on these grounds.

For Future Residents

Policy HO13 requires residential units to be lifetime homes compliant.

The layout of the proposed units ensures that there would be adequate space for the units to meet lifetime homes compliance. The plans confirm compliance with these standards.

The scheme provides for rooms sizes which are adequate for their function with adequate light and ventilation, save for an internal bathroom, which is not considered to warrant a refusal of the scheme.

Policy HO5 requires the provision of private useable amenity space in new residential development.

The size of the garden areas with the properties is considered to be on the limits of acceptability. Whilst there are no adopted minimum size standards for amenity space, it is considered that each unit should have a space which is suitable for the needs of the occupiers of the unit.

It is acknowledged that the size of amenity space in the existing surrounding properties vary somewhat, many incorporate more usable sized areas. The constraints of the site are noted and thus it is considered that on balance, and having regard to the size of the plot sizes within Prince Regents Terrace (which are similar sized units) immediately to the north of the site, that the plot sizes would be acceptable and sufficient for the needs of the future occupiers.

Transport

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

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

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

The site is located inside a controlled parking zone (CPZ) and experiences high levels of on-street parking stress. It is noted that the scheme incorporates 1 vehicular parking space per unit.

The scheme also provides for secure cycle parking which is considered to conform to the requirements of policy TR14.

The comments from the Sustainable Transport Team are noted, in that the scheme would be acceptable subject to conditions relating to crossover details,

cycle and vehicular parking being provided prior to occupation and a sustainable transport contribution of £13,500. This is recommended as part of this application.

It is noted that the access to the site is relatively constrained, both by the narrow access as existing and the internal parking layout. The comments from the Sustainable Transport Team are noted, in that they do not consider the internal arrangement would warrant a refusal of the scheme as this lies outside of their control. However, a condition is recommended to ensure that additional safety measures are incorporated into the scheme, such as shared surfaces, speed control measures and lighting. This is considered to ensure that the safety of the access is maintained of both vehicular and pedestrian traffic and thus ensures that the proposal would be acceptable in these terms.

Again, this situation is unchanged from the 2009 approval.

Contaminated Land

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

The site appears to have been in previous use a petrol and diesel storage, which together with the existing commercial use on the site could give rise to contamination issues. A phase 1 Environmental Assessment has been submitted with the application and the comments from environmental health consider that this needs amending.

Whilst Environmental Health have requested additional information prior to the application being determined, the 2009 application sought this information by condition and as such in accordance with the previous approval, a condition is recommended requiring full contamination reports to be submitted prior to development commencing to ensure the satisfactory outcome of the environmental health issues.

It is considered to be unreasonable to alter the approach taken on this issue from previously, particularly as the amendments are so minor in nature.

Sustainability (including Waste Minimisation)

Any new residential building upon the site would need to conform to the requirements of SPD08. This mean that a fully completed Sustainability Checklist would need to be submitted with the application and the building must meet Level 3 of the Code for Sustainable Homes as a minimum.

In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design. This is particularly prudent in relation to any internal bathrooms. The comments from the Sustainability Officer on the 2009 approved scheme are noted, in that the measures incorporated into the scheme are somewhat modest, but do meet the requirements of the policy and thus are acceptable.

The applicants have submitted a Sustainability Checklist with the application and have detailed a commitment to reach Code Level 3 of the CSH in accordance with the requirements. Conditions are recommended to ensure that Code Level 3 is met.

9 CONCLUSION

The proposed application seeks permission for the same use, form, scale, bulk and massing as the previous 2009 approval on the site. Amendments include type of materials, fenestration changes and internal layout changes. These were considered to be material changes, and thus required the submission of a fresh planning application.

The material and fenestration alterations are considered to be acceptable and represent an improvement from the previously approved scheme, and the internal alterations still demonstrate full compliance with lifetime homes standards.

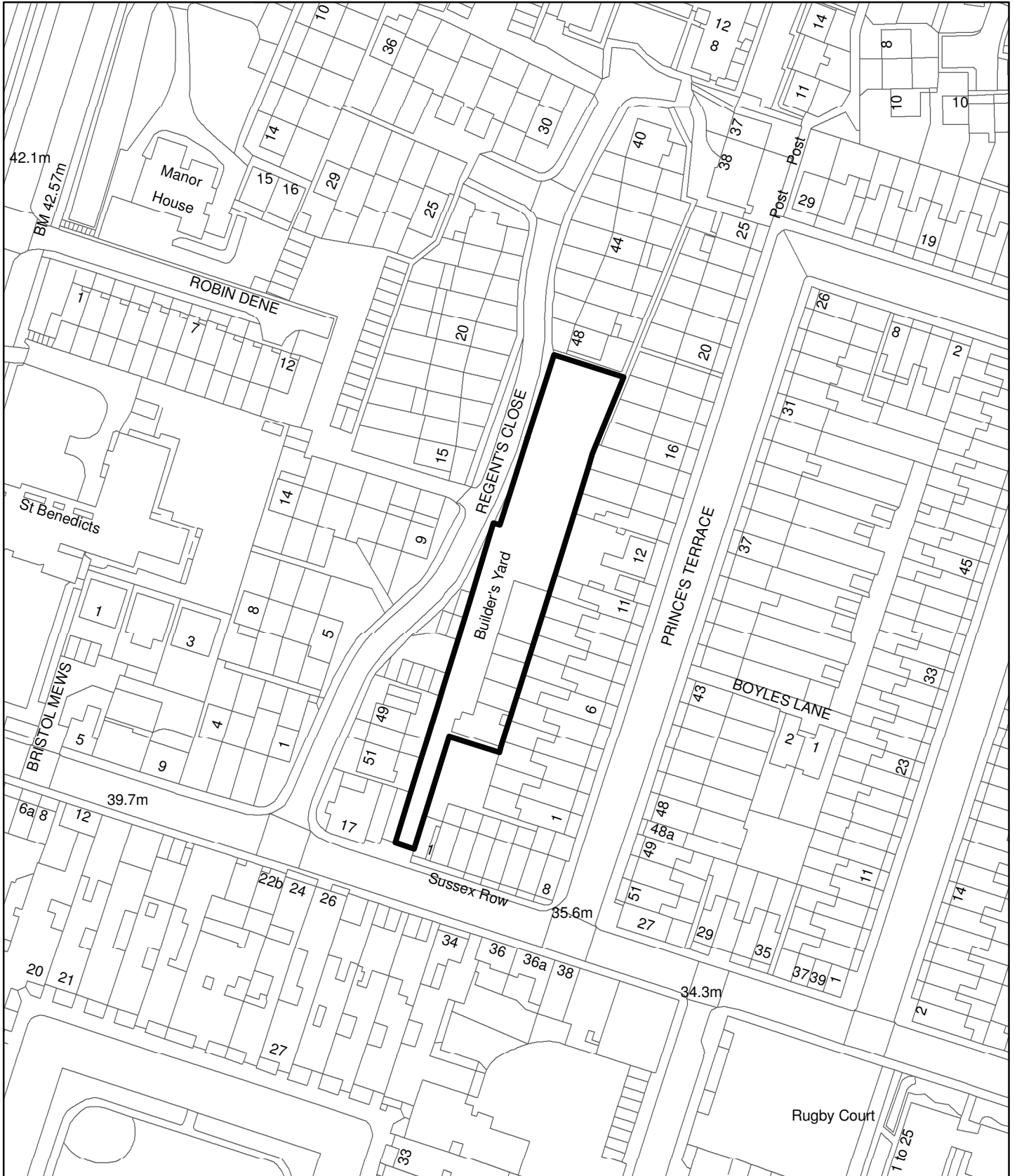
The remainder of the application remains the same as previously approved in terms of sustainability, amenity impacts, highways and contamination.

Therefore, the proposal is considered to be in accordance with development plan policies.

10 EQUALITIES IMPLICATIONS

The development accords with Lifetime Homes Standards.

BH2012/00229 Wolseley Build Centre, 19 Bristol Gardens, Brighton.



<u>No:</u>	BH2012/00712	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	9 Ridgeside Avenue, Brighton		
<u>Proposal:</u>	Demolition of existing garage and erection of a granny annexe ancillary to the main dwelling house.		
<u>Officer:</u>	Wayne Nee	<u>Valid Date:</u>	08/03/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 May 2012
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Lewis & Co Planning SE Ltd, Paxton Business Centre, Portland Road Hove		
<u>Applicant:</u>	Mr & Mrs R Counsell, C/O Lewis & Co Planning		

1 RECOMMENDATION

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

1. The development fails to enhance the positive qualities of the neighbourhood. It would be out of character with the surrounding area as it would appear cramped within the plot of the main dwelling, and the positioning and layout of the ancillary accommodation would fail to reflect the spacious character of the area. The application is therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.
2. Notwithstanding reason for refusal 1 above, the submitted drawings suggest the development would result in the formation of a separate residential unit which would not be ancillary to the primary residence. The space within the site is of an inadequate size to accommodate an additional dwelling whilst preserving the open character of the area. The proposal represents an overdevelopment of the site, out of keeping with the surrounding area, and contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan which seek to ensure a high standard of design, and secure an intensity of development appropriate to the locality.

Informatives:

1. This decision is based on drawing nos. 0045.EXG.01, 0045.PL.502A, 0045.PL.500A, and 0045.PL.501A received on 08 March 2012.

2 THE SITE

The site is located at the end of a small cul de sac extension of Ridgeside Avenue, Patcham. This application relates to part of the wider site which is currently in use as a car garage and front and side garden area for the main dwelling.

Although located in close proximity to the A23 arterial road, the site and surrounding area are residential in character. The ground level slopes up to

the east from Ridgeside Avenue, and the houses on this side of the road are elevated significantly above the road level.

The application site adjoins the rear gardens of properties fronting onto Grangeways, and the single storey garage of the adjoining property, No. 7 Ridgeside Avenue.

The Ridgeside Avenue street scene is characterised by large detached houses set within substantial pots of land, with a large setback from the road.

3 RELEVANT HISTORY

BH2011/01189: Erection of pitched roof detached residential dwelling to replace existing garage – refused 26/07/2011. Appeal dismissed 11/01/12.

BH2010/00431: Erection of detached 2 storey, 2 bedroom house replacing existing garage. Refused 03/06/2010. Appeal dismissed 24/11/2010.

BH2008/01339: Erection of single detached house. Appealed for non-determination. Appeal dismissed on 27/02/09.

BH2007/02841: Erection of detached house. Refused 02/11/2007.

BH2006/02394: Outline application for the erection of a detached dwelling. Siting to be determined for the proposed development. Refused 02/10/2006.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing garage and the erection of a granny annexe ancillary to the main dwelling house.

The details are:

- Two storey building with kitchen and living room on ground floor, with one bedroom and bathroom on first floor;
- Exterior of building consisting of brickwork, render and clay roof tiles;
- Ground floor windows and doors on north, west and south elevations;
- Hipped roof with dormer and roof light on front roof slope, and dormer on rear roof slope;
- Creation of new garden space to north of main dwelling;
- Paving in front garden of granny annexe with steps leading to rear garden areas;
- Demolition of existing garage to be replaced by car parking space;
- Additional car parking space in front of main dwelling replacing part of front garden.

5 CONSULTATIONS

External

Neighbours: Twenty two (22) letters of representation have been received from 3, 7, 11, 13, 15, 17, 19, 20, 22, 26, 48 Ridgeside Avenue, 4 Grangeways, 43 Old Mill Close, Sunny Hills Ladies Mile Road, 176 Balfour Road, 1 Stoneleigh Avenue, 9 Sea-Saw Way, 7 Highfield Crescent, 65 Vere Road, 14 Sunnydale Close, 22 Shepherd's Croft, and 14 Tredcroft Road objecting to the application for the following reasons:

- Two storey dwelling cannot be called a granny annexe;
- Not ancillary as it has its own access and parking, and has larger footprint

than main dwelling;

- Access and 2 storey nature is not suitable accommodation for elderly;
- Would be used as dwelling in the future;
- Identical in design to previously refused proposal;
- Size, positioning, limitations of site space and excavation inappropriate;
- Overdevelopment of site;
- Not in keeping with the area which has spacious setting;
- Access by the new French doors would be difficult;
- Loss of outlook to neighbouring properties;
- Would overlook properties on Grangeways;
- Loss of privacy for future occupiers of the buildings;
- Allotment is in badger foraging area;
- Parking situation and additional traffic unsatisfactory;
- Loss of garage to 9 Ridgeside Avenue;
- Problems for access for emergency vehicles;
- Would remove trees north of site;
- Red line incorrectly shown;
- Building works disruption.

Five (5) Letters of representation have been received from **24 Ridgeside Avenue, 114 Old London Road, 42 Overhill Gardens, 11 Whittinghame Gardens, and 1 The Woodlands** supporting the application.

Cllr Brian Pidgeon and Cllr Geoffrey Theobald have written a letter of objection, a copy of which is attached to the agenda.

Southdowns Badger Protection Group have written a letter of comment to state that there are at least 2 active badger sett entrances around the site and requesting that consideration is given to this matter when considering the current application.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
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- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the

NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity

Supplementary Planning Guidance:

SPGBH4 Parking Standards

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the development including the design and appearance and impact on the character of the area and the impact on the residential amenity of neighbouring properties.

Planning Policy:

Policy QD1 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. The following design aspects will be taken into account scale and height of development, architectural detailing, quality of materials, visual interest particularly at street level, and appropriate levels and type of landscaping.

Policy QD2 states 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, including:

- a. height, scale, bulk and design of existing buildings;
- b. topography and impact on skyline;
- c. natural and developed background or framework against which the development will be set;
- d. natural and built landmarks;
- e. layout of streets and spaces;
- f. linkages with surrounding areas, especially access to local amenities e.g. shops, community facilities, open spaces;
- g. patterns of movement (permeability) within the neighbourhood with priority for all pedestrians and wheelchair users, cyclists and users of

- public transport; and
- h. natural landscaping.

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

Principle of Use

The current proposal seeks to construct a 2 storey detached building so as to provide a substantial residential annexe to the dwelling comprising various habitable rooms.

An ancillary use such as an annexe would be expected to have a link to the main dwelling in some way. This may be a physical link such as a shared entrance doorway (if the annexe was attached to the main dwelling for instance) or a doorway between the annexe and the main dwelling. It may have some shared facilities or be dependent on the main dwelling in some way.

In this case there appears to be no established link. It would have complete physical detachment from the main dwelling. The only visible link shown is the sharing of a garden space. Other than this small part of the proposal, the occupants of the annex would be living completely independent of the main dwelling.

The proposed building would have the appearance of an additional and independent dwelling. The physical size and footprint of the building would be the same as the size of the proposed dwelling in the previously refused application which was dismissed at appeal. It would also appear to have a larger footprint than the main dwelling which highlights a lack of subservience in this ancillary development.

A self contained unit of accommodation would be provided, including separate access, kitchen and living room, as well as separate car parking space amongst its features. The kitchen is fully sized, where in many cases an annexe may only have a kitchenette. The scale of the annexe and the floor plans indicate that this development could be used as a new house. There are concerns about its design and appearance on the street scene as noted in this report below. The formation of such a use in the future would give rise to further issues such as whether the site would have enough private amenity space for two separate units which the Planning Inspector considered it did not.

The site planning history reveals that there have been attempts in the past for a proposed building to be used as a separate dwelling which suggest that if approved the building may be used completely independently in the future. Putting the size of the proposed annex and its clear separation from the main dwelling into consideration as well, and there is a cumulative concern as to

whether it would be genuinely be used as an ancillary building.

It is considered that a planning condition to ensure that the building is used as an ancillary building is not appropriate in this circumstance. The design and layout of the building, as well as the lack of visible links to the main dwelling, suggests that a planning condition would not be enforceable as there would be no clear way of establishing its use in the future.

The potential for the formation of a new residential house in this location would be out of character with the surrounding area. As such the proposal would be contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

Design and Appearance:

Design of the Scheme:

The properties which surround the site are a mix of bungalows and two storey dwellings, those which are sited on the eastern side are two storey and predominantly have a hipped roof design and are brick built with areas of tile hanging or painted as in the case of numbers 17 and 19. On the west side of this section of Ridgeside Avenue the properties are predominantly bungalows, the majority of the properties also have hipped roofs with exceptions such as number 7 opposite. There are examples of roof dormers in the location however the majority are located on the rear roof slopes.

The current design reflects that of the local context in respect of the use of materials and the hipped roof. The Inspector noted when dismissing the last appeal in paragraph 6 that *'simply in terms of scale and design, the dwelling would be an appropriate response to the context of the surrounding buildings'*. As the design of the proposed annexe building is the same as that of the refused dwelling (apart from the removal of the attached garage), it is considered that the scale and design principles including materials are also acceptable in this proposal.

Design in Context:

Although the proposed building would reflect design principles found in the street, it would sit less comfortably in its setting on this site. With the proposed annexe to be located tight within the north-west corner of the site, with limited space around the building, it would appear as a distinctly discordant feature.

In their planning statement, the applicant states that the annexe has *'been designed to repair and complete the street scene by siting a building to the head of the cul-de-sac and providing a transition between the bungalows on the west side of the street and the two storey houses on the higher, east side of the street.'*

The Inspector noted in paragraph 5 when dismissing the last appeal that *'cutting the building into the slope on the eastern into the slope on the eastern side would further emphasise this very cramped arrangement, which would be at odds with the generally more spacious pattern in the wider area. Thus,*

irrespective of the building's design and appearance, the development would detract from the street scene rather than contribute positively to it: it would neither repair nor complete the street scene.'

The applicant has attempted to address the cramped appearance by proposing to remove the existing garage. The building has also been relocated approximately 0.35m to the east. However it is considered that this alone would not significantly reduce the perceived harm. The proposed annexe would have the appearance of an additional and independent dwelling, which would be at odds with the spacious, low density pattern of development found in the vicinity.

The proposal represents a form of harmful overdevelopment that would be detrimental to the character and appearance of the immediate area. As the proposal is in conflict with policies QD1 and QD2 of the Brighton & Hove Local Plan.

Impact on Amenity:

The proposed dwelling will also maintain suitable levels of privacy, the closest neighbouring window services the staircase to 9 Ridgeside Avenue and will not therefore give rise to adverse overlooking.

The proposed rear dormer window – despite the screening from trees - would have the potential for views towards the rear gardens of properties on Grangeways. This landing window could consist of obscure glazing and be fixed shut controlled by a planning condition.

Given the space between buildings, the proposal is not considered to result in a loss of light or result in a sense of enclosure to neighbouring properties.

Overall the proposal is considered to accord with policy QD27.

Sustainable Transport:

The proposal involves the loss of the existing garage but with the construction of 2 off street car parking spaces which is considered acceptable for a dwelling and site of this size.

The parking space in front of the main dwelling proposes some excavation work and the erection of a retaining wall, as such if the application were acceptable it would be recommended that a condition be imposed to secure full details.

Other Considerations:

The existence of badger setts has been alleged by neighbouring occupiers and a letter has been received from the Southdowns Badger Protection Group. The applicant's attention is therefore drawn to the Protection of Badgers Act 1992 and the Wildlife and Countryside Act 1981 (amended 1991).

The issue of boundary lines has been raised by neighbours and objectors;

however these are not material considerations in the determination of this planning application.

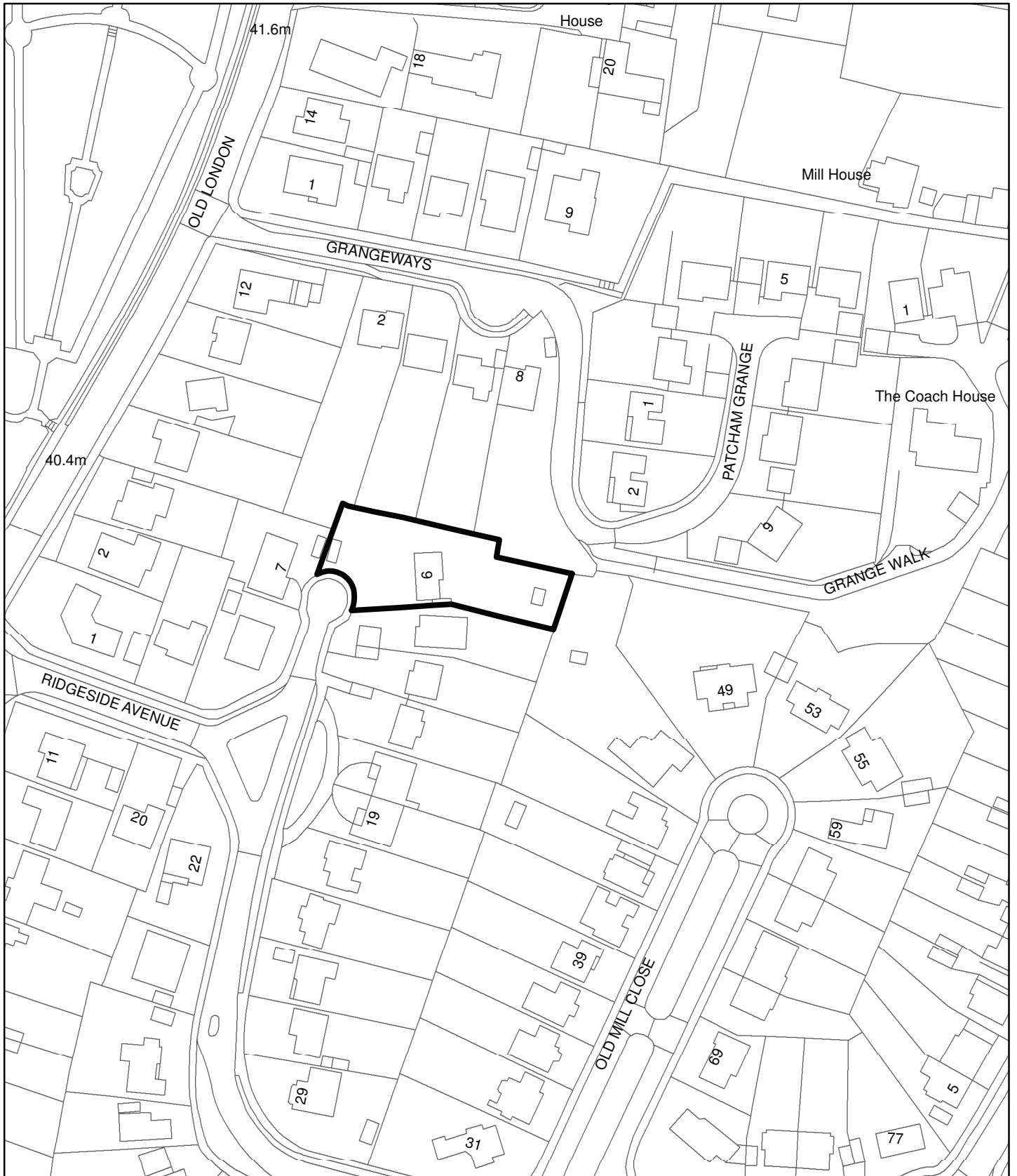
9 CONCLUSION

The applicant has failed to address matters relating to the small plot size and amount of space around the proposed annexe. The development fails to enhance the positive qualities of the neighbourhood and is out of character with the surrounding area which is predominantly spacious in character. Furthermore there is concern as to whether it would be genuinely be used as an ancillary building. Refusal is recommended

10 EQUALITIES IMPLICATIONS

None identified.

BH2012/00712 9 Ridgeside Avenue, Brighton.



Scale: 1:1,250



**Brighton & Hove
City Council**

PLANS LIST – 16 MAY 2012

COUNCILLOR REPRESENTATION

Ms Janette Walsh
Planning & Public Protection
Hove Town Hall
Norton Road
Hove
BN3 3BQ

9th April

Application No: BH2012/00712
Applicant: Mr. & Mrs. R Counsell
Site/Property: 9 Ridgeside Avenue Brighton
Demolition of existing garage and erection of a granny ancillary to the Main dwelling house

Dear Ms. Walsh

Over the last few weeks Councillor Geoffrey Theobald and my self have received many letters from Residents of the area who wish to object to the above application to build a granny annex in the front garden.

The location of the site is the basic problem. The street scene in Ridgeside Avenue is characterized by large detached houses. The area benefits from mature vegetation to the frontages creating an open attractive view of the surrounding properties. The proposed development would give the cul de sac an overcrowded appearance.

The proposed house is identical in every respect to that which was rejected, the proposed house lies in an identical position to that last submitted and is virtually wedged against the north fence making access by the French windows extremely difficult. Assuming that the granny annex would be used by residents with some form of physical disability would prove very difficult for them to access the parent house and the garden facilities because of the steep slopes.

Parking is a very serious problem in the cul de sac and the entrance to it with many cars parked on the road, particularly during evenings and weekends, giving rise sometimes to discord between neighbors. Service and emergency vehicles already have a problem accessing the cul de sac and it is not possible to use the turning point at the end because vehicles are always parked there. Visiting cars/vans consistently and without permission use the private driveways of residents for turning and parking leading to driveways being damaged.



PLANS LIST – 16 MAY 2012

Brighton & Hove COUNCILLOR REPRESENTATION
City Council

The loss of Green space available to wildlife would be a serious concern. Badgers come to their feeding station in the houses No 9. 11. 13.15 using the front gardens their paths are clearly visible. For many years there has been a sett at the top of Grangeways, adjoining the rear garden of No 9 the sett has been damaged in the past by persons unknown. We are very concerned for the safety of these animals. They would be seriously affected by loss of space. The animals and the sett are, of course entitled to protection under the "Protection of Badgers Act 1992"

We would expect a "Granny Annex" to be much more closely connected to the main house but it is entirely separate and there appear to be no special facilities to aid the elderly.

The proposed development and increased traffic will seriously reduce the quality of the residential environment for the neighboring residents

This is the sixth application made by Mr. & Mrs. Counsell with 5 failed and 3 appeals by inspectors which also failed we ask the planning committee to reject this application.

We ask that this letter is printed in full in the Agenda and a site visit is arranged

Either Councillor Geoffrey Theobald or my self will wish to speak at the planning meeting.

Yours sincerely,
Signed on behalf of Cllr Theobald

Councillor Brian Pidgeon

<u>No:</u>	BH2011/03487	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	247-249 & Land Adjacent to 251 Ditchling Road, Brighton		
<u>Proposal:</u>	Erection of 2no residential dwellings to replace 247-249 Ditchling Road, Brighton. Erection of two storey office building (B1) and single storey retail/financial and professional services building (A1/A2) over existing basement to North.		
<u>Officer:</u>	Aidan Thatcher	<u>Valid Date:</u>	22/11/2011
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	17 January 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Deacon and Richardson Architects, 87-88 Upper Lewes Road, Brighton		
<u>Applicant:</u>	Mr DJ Cook, Eastwood Farm, Shaveswood Lane, Albourne, Hassocks		

1 RECOMMENDATION

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

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings nos. 3311.EXG.01 B, 3311.EXG.02 B and 3311.PL.450 received on 14.11.11, drawing nos. 3311.PL.150 B, 3311.PL.151 B and 3311.PL.250 B received on 27.01.12 and window section details (unreferenced) received on 20.02.12.
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
Reason: To safeguard the appearance of the building and the visual

amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

- 5) Access to the flat roof elements of the development hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 7) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 8) The proposed Class A1/A2 unit hereby permitted shall not be open to customers except between the hours of 08.00 and 21.00 on Mondays to Saturday and 09.00 and 19.00 on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) The proposed Class B1 office unit hereby permitted shall not be in use except between the hours of 08.00 and 22.00 on Mondays to Saturday and 09.00 and 19.00 on Sundays, Bank or Public Holidays.
Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 10) The foundations of the development within the vicinity of the Walnut Tree shall be carried out in strict accordance with the measures set out in the Arboricultural Impact Assessment submitted with the application by PJC Consultancy – reference PJC/969/10.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 11) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
Reason: To enhance the appearance of the development in the interest of

the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 12) The crossover is constructed in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager prior to commencement of any other development on the site.

Reason: In the interest of highway safety and to comply with Local Plan policies TR1, TR7 and TR8.

Pre-commencement Conditions

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

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

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

- 15) Prior to the commencement of development, including any groundworks, a full Arboricultural Method Statement shall be submitted and be approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details. The Statement shall include:

- i. Full details confirming that the two on-street sycamores in close proximity to the development shall have their main boles protected during the course of development to the standards set out in BS 5837 (2005): Trees in relation to Construction;
- ii. Full details of the construction methods of the proposed bin storage area which is in the vicinity of tree roots;
- iii. Full details of the service runs, which shall not be located within any tree's root protection area;
- iv. Confirmation that the wall between the development site and the Walnut

tree will remain in situ during the course of the development to ensure adequate protection of the tree;

- v. Full details that the driveway/crossover shall be constructed to the standards set out in BS 5837 (2005) and Arboriculture Practice Note No 1: Driveways Close to Trees;
- vi. Confirmation that any pruning works to the Walnut tree shall be carried out BS 3998 (2010) Tree Work and the time of year any pruning will take place.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

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

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

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

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

- 18) The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

- 19) No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority:

- i. Sample elevations and section at 1:20 scale of the shopfront and fascia, the bays, gables, balconies, windows, dormers, doors, parapets, balustrades, copings, eaves, bin stores, meter cupboards, cycle stores, and all other features;
- ii. Details and sections at 1:5 scale of the eaves, barge board copings, cills and door thresholds;
- iii. Sectional profiles at 1:1 scale of windows, doors, and door frames and shopfront frames showing their relationship to their reveals and cills;
- iv. Details of the shopfront render work mouldings at 1:1 scale;
- v. Details of the decorative brickwork at 1:5 scale;
- vi. Details of the boundary walls, pilasters fences and gates including sample elevations at 1:20 scale;

The works shall be carried out in completed in strict accordance with the approved details and maintained as such thereafter.

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

- 20) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.
Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.

Pre-occupation Conditions

- 21) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 22) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 23) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Informatives:

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

The proposal would represent a high quality development that would conserve the character and appearance of the Preston Park Conservation Area improving the provision of employment generating floorspace across the city and the vitality or viability of the Fiveways Local centre. The proposal would cause no harm to the amenities of proposed or neighbouring occupiers and subject to conditions would cause no harm to trees or

highway issues. As such the proposal is considered to be in accordance with Local Plan policies.

2. The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).

2 THE SITE

The application site fronts onto the west side of Ditchling Road, close to the junction with Stanford Avenue (Fiveways).

The site comprises a part single and part two storey building located at the end of a uniform terrace of Edwardian two storey properties. It also includes part of an access road to a residential backland development currently under construction. Across this access is currently an open car park area directly fronting Ditchling Road and the site then continues north until it reaches the flank elevation of the shops at Fiveways.

The wider area is predominately residential in character, with the exception of the commercial properties to the north surrounding Fiveways.

3 RELEVANT HISTORY

247-249 Ditchling Road

BH2011/03488 (CAC): Demolition of 247-249 Ditchling Road, Brighton – not yet determined.

BH2011/00024 (CAC): Demolition of 247-249 Ditchling Road, Brighton – refused 20/04/2011.

BH2011/00023: Erection of two 4no bedroom residential dwellings to replace 247-249 Ditchling Road, Brighton. Erection of two storey office building (B1) and single storey office/retail building (A1/A2) over existing basement to North – refused 20/04/2011.

249 Ditchling Road

94/1124/FP: Elevational alterations to form new entrance and window – granted

31/01/1995.

245-249 Ditchling Road

BH2008/00557: Part change of use, alteration and extension to form single dwelling house – approved 19/05/2008.

BH2007/04068: Proposed part demolition, part change of use, alterations and extension of buildings to reinstate a single dwelling house at No 245 and additional office space at No.s 247 and 249. (Resubmission of refusal, BH2006/01608) – appeal for Non-determination dismissed on 09/10/2008.

BH2006/01609 (CAC): Demolition of front elevation of 247 and 249 and lower elevation of 245 – refused 07/07/2006.

BH2006/01608: Demolition and remodelling of lower front elevation of 245 and change of use to wholly residential (single dwelling house). Demolition of front elevations of 247 & 249, and addition of 2 storeys over to provide additional office space (B1) – refused 28/11/2006. Appeal dismissed 16/07/2007.

BH2005/01246/FP: Conversion of No. 245 from office and first floor flat to one 4 bedroom house. Demolition of offices at Nos. 247 and 249 and construction of two 3 bedroom houses. (Re-submission of refused application BH2004/00942/FP) – refused 10/06/2005.

BH2005/01144/CA: Demolition of existing building (comprising offices), at 247 and 249 Ditchling Road (Re-submission following refusal of BH2004/01038/CA) – refused 10/06/2005.

BH2004/01038/CA: Demolition of existing building (comprising offices), at 247 and 249 Ditchling Road – refused 13/05/2004.

BH2004/00942/FP: Change of use of No. 245 from office and first floor flat to 1 no. four bedroom dwelling. Demolition of offices at No. 247 and 249 and the erection of 2 new three storey, 3 no bedroom dwellings – refused 13/05/2004.

4 THE APPLICATION

Planning permission is sought for the demolition of the existing commercial building (together with Conservation Area Consent application BH2011/03488) and the erection of 2 no. two storey (with rooms in the roof) 1 no. 4 bedroom and 1 no. 3 bedroom dwellings, a two storey office building and a single storey commercial unit, and a flexible consent is sought for this unit for use classes Class A1, A2 and B1.

The proposed dwelling at no. 247 would measure approximately 5.4m wide x a maximum 11.9m deep (at ground floor level), 11.1m at first floor level x 6.2m to eaves height and 8.8m to ridge height.

The proposed dwelling at no. 249 would measure approximately 6.8m wide (at its widest point) x 9.0m deep (narrowing to 4.9m deep to the side 'extension') x 6.2m to eaves height and 8.8 to ridge height.

The proposed office building is to measure approximately 18.2m wide x 7.4m deep at its deepest point (narrowing to 4.0m deep) x 4.8m to eaves height and 5.8m to ridge height.

The proposed flexible unit is to measure approximately 6.7m wide x 4.4m deep x 4.0m high (to the top of the flat roof).

It is noted that revised plans have been submitted during the course of the application seeking to address the initial comments from the Heritage Team.

5 CONSULTATIONS

External

Neighbours: Five (5) letters of representation have been received from (**114, 116, 118 (x2) Stanford Avenue and 253 Ditchling Road**) objecting to the application for the following reasons:

- Overlooking and loss of privacy;
- Lack of need for additional commercial units;
- Increased parking stress;
- Loss of sunlight/daylight;
- Increased security risk to existing properties;
- Overbearing impact;
- Increased sense of enclosure;
- Sound transmission from the outside space for the office development;
- Increase noise and disturbance;
- There are flaws in the submitted Daylight analysis study;
- Lack of outside space for the proposed dwellings; and
- Flexible unit should be just A1, as there is a saturation of Estate Agents in the area.

Conservation Advisory Group: The group support the development in principle, but would prefer the use of timber framed sash windows.

Internal:

Economic Development: Supports the application.

Heritage:

Initial comments:

The existing buildings on the site do not have any architectural or historic significance or value and their demolition is acceptable.

Whilst floor plans have been provided a 1:50 scale, elevations have only been provided at 1:100 scale. 1:50 scale elevations should be provided to get a better understanding of the buildings' detailed design.

The proposed massing, footprint, layout and form of the residential building and its design approach is acceptable.

However, whilst this is a modern interpretation of an Edwardian semi-detached villa, I have reservations about the use of aluminium windows in this context. They generally have quite bulky frames and are likely to appear discordant adjacent to the historic houses with their slim framed timber windows. It is not clear if they are to be sliding sashes or tilt opening. The latter would also appear discordant on buildings of this form and in the street scene.

I consider that the massing, footprint and layout of the smaller office building to be acceptable and its form also, apart from its roof. The asymmetrical roof would

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be clearly apparent in oblique views and would appear incongruous in this area which has a high degree of architectural unity. A symmetrical roof is called for.

Likewise, the windows should also be sliding sashes rather than tilting. However, aluminium windows would not necessarily be unacceptable on this building, as they would relate to its more modern style if it can be demonstrated that slim frames are achievable. The windows on its northern end lack cills, unlike those on the bays and this part of the facade looks a bit bland as a result and cills should be added.

The predominant use of render for the front elevations of the two storey office building would be out of character with the street which is of almost entirely of red brick. Where render is used, it is used very sparingly, mainly on the gables above the bays. Render should be used much more sparingly on this building.

The choice of slate for the roofs is inappropriate to the character of the area which is overwhelmingly dominated by red clay tiles and later replacement red concrete tiles. It would look discordant and tile should be used.

The drawings do not show clearly the boundary walls and fences and their materials on all sides and it is not possible to get a clear idea of the street scene as a consequence. These are needed at these stage. It is not clear if the proposed fences alongside the access road to the site at the rear would extend beyond the rear of the buildings. Fences would not be appropriate at the front or at the sides of the buildings and should be confined to the rear, so that they do not intrude on the street scene in Ditchling Road. The materials and designs of the boundary walls and fences should be sympathetic to the area.

It is not clear why the front garden wall of the office building does not return to the building at its north end and it should do so, unless there is some essential reason not to.

Bin stores are shown in the front gardens. These would detract from the street scene and should be relocated to the rear gardens.

The single storey shop unit is acceptable in principle, subject to its rendered pilasters, fascia and cornice matching the originals in the adjacent parade of shops.

It is essential that the scheme is carefully detailed and good quality materials are used. Larger scale details will be needed but these can be controlled by conditions and I will advice on these later.

Please can you seek additional information and revisions as outlined above.

On amended plans

The revised designs and materials are now acceptable in principle, subject to details and conditions.

Note that the windows are to be sliding sashes and that some sectional details

of the aluminium frames have been submitted. However, there are no details of their trickle vents, which should be concealed. Their head frames are a bit too bulky, but this could be overcome by embedding in the reveals. Their bottom rails are too shallow, which will look odd next to the original windows of the adjoining villa. Provided that these concerns can be resolved satisfactorily, would not object to aluminium windows, but whilst the finer points of detailing can be dealt with by a condition we would need reassurance on the above concerns before agreeing to aluminium windows in principle at this stage.

The roofs are now of clay tiles which should be plain red clay tiles and the front facades of brick which should be soft red bricks both to match those found in the locality. This can be dealt with by conditions.

With regards to the materials of the access road to the site at the rear, inappropriate concrete blocks have been laid on that site. A decision on what should be done about that can be taken in respect of the site at the rear. However the materials of that part of the access road which passes through this application site needs to be considered in relation to this application. Consider that traditional square edged natural clay pavers should be used. These should be black to match the asphalt of carriageway of Ditchling Road, or alternatively plain reds to match the traditional brick pavers of Brighton. WT Lamb's Victorian Red Clay Pavers are the best match that can also stand up to vehicular traffic.

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

Cycle parking has been proposed in accordance with Local Plan Policy TR14 and SPG4.

Brighton & Hove's development parking standards are set out in SPG4, which was originally adopted in 1997 and incorporated in the first deposit draft plan in September 2000. These standards set out the maximum level of car parking for various use classes.

These parking standards set a maximum provision of 1 standard car parking space per dwelling up to 3 beds plus 1 car parking space per 2 dwellings for visitors and 1 standard space per 30m² GFA for office use.

This means that the site could provide up to a maximum of 9 car parking spaces on site. The blue badge/disabled parking provision as set out in SPG4 for this type of development is a minimum of 1 space per 10 dwellings and 1 per 100m² for office use. This would suggest that 2 disabled parking spaces should be provided in addition to the 9 standard spaces noted above.

A national recognised source of traffic and transport impact data for various land uses has been interrogated. The residential accommodation part of the database includes average transport impacts of various land uses including a section on residential houses. This section suggests that the parking demand of six sites in similar locations to this proposal would be 0.9 spaces per unit. The same data suggests that edge of town offices would require 2 parking spaces

per 100m². Using this data the car parking demand of a site with two houses and 167m² of office space could reasonably be expected to be for 4 standard car parking spaces.

Previous site visits during the day and early evening suggest there is sufficient on-street parking capacity available to accommodate the potential demand generated by this proposal. It is unlikely that the local environment will suffer from overspill parking as drivers try to avoid the CPZ charges. It is therefore unlikely that a refusal on the grounds that the proposal is not providing sufficient car parking on-site could be supported if appealed against.

To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011 the Applicant is expected to make a financial contribution of £3000 to help finance off-site highway improvement schemes, such as but not limited to, the upgrading of the Five-ways crossing to improve public safety.

The Applicant is proposing to reduce the width of the existing access, this will need to be controlled to make the proposal acceptable to the Highway Authority.

Arboriculture: The Arboricultural Impact Assessment submitted with the planning application is comprehensive and the Arboricultural Section are in full agreement with it.

Should this application be granted consent, a few trees/shrubs of insignificant arboricultural value may be lost, ie, Mahonia, Cupressus spp. The Arboricultural Section would not object to their loss.

There is a fine Walnut tree in the rear garden of 118-120 Stanford Avenue, to the north of the proposed development site, that will need to be considered.

There are also two overmature Sycamores on-street in close proximity to the proposed development. Conditions will need to be attached to any consent granted to ensure their retention post-development.

Overall, the Arboricultural Section do not object to these proposals, subject to conditions being attached to any planning consent granted.

Environmental Health: No comments received.

Environment Agency: No comments received.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

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- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
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
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD10	Shopfronts
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
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units
SR1	New retail development within or on the edge of existing defined shopping centres
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:
SPGBH1 Roof Alterations & Extensions
SPGBH4 Parking Standards

Supplementary Planning Documents:
SPD03 Construction & Demolition Waste
SPD06 Trees & Development Sites
SPD08 Sustainable Building Design

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main considerations in the determination of this application relate to the principle of the development, impact on character and appearance of the wider area, amenity issues, tree issues, highway issues and sustainability issues.

Principle of the development

There are a number of different aspects to this application, that are dealt with each one in turn below.

Loss of commercial floorspace

Policy EM5 confirms that planning permission will not be granted for the change of use of office premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest.

Redundancy will be determined by considering the following factors:

- a. The length of time the premises have been vacant; together with
- b. The marketing strategy adopted, in particular whether the building has been marketed at a price that reflects local market prices; and whether measures have been adopted to make the building attractive to different types of business user;
- c. The prevailing vacancy rate for the size and type of office in Brighton & Hove;
- d. The complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance;
- e. Links to public transport; and
- f. The quality of the building.

If following consideration of the above criteria, the offices and/or the sites are regarded as genuinely redundant, preference will be given to:

- Alternative employment generating uses; followed by
- Affordable housing.

Policy EM6 confirms that small industrial, business and warehouse premises (Use Classes B1, B2 and B8 of 235sqm or less) will be retained for employment purposes unless:

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- a. Specially or converted started business units are available elsewhere in the neighbourhood at a comparable level;
- b. The premises have been assessed and are genuinely redundant i.e. they are vacant and have been marketed locally at a price that reflects their condition and commercial value and for a period of time that reflects the likely demand for the size of premises;
- c. Continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or
- d. Access to the premises does not meet an acceptable safety standard and cannot reasonably be improved.
- e. A change of use is the only practicable way of preserving a building of architectural or historic interest.

The scheme involves the demolition of the existing commercial floorspace on the site. The existing Class B1 floorspace on the site is 163sqm.

The replacement scheme seeks 128.6sqm of dedicated Class B1 floorspace, with an additional 38sqm flexible floorspace, to include Class B1 as a potential occupier.

The 38sqm flexible space cannot be considered as contributing to the overall replacement B1 floorspace as it may well not be utilised for this use.

However, the proposal (worst case) involves the loss of 34.4sqm Class B1 floorspace if the flexible unit is used for A1 or A2 use. This minor loss, should it occur, would be acceptable in this particular instance as the newly provided floorspace would be of significantly higher quality than the existing. It is also noted that the Economic Development Team support the application on these grounds.

New office floorspace

As noted above, the proposed Class B1 floorspace is to replace existing upon the site, and thus the principle is acceptable, and in fact is protected through the above policy framework.

New retail floorspace

Policy SR1 confirms that applications for new retail development within the built-up area and within or on the edge of an existing defined shopping centre will be permitted where the proposal:

- a. Itself, or cumulatively with other or proposed retail developments, will not cause detriment to the vitality and viability of existing established shopping centres and parades in Brighton & Hove;
- b. Is well located with convenient, attractive and safe pedestrian linkages to existing shopping frontages;
- c. Is genuinely accessible by a choice of means of transport that enables convenient access for a maximum number of customers and staff by means other than the car;
- d. Will not result in highway danger, unacceptable traffic congestion or environmental disturbance;
- e. Provides adequate attendant space and facilities for servicing and deliveries;

- f. Provides facilities for parent and child, the elderly and people with disabilities; and
- g. Provides facilities for the recycling of waste packaging generated by the proposal and complies with relevant policies in the Waste Local Plan.

In addition, applications for new retail development on the edge of existing established shopping centres will be required to demonstrate, firstly that there is a need for the development and, secondly, that no suitable site can be identified within the existing centre. The development should also be appropriate in scale with the centre, whether regional, town, district or local, which it is intended to serve.

The proposed flexible unit, which could be utilised for retail floorspace, is located on the edge of the Fiveways Local Centre, and adjacent to an existing local parade. It is understood that the proposed site formerly accommodated a retail unit, and the basement level is still present.

The limited scale of the unit, at just 38sqm, its location at the end of a local parade, adjacent to an existing local centre combined with the recently published National Planning Policy Framework (specifically Chapter 2) means that an impact assessment would not be required for a development of this scale.

The proposal is compliant with criterion a, b, c, d and g of policy SR1, with e and f not being applicable in this instance. Therefore the principle of new retail floorspace of this scale is considered to be acceptable.

New residential development

The application site is situated within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle although must adequately accord to relevant development plan policies.

Chapter 6 of the National Planning Policy Framework also confirms that applications for residential development should be considered in the context of the presumption in favour of sustainable development.

As such, the principle of residential development would be considered favourably if the loss of the existing use has been demonstrated as acceptable.

Impact on character and appearance of the wider area

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

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

- a. Height, scale, bulk and design of existing buildings;
- b. Topography and impact on skyline;
- c. Natural and developed background or framework against which the

- development will be set;
- d. Natural and built landmarks;
- e. Layout of street and spaces;
- f. Linkages with surrounding areas;
- g. Patterns of movement within the neighbourhood; and
- h. Natural landscaping.

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

Policy HE6 requires development proposals to preserve or enhance the character or appearance of the conservation area.

The proposed scheme seeks the demolition of the existing structures on the site and their replacement with 2 no. two storey dwellings with accommodation in the roofspace. In addition, 2 additional buildings are proposed, one on an existing piece of hardstanding (utilised for vehicle parking) and the other over an existing basement level adjacent to the existing parade of shops.

The design has been amended during the course of the application, seeking to address concerns from the Heritage Team. There are now no objections to the scheme in design terms subject to conditions.

The two proposed residential properties follow the existing rhythm, scale, bulk and proportions of the terrace to the south, with the north-most property incorporating a two storey side extension. Both properties also incorporate rear facing dormer windows.

The proposed dwellings incorporate a significant front gable above the projecting square bays, which follow the proportions of the historic terrace, whilst incorporating feature brickwork to enable a distinction between the new and the old. The fenestration detailing also following historic proportions, but materials introducing a contemporary design to the end product.

The proposed two storey extension to the northern property is set down in terms of ridge height and eaves level from the main property and incorporates a gable end. This is considered to be acceptable without being overly dominant to the main dwelling or causing any harm to the character or appearance of the street scene or wider conservation area.

The dormers proposed are centrally located on the rear roofslopes of the proposed dwellings, and are situated between the first floor windows and thus ensure an element of symmetry is retained on the rear elevation. As such these are considered to be acceptable without causing harm to the character or appearance of the buildings themselves or the wider conservation area.

The proposed retail unit follows the same proportions of the unit to the north that it would adjoin. It incorporates a stall riser of similar proportions, and includes a step down in height following the existing terrace to address the sloping nature

of the road. As such this element of the scheme is considered to be acceptable in terms of the impact on the street scene and wider area.

The proposed office accommodation is to be a two storey structure, at a lower height than the proposed dwellings, creating a step down in height through the site to the lowest level of the proposed flexible unit.

It has a well proportioned design, with an entrance between two projecting square bays, and additional fenestration to the north.

The palette of materials is considered to be acceptable and is varied to create visual interest within the street scene, integrating effectively with the existing development and enhancing the character and appearance of the Preston Park Conservation Area. A condition is recommended requiring full samples of materials to be submitted for approval.

Amenity issues

For Neighbours

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

The two proposed dwellings are not considered to give rise to any amenity concern to neighbouring dwellings. No. 245 Ditchling Road is situated to the south of these, and has an existing ground floor rear extension. There would be no loss of light to the property due to the proposed development being located due north, and existing light being restricted by the property's own rear projection, which is south of the main rear elevation of the property.

The proposed rear windows, including attic level dormer windows are noted, however they will not cause any overlooking to no. 245 itself nor to any other property as they overlook an access road to the rear with residential properties beyond (too far to result in overlooking or loss of privacy issues). To the front the windows overlook Ditchling Road itself, with residential properties beyond. This is not considered to cause any undue overlooking out of character with this part of Brighton.

The proposed flexible retail unit has a low height, is located adjacent to an existing parade of shops and is orientated to Ditchling Road also. Therefore there are not considered to be any adverse impact on neighbouring properties.

The proposed office building is to be two storey, and is located partly up to the shared boundary with no. 118 Stanford Avenue. This gives a proposed distance between the properties of 5.0m at their closest point. This element is at ground floor only, with the first floor set back some 1.2m from the boundary at its pinch point.

The applicants have submitted a Daylight Analysis Report with the application which confirms that the light levels to the properties fronting onto Stanford

Avenue would be in excess of the minimum standards set by the BRE.

It is also noted that the minimum distances between the first floor and rear projection of no. 118 are at the pinch corner of the proposed development only. Due to the positioning, it means that it is just the corner that is closest, and thus views and outlook are possible either side of the proposed first floor, which significantly minimises the impact.

This, combined with the reduction in eaves height of the rear part of the office building ensures that there would be sufficient light and outlook received by the occupiers of the properties fronting onto Stanford Avenue.

The proposed uses, being residential, commercial and retail, are not in principle considered to give rise to any amenity concern to existing occupiers due to the variety of uses within the vicinity of the site, including the existing commercial floorspace. Conditions are recommended to restrict the opening hours of the commercial units to ensure no harm to residential amenity.

For future occupiers

Brighton & Hove Local Plan policy HO13 requires that all new residential units should comply with Lifetime Homes standards.

The floorplans submitted appear to show conformity with lifetime homes standards, and thus a condition is recommended requiring the homes to be built to such standards is recommended.

The commercial units would have incorporated level thresholds etc, to ensure accessibility for all which would be acceptable in this regard.

Policy HO5 requires the provision of private usable amenity space in new residential development.

Due to the triangular shape of the part of the site for the proposed dwellings, this results in an awkward rear garden shape. No. 247 would incorporate a garden size of 40sqm and no. 249 a space of 46sqm. These are considered to be on the lower limits of acceptability having regard to the size of the dwellings. However, they are considered to just be of appropriate size for the future occupiers.

Tree issues

Policy QD16 confirms that applications for new developments:

- Should accurately identify existing trees, shrubs and hedgerows;
- Must seek to retain existing trees and hedgerows; and
- Wherever feasible include new tree and hedge planting in the proposals.

It goes on to confirm that replacement and new planting will be secured through condition/s106 as appropriate. In addition, where works are proposed in the vicinity of trees, adequate protection measures must be in place.

The application proposes part of the two storey office building within the root zone of an existing tree, and the application is accompanied with an

Arboricultural Report which proposes protection works for this tree.

Having regard to the comments received from the Council's Arboricultural Officer, it is considered that these measures are acceptable and conditions are recommended to secure the necessary protection works.

Highway issues

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

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

The comments from the Sustainable Transport team are noted, in that there is no objection to the scheme subject to conditions and a s106 contributing to sustainable transport infrastructure.

Were the application to be recommended for approval, a contribution would usually be sought towards sustainable transport infrastructure within the area to ensure the application would comply with TR1 (although at the present time this would not be required due to the temporary recession measures).

It is also noted that the scheme is not considered to cause additional parking stress to a degree where it would compromise highway safety and thus there is no objection on this basis.

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

The scheme provides in excess of the cycle parking provision as set out in SPG04, and a condition is recommended to ensure this is provided prior to occupation of the development.

Sustainability issues

Any new residential building upon the site would need to conform to the requirements of SPD08. This means that a fully completed Sustainability Checklist is required, and the building must meet Level 3 of the Code for Sustainable Homes as a minimum and the commercial floorspace should demonstrate a reduction in energy and water use.

In addition, and to conform to the requirements of policy SU2, any development must demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

The applicants have submitted a Sustainability Checklist with the application and a condition is recommended requiring the residential floorspace to meet Code Level 3.

A condition is also recommended relating to general sustainability measures for the commercial floorspace to ensure compliance with policy SU2 and SPD08.

9 CONCLUSION

The proposed development seeks consent for a mixed use residential, office and retail development, with the retail element having a mixed use class being A1, A2 or B1 to ensure flexibility to secure a future occupier.

The proposal is considered to conserve the character and appearance of the Preston Park Conservation Area utilising high quality materials, which is controlled by condition.

The proposal has been demonstrated as causing no undue harm on residential amenity, trees, highways issues and would be constructed to an acceptable level to ensure a sustainable development.

As such the proposal is considered to be in accordance with the NPPF and the Brighton & Hove Local Plan.

10 EQUALITIES IMPLICATIONS

The scheme would be required to meet current building regulations and lifetime homes standards.

BH2011/03487 247-249 & Land adj. to 251 Ditchling Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2011/03488	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Conservation Area Consent		
<u>Address:</u>	247-249 & Land Adjacent to 251 Ditchling Road, Brighton		
<u>Proposal:</u>	Demolition of two storey building at 247-249 Ditchling Road, Brighton.		
<u>Officer:</u>	Aidan Thatcher, tel: 292265	<u>Valid Date:</u>	22/11/2011
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	17 January 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Deacon and Richardson Architects, 87-88 Upper Lewes Road, Brighton		
<u>Applicant:</u>	Mr DJ Cook, Eastwood Farm, Shaveswood Lane, Albourne, Hassocks		

1 RECOMMENDATION

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

Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) BH12.08 No demolition until contract signed The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.
Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 3311.EXG.01 B, 3311.EXG.02 B and 3311.PL.450 received on 14.11.11, drawing nos. 3311.PL.150 B, 3311.PL.151 B and 3311.PL.250 B and window section details (unreferenced) received on 20.02.12.
2. This decision to grant Conservation Area Consent has been taken:

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

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

- (ii) for the following reasons:-

The existing buildings that are to be demolished are to be replaced with an acceptable mixed use residential and commercial development as being considered concurrently (BH2011/03487) and thus would not cause any harm to the character or appearance of the Conservation Area.

2 THE SITE

The application site fronts onto the west side of Ditchling Road, close to the junction with Stanford Avenue (Fiveways).

The site comprises a part single and part two storey building located at the end of a uniform terrace of Edwardian two storey properties. It also includes part of an access road to a residential backland development currently under construction. Across this access is currently an open car park area directly fronting Ditchling Road and the site then continues north until it reaches the flank elevation of the shops at Fiveways.

The wider area is predominately residential in character, with the exception of the commercial properties to the north surrounding Fiveways.

3 RELEVANT HISTORY

247-249 Ditchling Road

BH2011/03487: Erection of 2no residential dwellings to replace 247-249 Ditchling Road, Brighton. Erection of two storey office building (B1) and single storey retail/financial and professional services building (A1/A2) over existing basement to North – not yet determined.

BH2011/00024 (CAC): Demolition of 247-249 Ditchling Road, Brighton – refused 20/04/2011.

BH2011/00023: Erection of two 4no bedroom residential dwellings to replace 247-249 Ditchling Road, Brighton. Erection of two storey office building (B1) and single storey office/retail building (A1/A2) over existing basement to North – **refused** 20/04/2011.

249 Ditchling Road

94/1124/FP: Elevational alterations to form new entrance and window – granted 31/01/1995.

245-249 Ditchling Road

BH2008/00557: Part change of use, alteration and extension to form single dwelling house – approved 19/05/2008.

BH2007/04068: Proposed part demolition, part change of use, alterations and extension of buildings to reinstate a single dwelling house at No 245 and

additional office space at No.s 247 and 249. (Resubmission of refusal, BH2006/01608) – appeal for Non-determination dismissed on 09/10/2008.

BH2006/01609 (CAC): Demolition of front elevation of 247 and 249 and lower elevation of 245 – refused 07/07/2006.

BH2006/01608: Demolition and remodelling of lower front elevation of 245 and change of use to wholly residential (single dwelling house). Demolition of front elevations of 247 & 249, and addition of 2 storeys over to provide additional office space (B1) – refused 28/11/2006. Appeal dismissed 16/07/2007.

BH2005/01246/FP: Conversion of No. 245 from office and first floor flat to one 4 bedroom house. Demolition of offices at Nos. 247 and 249 and construction of two 3 bedroom houses. (Re-submission of refused application BH2004/00942/FP) – refused 10/06/2005.

BH2005/01144/CA: Demolition of existing building (comprising offices), at 247 and 249 Ditchling Road (Re-submission following refusal of BH2004/01038/CA) – refused 10/06/2005.

BH2004/01038/CA: Demolition of existing building (comprising offices), at 247 and 249 Ditchling Road – refused 13/05/2004.

BH2004/00942/FP: Change of use of No. 245 from office and first floor flat to 1 no. four bedroom dwelling. Demolition of offices at No. 247 and 249 and the erection of 2 new three storey, 3 no bedroom dwellings – refused 13/05/2004.

4 THE APPLICATION

Conservation Area Consent is sought for the demolition of the existing part single and part two storey buildings at 247-249 Ditchling Road.

The works are required in association with application BH2011/03487 as detailed above.

5 CONSULTATIONS

External:

Neighbours: None received.

6 MATERIAL CONSIDERATIONS

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan

HE6 Development within or affecting the setting of conservation areas

HE8 Demolition in Conservation Areas

The National Planning Policy Framework (NPPF)

8 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 Preston Park Conservation Area.

Policy HE8 of the Brighton & Hove Local Plan states proposals should retain building, structures and features that make a positive contribution to the character or appearance of a conservation area. The demolition of a building and its surroundings, which make such a contribution, will only be permitted where all of the following apply:

- a) supporting evidence is submitted with the application which demonstrates that the building is beyond economic repair (through no fault of the owner/applicant);
- b) viable alternative uses cannot be found; and
- c) the redevelopment both preserves the area's character and would produce substantial benefits that would outweigh the building's loss.

Demolition will not be considered without acceptable detailed plans for the site's development. Conditions will be imposed in order to ensure a contract exists for the construction of the replacement building(s) and/or the landscaping of the site prior to the commencement of demolition.

The site is located within a prominent and busy location at 'Fiveways' on Ditchling Road, which is a busy road junction and the edge of the conservation area.

The exterior of the commercial building is not considered to enhance the appearance of the conservation area and a suitable redevelopment would be beneficial to the area. The loss of the existing buildings would be welcomed, subject to a suitable redevelopment proposal.

The replacement development is considered to be acceptable as detailed within the report under reference BH2011/03487.

The replacement scheme would preserve the character and appearance of the Preston Park Conservation Area.

Therefore, the loss of the existing buildings is considered to be acceptable.

9 CONCLUSION

The existing buildings that are to be removed are to be replaced with an acceptable mixed use development as being considered concurrently (BH2011/03487) and thus would not cause any harm to the character or appearance of the Conservation Area.

10 EQUALITIES IMPLICATIONS

Not applicable.

BH2011/03488 247-249 & Land adj. to 251 Ditchling Road, Brighton.



Scale: 1:1,250

<u>No:</u>	BH2012/00801	<u>Ward:</u>	PRESTON PARK
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	128 Beaconsfield Villas, Brighton		
<u>Proposal:</u>	Replacement of raised timber decking to rear. (Retrospective)		
<u>Officer:</u>	Liz Arnold	<u>Valid Date:</u>	15/03/2012
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	10 May 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	C Change Ltd, 128 Edward Street, Brighton		
<u>Applicant:</u>	Mr Gordon MacColl, 128 Beaconsfield Villas, Brighton		

1 RECOMMENDATION

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

1. The rear terrace, due to its elevated height and its location near to the northern boundary of the site with no. 130 Beaconsfield Villas, represents an overbearing addition and un-neighbourly development for the residents of this neighbouring property by reason of increased overlooking, loss of privacy and disturbance at an elevated position. The development is therefore of detriment to the amenities of this neighbouring property. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
2. The rear terrace, due to its elevated height represents an overbearing addition for the residents of southern and eastern neighbouring properties by reason of an increased sense of overlooking and loss of privacy, and therefore is of detriment to the amenities of these neighbouring properties. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.
3. The proposed screening to the north of the terrace (as shown on the plans rather than as installed on site) would have an adverse impact upon the amenities of the occupiers of the upper level of 130 Beaconsfield Villas with regards to loss of light/sunlight and outlook. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 101A received on the 15th March 2012.

2 THE SITE

The application relates to a property located on the eastern side of Beaconsfield Villas, close to the junction with Preston Drove. The semi-detached property, which is located within the Preston Park Conservation Area, has an L-shape built form, a characteristic of properties within the area.

3 RELEVANT HISTORY

BH2011/03470: Replacement of raised timber decking to the rear (Retrospective). Withdrawn 28/12/2011.

4 THE APPLICATION

Retrospective planning permission is sought for the creation of raised timber decking at the rear of the property.

5 CONSULTATIONS

External

Neighbours: Two (2) letters of representation has been received from **Flat 1, 130 Beaconsfield Villas and 189 Havelock Road**, objecting to the application for the following reasons:

- the structure is too large and extremely invasive,
- it mars the use of rear gardens as a result of overlooking and gross invasion of privacy,
- 2 planks have been removed and some planting placed on top of structure but this completely and blatantly disregards feeling and objections,
- If applicant wishes to persist in claim that this is purely a replacement of raised decking then they must produce evidence that such a structure existed. As previously stated by several independent witnesses no such structure has ever existed, only a single flight of wooden stairs leading from the first floor to the garden,
- The decking is almost the same height as gardens in Havelock Road rather than many feet below, which makes these neighbours feel overlooked.

Five (5) letters of representation have been received from **126 Beaconsfield Villas, 4 Midhurst Rise, 43 Egmont Road, 24 Cleveland Road, Flat 6, 44 Hova Villas** supporting to the application for the following reasons:

- The structure is very sympathetic to the surroundings and in entirely appropriate,
- The structure is reasonable and proportionate when considered in the context of the age, size and character of the house and neighbouring properties,
- The rear gardens to these properties all rise above ground level to beyond the height of the structure which effectively means no additional overlooking has been created by a structure which has replaced the original timber structure from the garden to the bedroom,
- Previous structure was rotten and unsafe,
- Did not think planning permission was necessary,
- Would be a travesty if it had to be taken down,
- Do not feel it infringes on neighbours and have no issues with it,
- It is an attractive addition to the property and hope the applicant gets to enjoy the space,
- Was the carpenter involved in replacing original structure. The structure had to be replaced as the original timbers had rotten through under the bay window and were damaging the floor joist to the rear bedroom. The floor joists under the bay have been extended from the main house to form the seating area and steps leading to the garden,

- The as built deck is no higher than the original deck that was taken away and therefore cannot overlook the neighbouring gardens any more than before.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

Brighton & Hove Local Plan:

- | | |
|------|---|
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity |
| HE6 | Development within or affecting the setting of conservation areas |

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The site is subject to Enforcement Investigation as a result of the Council receiving a complaint following the construction of the raised terrace area. The applicant has stated that the terrace is a replacement of a former terrace area which provided access from the door within the rear elevation of the projecting wing of the property to the lower garden area. However the applicant has been unable to provide evidence of what the original structure looked like, its size and positioning.

The plans submitted as part of the application indicate that the raised terrace area is a replacement of a previous structure of the same depth and height but with steps leading to the rear garden area and without detailed balustrading. However as the applicant is unable to provide evidence of the former structure within the determination of this current application the presence of a former raised terrace area will not be considered and therefore the existing plan submitted is not refer to in section 1 above.

Application BH2011/03470 also sought retrospective permission for the rear terrace area, however this was withdrawn by the applicant as a result of the Local Planning Authority having concerns regarding the impact of the development upon the amenities of neighbouring properties.

Since withdrawal of the earlier application the applicant has altered the existing terrace area. The main differences to the structure seen during the Case Officers site visit in respect of application BH2011/03470 and the development with the current application are the reduction in width of the area from approximately 3.8m to 3.3m and the planting of vegetation along the northern edge of the terrace, an issue discussed in more detail later.

The main considerations in the determination of this application relate to the impacts that the terrace area has upon the visual amenities of the parent property and the wider area including the surrounding Preston Park Conservation Area in addition to the impacts upon the amenities of the neighbouring properties.

Design:

The property has an L-shape built form. The ground floor level of the dwelling is set at a higher level than the road level along Beaconsfield Villas but lower than the rear lawned garden area. An outbuilding has been erected to the north-east of the projecting wing of the property upon the lower patio area of the garden area, which is located adjacent to the property. The timber decking and related balustrading has been erected above this outbuilding and is accessed from partially glazed doors within a bay located on the north-eastern elevation of the projecting wing of the dwelling, at first floor level.

The decking projects from the flush north-eastern most elevation of the dwelling by approximately 2.5m and has a width of approximately 3.2m. Since the withdrawal of the previous application the structure has been amended so that it is sited approximately 0.6m away from the northern boundary of the site, which is shared within no. 130 Beaconsfield Villas.

The timber decking is located approximately 0.9m above the lawned area of the garden and approximately 2.6m above the lower patio area which is located adjacent to the dwelling. Four timber posts have been erected on the north-eastern side of the terrace for support. Balustrading of approximately 1.1m is located round the perimeter of the decking.

The proposed plans submitted show the planting of vegetation along part of the northern boundary of the site in order to provide a screen. The height of the vegetation shown in the plans is approximately 3.5m from the level of the lawned garden area. During the Case Officer's site visit it became apparent that the side screening cannot be planted in the ground due to the presence of the existing outbuilding located under the terrace. Instead a planter has been placed on top of the roof of the outbuilding between the northern boundary of the site and the northern edge of the terrace. The planting seen on site is not as high or as dense as that shown in the proposed plans (it only raised to the glazing bar within the existing doors which provide access to the terrace rather than to the

top of the bay as shown in the plans provided), which is intended to provide a screen to the north of the terrace area.

During the Case Officer's site visit a small terrace area and staircase, located at the rear of no. 124 Beaconsfield Villas, was seen, which appears to provide direct access from the upper floor flat to the rear garden area. No planning history has been identified in respect of this neighbouring structure. This structure differs to that within the application as the platform area appears smaller and it provides access rather than a formal raised amenity area, although it is acknowledged that a chair could be placed on the top level.

Despite the semi-detached built form of the dwelling, the development is not visible from within Beaconsfield Villas, however the terrace is visible from within parts of the Preston Park Conservation Area such as from the rear sections and rear garden areas of neighbouring properties. Overall it is not considered that the terrace area or associated northern screening is of detriment to the visual amenities of the parent property, the Beaconsfield Villas street scene or the wider area, especially the surrounding Conservation Area.

Impact on Amenity:

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

The terrace area has been erected approximately 0.6m from the shared boundary with no. 130 Beaconsfield Villas. The applicant has attempted to screen the northern edge of the terrace by way of placing a planter, although as stated above the planting differs to that shown in the submitted plans.

130 Beaconsfield Villas is sub-divided into flats. A bay window is located at first floor level within the north-eastern elevation of the projecting wing of this northern neighbouring property. It is considered that the proposed vegetation screening would adversely affect the amenities of the occupiers of the upper level of the northern neighbouring property with regards to loss of light and outlook due to the potential height of the screening (it is acknowledged that a satellite dish on the neighbouring property obscures part of the lower window of the southern side of the rear bay window).

The garden area of no. 130 Beaconsfield Villas is set at a lower level than the lawned area of no. 128. The existing shared northern boundary wall measures approximately 0.8m on the side of 128 Beaconsfield Villas and approximately 1.2m from the side of 130. Unless immediately adjacent to this boundary wall, from the lawned area of 128, it is not possible to achieve views into the rear garden area of 130. The terrace area provides elevated views into part of the rear garden area of no. 130 and therefore it is considered that its construction has had an adverse impact upon the amenities of the northern neighbouring property.

Although the terrace area is located approximately 3.2m away from the shared boundary with no. 124 Beaconsfield Villas, elevated views are also achievable towards the garden area of this southern neighbouring property. In addition views are achievable from the south-eastern corner/southern side of the terrace towards the existing windows within the rear elevation of no. 126.

A large wall is located at the rear of the site, adjoining properties on Havelock Road. When standing on the deck views over this wall towards the rear elevation of these neighbouring properties are achievable.

It is considered that the increased elevated activity at the rear of 128 near to the existing bay window in the rear of 130 would have an un-neighbourly impact upon the amenities of the northern neighbouring property.

9 CONCLUSION

For the reasons set out above it is considered that the terrace area has an adverse impact upon the amenities of the neighbouring properties and that the proposed northern screening would exacerbate the impacts.

10 EQUALITIES IMPLICATIONS

None identified.

BH2012/00801 128 Beaconsfield Villas, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/00471	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	6 Challoners Close, Rottingdean, Brighton		
<u>Proposal:</u>	Alterations to existing ground floor and extension at first floor level to form a two storey four bedroom house and installation of rooflights to front and rear and to low level roof side elevations. (Part retrospective)		
<u>Officer:</u>	Chris Swain	<u>Valid Date:</u>	12/03/2012
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	07 May 2012
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Lionel Frewin, 53 Red Lane, Claygate, Surrey		

1 RECOMMENDATION

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

Regulatory Conditions:

- The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- The development hereby permitted shall be carried out in accordance with the approved drawings no. 0714/L.01 received on 20 February 2012, drawing no. 0714/TP.26B, CCR-12-002, CCR-12-003. CCR-12-004 and CCR-12-009C and a Design and Access Statement received on 12 March 2012 and drawing nos. CCR-12-005D, CCR-12-006E, CCR-12-007D, CCR-12-008G received on 25 April 2012 and drawing no. CCR-12-001 received on 3 May 2012.
Reason: For the avoidance of doubt and in the interests of proper planning.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.
Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting

that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

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

5. The proposed window served the proposed showing room on the north facing side elevation at first floor level of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

Informatives:

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

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The proposed development is not considered to detract significantly from the appearance or character of the property or the surrounding area. The proposal is not considered to impact significantly on the residential amenity of neighbouring properties.

2 THE SITE

The site relates to a detached, pitched roofed bungalow, situated to the eastern side of Challoners Close. The property has previously been extended in the roof with flat-roofed box dormers to the front and rear elevations. There is an integral garage to the southern end of the front elevation. There is a small garden to the front and a much larger garden to the rear that backs onto Northfield Rise. There is a large flat roofed garage at the far end of the garden accessed from Northfield Rise. Challoners Close is characterised by a mix of detached bungalows, (many of which have been developed within the roof space) and two storey detached houses. The gradient of the land slopes down the road from north to south. On the date of the site visit (12 April 2012) construction of an additional storey to the property was in progress.

3 RELEVANT HISTORY

BH2010/00977: Alterations to existing ground floor and extension at first floor level to form a two storey four bedroom house. Approved by Planning Committee 11 August 2010.

BH2009/02305: Erection of ground floor front extension, first floor extension and associated works. Refused 16 December 2009.

BH2008/02201: Alterations to existing ground floor and extension of the first floor to form a four bedroom house. Refused 2 October 2008.

4 THE APPLICATION

Planning permission is sought for alterations to existing ground floor and extension at first floor level to form a two storey house and installation of rooflights to front and rear and to low level roof side elevations. (Part retrospective).

5 CONSULTATIONS

External

Neighbours: Four (4) letters of representation have been received from **No.5** and **No.8 (x2) Challoners Close** and **No.8 Northfield Rise** objecting to the application for the following reasons:

- The proposal is overly dominant and out of character with the surrounding area.
- The additional room in the roof could result in the property becoming a house of multiple occupation,
- Potential noise disturbance
- Potential overlooking
- Negative impact on parking provision and other local amenities.
- Over development of the site.

Rottingdean Parish Council object to the application for the following reasons set out below:

- The amendments are so considerable that they would not comply with the original planning permission,
- Existing ground floor plans have not been submitted and thus the full impact of the scheme cannot be accurately assessed,
- Concern that the loft space could be used as an additional bedroom and would facilitate the use of the property as a multi-rental development,
- Concern over the increased fenestration,
- Supporting documents fail to address the impact upon the adjoining properties in Challoners Close,
- The proposal is an overdevelopment of the site and would harm the appearance and character of the area.

The Rottingdean Parish Council has requested the application be heard at Planning Committee if the recommendation is for approval.

Internal:

Sustainable Transport: No objection.

6 MATERIAL CONSIDERATIONS

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

The development plan is:

- The Regional Spatial Strategy, The South East Plan (6 May 2009);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999);
- East Sussex and Brighton & Hove Waste Local Plan (February 2006);
- Brighton and Hove Local Plan 2005 (saved policies post 2004).

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF. At the heart of the NPPF is a presumption in favour of sustainable development.

All material considerations and any policy conflicts are identified in the considerations and assessment section of the report.

7 RELEVANT POLICIES & GUIDANCE

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
SU13	Minimisation and re-use of Construction Industry Waste

Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions

The National Planning Policy Framework (NPPF)

8 CONSIDERATIONS

The main considerations relate to the impact of the development upon the appearance of the property and the surrounding area and the effect upon the residential amenities of neighbouring occupiers. The current application proposes amendments to a similar application, BH2010/00977 that was approved in August 2010. There have not been any changes to local planning policy since this decision date. At national level the National Planning Policy Framework has subsequently been published. For this householder application it is not considered that there is any significant divergence between the national and local policies and thus significant weight must be given to the existing local plan and the previous planning approval and this report will concentrate on the amendments to this approved scheme.

Planning Policy:

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

- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
- b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
- c) takes account of the existing space around buildings and the character of the

area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and

d) uses materials sympathetic to the parent building.

In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.

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

Design:

The application follows a previous approval for an additional storey (BH2010/00977) that was approved by the Planning Committee on 11 August 2010.

The current application proposes a number of amendments to the original permission which are outlined below;

- The insertion of two rooflights each to the main front and rear roofslopes,
- The insertion of three rooflights to the southern side roofslope and one rooflight to the northern side roofslope at ground floor level,
- The insertion of an obscure glazed window to first floor shower room on the north elevation,
- The omission of two ground floor windows to front and rear elevations,
- The omission of the ground floor extension to the ground floor garage area.
- Changes to the detailing of the proposed doors.

Two rooflights are proposed for each of the front and rear main roofslopes. Revised plans were received on 25 April to ensure that the rooflights were appropriately sited, symmetrically within the roofslopes. The rooflights are all 780mm in width, 1180mm in height and set down approximately 1.8m from the ridge. The rooflights to the front and the rear are acceptably sited, respect the form of the roof and would not significantly harm the appearance or character of the building, the Challoners Close street scene or the wider surrounding area.

The rooflights to the roofslopes to the side elevations are set back from the front elevation and would not be highly visible in street scene views. These rooflights are considered to be acceptable in regards to design and siting and would not unduly harm the appearance or character of the building or the wider surrounding area.

The existing footprint of the existing garage and conservatory would be retained. The previously approved scheme involved the extension of this addition by 0.5m to the side and also by 0.5m to the front. The retention of the existing garage footprint to the front of the property would reduce the bulk on this boundary,

would ensure that this element remained subservient to the main building and in design terms is considered to be an enhancement to the previously approved scheme.

The alterations to fenestration are minor in scope and are not considered to significantly harm the appearance or character of the building or the visual amenity of the street scene.

Impact on Amenity:

Whilst it is stated on the plans that the proposed rooflights to the converted loft would serve a storage area it is noted that this space could be used as living space without the need for any further planning consent. Notwithstanding this, it is not considered that the proposed rear rooflights would result in any significantly increased overlooking towards the neighbouring properties over and above existing levels from the centrally located dormer or the proposed first floor windows approved in application BH2010/00977. Furthermore, it is noted that the angled nature of the rooflights, set back from the rear elevation would also help reduce potential overlooking towards neighbouring properties.

The front rooflights are sited over 20m from the properties to the opposite side of Challoners Close and it is not considered that there would be any significant increase in overlooking towards these properties.

The rooflight to the side roofslopes are sited above head height and would not result in any overlooking to adjoining properties. The additional first floor window to the north elevation would serve a shower room, would be obscure glazed and it is not considered to result in any overlooking towards the side elevation of the adjoining property to the north, No.8 Challoners Close. A condition stating that the window is obscure glazed and that any sections less than 1.7m above floor level to be fixed shut is recommended.

It is not considered that the proposed rooflights would result in any significant increase in noise disturbance to neighbouring properties.

Other Considerations:

Concerns have been raised as to the possibility of the building being used as a multiple rental development with potential increased demand on parking provision and refuse/recycling collections. The application does not propose a change of use from a single dwellinghouse to a house of multiple occupancy (HMO), and the above concerns are not considered to be material planning considerations for this application.

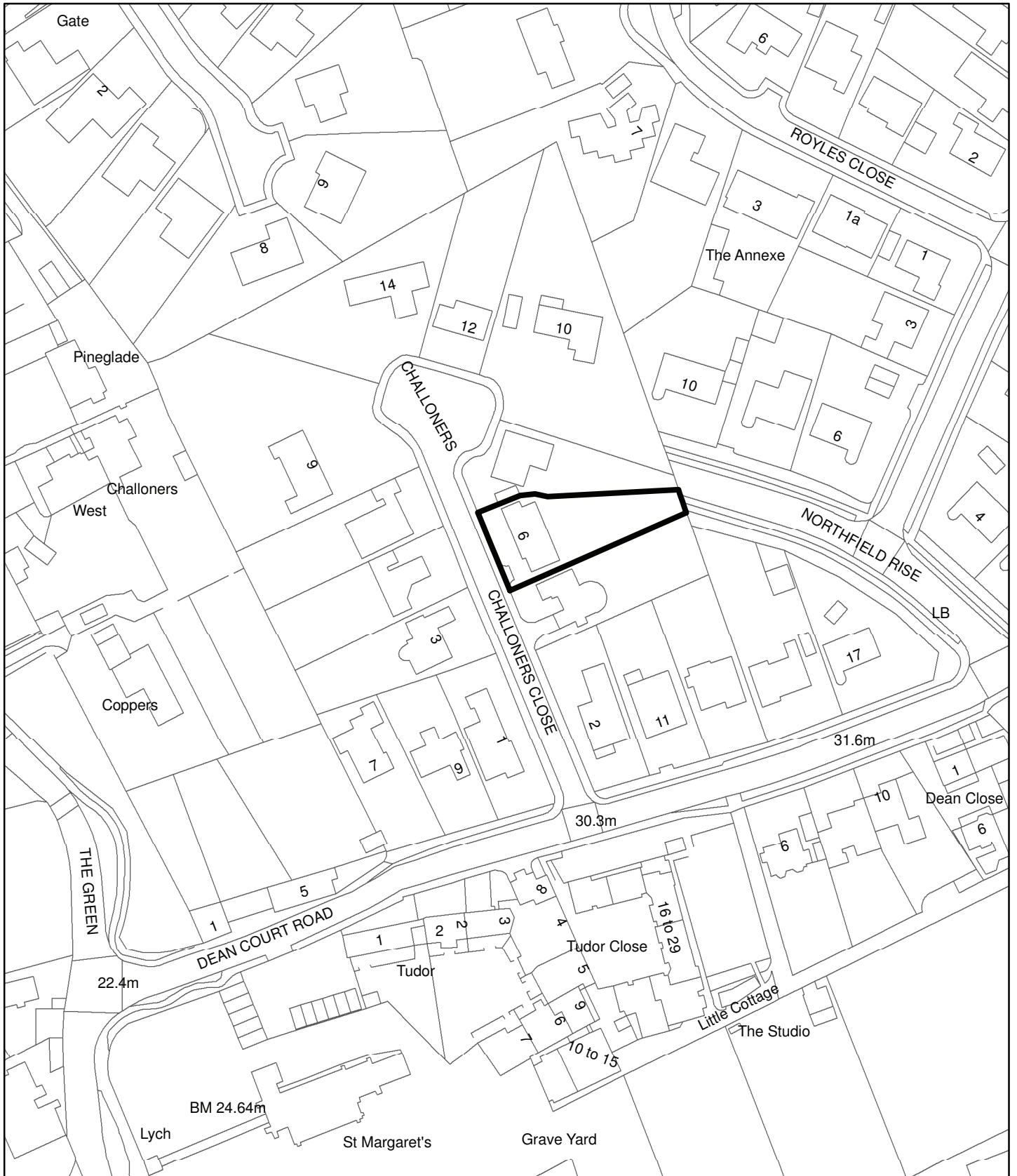
9 CONCLUSION

The proposed development is not considered to detract significantly from the appearance or character of the property or the surrounding area. The proposal is not considered to impact significantly on the residential amenity of neighbouring properties.

10 EQUALITIES IMPLICATIONS

None identified.

BH2012/00471 6 Challoners Close, Rottingdean.



**Brighton & Hove
City Council**



Scale: 1:1,250

APPEAL DECISIONS

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Appeal Decision

Site visit made on 2 April 2012

by **M F Aldous BA (Hons), Dip Mgt, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 April 2012

Appeal Ref: APP/Q1445/D/12/2171464
2 Tongdean Place, Hove, BN3 6QW.

- 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 Dave Roberts against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/03790, dated 12 December 2011, was refused by notice dated 6 February 2012.
 - The development proposed is a single storey side extension and loft conversion incorporating extension of roof with gable ends and 4 No dormers.
-

Procedural Matter

1. I have used the fuller description of the proposal shown in the Council's decision notice.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the host building and the surrounding residential area; and
 - ii) The effect of the proposal on the outlook of the residents of 4 Tongdean Road.

Reasons

Character and Appearance considerations

4. The appeal relates to an existing detached residential garage which occupies a position in front of the main and substantial house at 2 Tongdean Place. The immediate area is characterised by sizeable family homes occupying spacious plots within a generally low density setting. The appeal site is located at the end of a long gated drive off Dyke Road Avenue, so is not readily visible from the public realm. It has a considerable recent planning history which does not require repetition, but to which I have had appropriate regard.
5. The current proposal seeks to significantly extend and to partially convert the existing garage / storage building so as to provide a substantial residential annexe to the dwelling comprising various habitable rooms. The net result

- would be to form a much more substantial building that would be visually prominent from surrounding properties.
6. Whilst I readily acknowledge that there are several examples in the area of structures (usually garages), within the front part of residential curtilages, in my view what is proposed because of its size and mass would register as a distinctly discordant feature. It would be uncharacteristic of the area, forming a bulky and intrusive addition that would have the appearance of an additional and independent dwelling, which would be at odds with the spacious, low density pattern of development found in the vicinity and described above.
 7. The design also features a rather complex roof form of hips and gables exacerbated by the insertion of four dormer features at the upper level. The net result when considered against the visual quality of the existing development would be rather inconsistent and disjointed. The overall effect would, in my view, represent a form of harmful overdevelopment to the front of the property that would be detrimental to the character and appearance of the host dwelling and the immediate area. As such I agree with the Council that the proposal is in conflict with policy QD14 of the Brighton & Hove Local Plan (local plan).

Effect on the outlook of residents at 4 Tongdean Road

8. The proposed development would be positioned very close to the rear boundary of 4 Tongdean Road. When viewed from that property the existing garage block is visible but it only extends across part of the mutual boundary between the properties.
9. The proposed development, as indicated above, would have a much greater mass and bulk and it would also extend along considerably more of the rear boundary of 4 Tongdean Road. However, I noted from my site visit that that property has a very long rear garden with the house set a considerable distance from this boundary. There are also intervening landscape features.
10. I formed the view that whilst the proposed development would be more visually prominent when viewed from the rear, given the size of the garden beyond and the degree of separation between the built form, there would be no harmfully unacceptable impact upon outlook considerations when viewed from that direction. As such I have identified no significant transgression of the requirements of policy QD27 of the local plan in this regard.

Other Matters

11. The Council is also concerned, as expressed within its reason for refusal number 2, that the proposal would result in the formation of a separate residential unit which might not be ancillary to the primary residence.
12. I can readily understand such concerns given the self contained nature of the accommodation to be provided, which includes separate access, kitchen and living room accommodation among other features. However, the Appellant has clearly stated that despite the size of the existing property, the additional space sought by the extension is required purely for family or visiting guests only.
13. I accept this statement at face value and additionally note that the formation of a separate unit of residential accommodation would require the prior sanction

of planning approval. On this basis I do not consider that resistance to the proposal in these terms cannot be supported.

Conclusions

14. I have not identified any substantive reasons to resist the proposal in terms of its impact upon the living conditions of the occupants of 4 Tongdean Road or worries about the formation of a separate unit of residential accommodation. However, I have found that given its size, mass, bulk and design, the proposed extension would have a harmful impact upon the character and appearance of the host dwelling and the surrounding residential area. In these regards the proposal is in conflict with the adopted development plan and this represents the decisive factor against the proposal.
15. 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 2 April 2012

by M F Aldous BA(Hons) DipMGT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 April 2012

Appeal Ref: APP/Q1445/D/12/2171554
59 Fernwood Rise, Brighton, BN1 5ER

- 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 C Cano-Menendez against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/03862 was refused by notice dated 10 February 2012.
 - The development proposed is roof conversion with rear gable & side dormers.
-

Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding residential area.

Reasons

3. The appeal property is a bungalow situated at the end of an elevated residential cul de sac in the northern part of Brighton. It contains properties of similar design and proportions. The general consistency of size, design and spacing arrangements of dwellings represents an important component of the pleasing suburban character of the area.
4. Some properties have been converted to create habitable accommodation within the roof space. In some cases, such as in the immediately adjoining dwellings, this has been achieved with relatively little amendment to the roof form and the use of roof lights within the plane of the roof. In other instances work has been undertaken by the insertion of dormer windows, which because of their size in relation to the scale and single storey nature of the houses, generally represent much more prominent features within the street scene.
5. The proposal before me seeks to achieve additional space by converting the roof form to provide new rooms at the upper level. I am aware that there appears to be an extant and partially implemented planning permission that would allow for the rear hip to gable element of what is now proposed to be undertaken. As such I do not consider this element to be controversial and shall concentrate, as the Council has done, on the potential visual impact of the two proposed side dormer windows.

6. These two features would project from either side of the property when viewed from the road, facing at short distance to the adjoining dwellings on either side. I am content that given appropriate restrictions on glazing and opening arrangements, any potential damage to privacy considerations could be avoided. In addition, given the distance between properties, topographical variation and intervening landscaping, I do not consider that the living conditions of persons residing in properties to the rear would be harmfully affected.
7. Notwithstanding that, in my view the side dormer features would be visually very prominent, having a disproportionately dominant effect that would heavily distort the established roof line to the detriment of the appearance of the host dwelling and also its context within the street scene.
8. The harmful visual effect caused by the bulk and projecting nature of the dormer features would be emphasised by the very narrow dimensions of the plot width at its eastern end and the general prominence of the appeal property at the head of the cul de sac on high ground. As such the proposal would not be sensitive to local visual amenity and does not accord with the requirements of policy QD14 of the Brighton and Hove Local Plan or the Council's supplementary planning guidance 'Roof Alterations & Extensions'.
9. I am aware that there are occasional examples of existing dormer features in the vicinity, but I have no information regarding the planning history of these locations. However, it is clear to me from what I observed on my site visit that where similarly sized and positioned features of this kind have been constructed they do little to enhance the visual qualities of the area, appearing as rather harmful additions which damage the well established visual and spatial characteristics of the estate.
10. The proposal is in conflict with the adopted development plan, having a harmful visual effect upon the character and appearance of the existing dwelling and the surrounding residential area. There are no other material planning considerations which overcome this harm. 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 20 March 2012

by R O Evans BA(Hons) Solicitor MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 April 2012

Appeal Ref: APP/Q1445/X/11/2161545
19 Braybon Avenue, Brighton, BN1 8EA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Brian Redman against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/01298, dated 06 May 2011, was refused by notice dated 04 July 2011.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the erection of a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Reasons

2. The appeal property is a detached house with front and back gardens on the western side of Braybon Avenue. The rear elevation was originally in a staggered formation, with roughly the northern half of the building projecting about 2m further to the rear of the plot than the southern part. The application was made for a certificate of lawful development for the erection of a single storey, L shaped extension across the full width of the house, as shown in the application plans. The issue between the parties is whether, as at the date of the application, permission was granted for that development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) ("the GPDO"). I shall continue to deal with the appeal on that basis, though the Council have since granted a separate planning permission for the extension and it has indeed been erected.
3. Class A of Part 1, Schedule 2 to the GPDO grants permission for the enlargement, improvement or other alteration of a dwellinghouse, but subject to the exclusion provisions at paragraphs A1(a)-A1(i). The Council rely on paragraph A1(h), which provides that development is not permitted if the "enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would ... (iii) have a width greater than half the width of the original dwellinghouse".
4. Technical guidance on the application of the GPDO provisions is given in the note issued by the Department of Communities and Local Government in August 2010, entitled "Permitted development for householders" (ISBN: 978-1-

4098-2493-0). As there illustrated, any wall not a front or rear wall will constitute a wall forming a side elevation. This proposal involves a single extension and the whole of it, as a question of fact, would (and does) constitute the "enlarged part" of the house. It is not divisible in some way into different elements for this purpose, merely because part of it has different dimensions to another part or because one part projects further to the side or rear of the original walls than another part. Again as questions of fact, and on the ordinary meaning of the GPDO provisions, the "enlarged part" of the house would (and does) extend beyond a wall forming a side elevation of the original dwellinghouse and it would (and does) have a width greater than half that of the original dwellinghouse. The Appellants' own description of it indeed is of "full width".

5. The facts in this case mean the proposal is clearly caught by paragraph A1(h) so that there is no need to make lengthy comparisons with the facts in other cases. I make no comment on the issue of certificates in other allegedly similar cases, save to say that it is not inconceivable that some were wrongly issued, especially in the period between the amendment of the GPDO provisions in 2008 and the publication of the additional guidance in 2010. Similarly, it is not for me to comment on the handling of the Appellant's application(s) by the Council, as my role is limited to the determination of this appeal. For the above reasons however, the Council's refusal was justified.

RO Evans

Inspector



Appeal Decisions

Site visit made on 16 April 2012

by **John Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 April 2012

Appeal A: APP/Q1445/E/11/2165065

First floor flat, 74 Marine Parade, Brighton, East Sussex BN2 1AE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by BJB Developments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/00127, dated 20 December 2010, was refused by notice dated 23 June 2011.
 - The works proposed are internal alterations to relocate kitchen and form a two bedroom flat which currently is a one bedroom apartment.
-

Appeal B: APP/Q1445/A/11/2165036

First floor flat, 74 Marine Parade, Brighton, East Sussex BN2 1AE

- 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 BJB Developments Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/00126, dated 20 December 2010, was refused by notice dated 24 June 2011.
 - The development proposed is internal alterations to relocate kitchen and form a two bedroom flat which currently is a one bedroom apartment.
-

Decisions

1. I dismiss both appeals.

Main Issue

2. In both appeals the main issue is the effect of the proposals on the architectural or historic interest of the listed building and its setting within the East Cliff Conservation Area.

Reasons

3. At the time of the Council's decision and the parties' submission to this Appeal, Central Government guidance on heritage matters was contained in Planning Policy Statement 5 "*Planning for the Historic Environment*". This document was superseded by the National Planning Policy Framework on 27 March 2012 and section 12 "*Conserving and Enhancing the Historic Environment*" now provides such guidance. There remain the requirements of Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Local Plan policies cited by the Council appear consistent with both statute and the latest national guidance. For those reasons it is considered that there is no detriment to either party's case in proceeding to this decision without the

need for further comments on the Framework. The Council has published Supplementary Planning Guidance '*Listed Building Interiors*' which states the importance of original plan form.

4. Considering first the internal works to the front room; this is a fine space dominated by the sea-front window. The introduction of the kitchen would have little more effect than furniture, it would not connect to walls or ceiling, and the connection to the floor, which is carpeted in any event, would be minimal. There would be questions over the routing of services to be considered, which are not detailed on the submitted drawings. The work to the screen between this room and the rear would also be of little effect, there being a second door in place at present. The window proposed to light the kitchen end however would detract from the qualities of the space and erode the dominance of the front window.
5. The existing kitchen would have more harmful works carried out though. The object is to form a second bedroom in the property and since the existing single bedroom has an *en suite* bathroom only, there is also a need to form a family shower-room. A further stated benefit is that the entrance to the flat would be into the corridor rather than straight into a kitchen. Fire escape would be through a protected route rather than the kitchen, a possible seat of a fire, but there is a detector in that location. An apparent effect of the placing of the new bedroom is a need to provide sound insulation from above, achieved through the erection of a lowered ceiling. These works combined have a detrimental effect on the spatial qualities of the room and would obscure or seriously erode the worth of architectural features such as the chimney breast and the ceiling mouldings, and would harm the proportions of the space.
6. The new window to the front room is also the subject of the planning application where it would be seen as an additional window to the Marine Gardens elevation, but clearly also part of the Marine Parade view. Here there are blind windows, recessed in the masonry and rendered. Looking at the skirtings inside there is no visible evidence of this having been a window, with no sign of the internally recessed panel below a former window nor of the architrave around it. The conclusion is that those each side of the central entrance and stair were deliberately blind to relieve an otherwise blank wall. Although there is already one window on the floor above, the addition of one further window would upset the composition of the elevation in this prominent location within the conservation area.
7. Either singly or cumulatively, the proposals for the window and the works to the rear room would fail to preserve that which is of interest in the listed building and the conservation area, but the harm to the designated heritage assets would be less than substantial as set out in paragraph 134 of the Framework. However, whilst there are benefits in the formation of a second bedroom, family accommodation and the corridor, it has not been shown that these benefits are sufficient justification for the harmful works or that a two bedroom unit is the optimum viable use.
8. These works would fail to accord with the statutory tests or the aims of Local Plan Policies QD14 and HE1 on alterations generally and to listed buildings in particular and would not follow the advice in the Council's Supplementary Planning Guidance or in national policy. Whilst there are some benefits as set out, the balance of the decision is that these are insufficient to outweigh the harm. The work to provide a free-standing kitchen in the front room could be

carried out so as not to cause harm but questions remain over the method of servicing the unit without such harm occurring and therefore it is not considered right to allow that item of work in isolation without the other benefits accruing. For the reasons given above it is concluded that the appeals should be dismissed.

S J Papworth

INSPECTOR

NEW APPEALS RECEIVED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

BH2011/02877

36 Victoria Street, Brighton

Erection of staircase to access existing roof terrace incorporating obscured glazed screen over boundary wall.

APPEAL LODGED

05/04/2012

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2012/00056

27 Falmer Road, Rottingdean, Brighton

External alterations including roof extension to rear with new gable end, solar panels and rooflights to side elevations.

APPEAL LODGED

05/04/2012

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

EAST BRIGHTON

BH2011/03652

43 Eaton Place, Brighton

Installation of rear dormer.

APPEAL LODGED

10/04/2012

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

BRUNSWICK AND ADELAIDE

BH2011/02519

Flat 10, 18 Brunswick Place, Hove

Internal alterations to layout of flat. (Retrospective)

APPEAL LODGED

13/04/2012

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

WITHDEAN

BH2011/03856

69 Bramble Rise, Brighton

Erection of single storey front extension with pitched roof incorporating creation of entrance porch and extension to width of existing rear balcony.

NEW APPEALS RECEIVED

<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	18/04/2012
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPLICATION NUMBER</u>	BH2012/00070
<u>ADDRESS</u>	39 Stanmer Avenue, Saltdean, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear extension.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	17/04/2012
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	HANGLETON & KNOLL
<u>APPLICATION NUMBER</u>	BH2012/00304
<u>ADDRESS</u>	7 Elm Drive, Hove
<u>DEVELOPMENT DESCRIPTION</u>	Erection of single storey rear infill extension.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	18/04/2012
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	MOULSECOOMB & BEVENDEAN
<u>APPLICATION NUMBER</u>	BH2011/00711
<u>ADDRESS</u>	Land to Rear of 10 Auckland Drive, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a 2no bedroom dwelling on land to the rear of 10 Auckland Drive.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	16/04/2012
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPLICATION NUMBER</u>	BH2011/02251
<u>ADDRESS</u>	6 Cliff Approach, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Demolition of existing four bedroom house and erection of 6no self-contained apartments comprising of 2no three bedroom at 1st and 2nd floors and 4no two bedroom apartments at lower and upper ground floors with associated communal garden, car parking, refuse and cycle storage.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	19/04/2012
<u>APPLICATION DECISION LEVEL</u>	Planning Committee

NEW APPEALS RECEIVED**WARD****APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2011/01681

127 Western Road, Brighton

Replacement of existing timber sash windows with uPVC double glazed casement windows (Retrospective)

APPEAL LODGED

23/04/2012

Delegated

WARD**APPLICATION NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOLLINGDEAN & STANMER**

BH2011/03069

Land Adjacent 2 Forest Road, Brighton

Variation of conditions 7 & 8 of application BH2011/00250 (Erection of detached two storey residential dwelling at lower ground and ground floor levels). Variation of condition 7 that unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until:

a) Evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code Level 3 has been submitted to the Local Planning Authority; and

b) A Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code Level 3 and has been submitted to and approved in writing by the Local Planning Authority. A complete pre-assessment estimator will not be acceptable. Variation of condition 8 that unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the development has achieved a Code for Sustainable Homes rating of Code Level 3 has been submitted to and approved in writing by the Local Planning Authority.

APPEAL LODGED

24/04/2012

NEW APPEALS RECEIVED

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
16 May 2012**

This is a note of the current position regarding Planning Inquiries and Hearings

189 Kingsway, Hove

Planning application no: **BH2012/00097**

Description: Erection of 5no houses facing Kingsway in five storey terrace with basement and roof terrace and separate five storey building with basement facing Sackville Gardens of 2no flats and 2no maisonettes, with all underground parking accessed from Sackville Gardens.

Decision: Committee

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

PLANS LIST 16 MAY 2012

BRIGHTON & HOVE CITY COUNCIL
LIST OF APPLICATIONS DETERMINED BY THE HEAD OF PLANNING &
PUBLIC PROTECTION UNDER DELEGATED POWERS OR IN
IMPLEMENTATION OF A
PREVIOUS COMMITTEE DECISION

PATCHAM

BH2012/00227

11 Westfield Crescent Brighton

Erection of wooden wheelchair ramp from front porch to street level.

Applicant: Mr Thomas Didcott

Officer: Wayne Nee 292132

Approved on 17/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The wheelchair ramp hereby approved shall be removed if at any time in the future it is no longer required for the purpose for which it was erected.

Reason: To protect the appearance of the building and the surrounding area in accordance with policy QD14 of the Brighton & Hove Local Plan.

3) UNI

No development shall take place until an arboricultural method statement, showing how the prunus spp tree and its roots shall be protected during the development, has been submitted to and approved by the local planning authority in writing. The statement shall give details on how the ramp area will be constructed, and how it will allow drainage of rainwater to the roots.

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

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. TPD/01, 02 and 03, and the block plan received on 21 February 2012.

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

5) UNI

No development shall take place until a scheme for landscaping, including details of the height of the hedgerows, has been submitted to and approved in writing by the Local Planning

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

BH2012/00324

189 Ladies Mile Road Brighton

Certificate of Lawfulness for a proposed single storey rear extension and loft

conversion incorporating hip to gable roof extension, rear dormer and front
rooflight.

Applicant: Mr Nick Graham

Officer: Chris Swain 292178

Refused on 10/04/12 DELEGATED

1) UNI

The development is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, (as amended in 2008) as the proposal would exceed 4m in height.

2) UNI2

The development is not permitted under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, (as amended in 2008) as the proposed roof enlargement would not be set back at least 20cm from the eaves of the roof.

3) UNI3

The development is not permitted under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995, (as amended in 2008) as the volume of the proposed roof enlargement would exceed 50 cubic metres.

BH2012/00333

4 Overhill Drive Brighton

Certificate of Lawfulness for a proposed single storey rear extension. Loft conversion incorporating hip to gable roof extension, rear dormer and front rooflights.

Applicant: Mr Danny Infield

Officer: Pete Campbell 292359

Refused on 05/04/12 DELEGATED

BH2012/00389

23 Glenfalls Avenue Brighton

Hip to gable roof extension with associated enlargement of rear dormer and front roof lights. Erection of single storey side extension, rear conservatory extension and detached garage. (Part Retrospective)

Applicant: Mr Ray Ward

Officer: Chris Swain 292178

Refused on 19/04/12 DELEGATED

1) UNI

The cumulative impact of the roof alterations, as constructed, by reason of their size, proportions and design, result in a bulky and unsympathetic roof form that relates poorly to the existing building, unbalances the pair of semi detached properties, and detracts from the appearance and character of the building. As such, it is contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

BH2012/00395

1 Warmdene Way Brighton

Demolition of existing shed and erection of detached garage.

Applicant: Mr Robert Walters

Officer: Pete Campbell 292359

Approved on 24/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos.0164.01-0164.04 inclusive received on 28/02/2012.

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

BH2012/00440

82 Vale Avenue Brighton

Demolition of existing rear extension and replacement with single storey rear extension incorporating 2no rooflights and provision of obscured window to ground floor side elevation.

Applicant: Mr Kevin Rowe

Officer: Wayne Nee 292132

Approved on 16/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 01 and the block plan received on 16 February 2012, and drawing no. 02A received on 20 February 2012.

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

BH2012/00465

Place Farm House Ladies Mile Road Brighton

Removal of condition 2 of application BN85/099OF (Change of use to Rest Home together with applicants accommodation) to allow the property to be permanently used as a rest home.

Applicant: Dennis Tomlinson

Officer: Anthony Foster 294495

Approved on 25/04/12 DELEGATED

PRESTON PARK

BH2011/03582

129 Chester Terrace Brighton

Replacement of existing windows with double glazed timber sash windows to front elevation.

Applicant: Mr Robert Morton

Officer: Louise Kent 292198

Approved on 05/04/12 DELEGATED

1) BH01.01

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

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

2) BH12.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved unnumbered drawing received on 10 February 2012, drawing no. CSW-002 received on 14 December 2011, and photograph received on 23 November 2011.

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

BH2011/03627

Booth Museum 194 Dyke Road Brighton

Demolition and rebuild of parapet wall to rear of the building.

Applicant: Brighton & Hove City Council

Officer: Liz Arnold 291709

Approved on 23/04/12 DELEGATED

1) BH01.05

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

Unless otherwise agreed in writing by the Local Planning Authority and notwithstanding the approved plans, the parapet wall hereby approved shall be constructed using the bricks of the existing parapet wall or using Ibstock Chailey Stock bricks.

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

BH2011/03705

23 Lowther Road Brighton

Erection of single storey side and rear extension.

Applicant: Mr Jeff Hayward

Officer: Liz Arnold 291709

Refused on 13/04/12 PLANNING COMMITTEE

1) UNI

The proposed development by reason of its close proximity to the kitchen window of number 25 Lowther Road results in an increased sense of enclosure and reduction in outlook and would therefore have an unacceptably adverse impact on the amenity of the occupiers of 25 Lowther Road contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.

2) UNI2

The proposed development by reason of its orientation by not allowing sufficient space between numbers 23 and number 25 Lowther Road has a detrimental visual impact on the character of the terrace contrary to policy QD14 Brighton & Hove Local Plan 2005.

BH2012/00049

Flat 2 75 Stanford Avenue Brighton

Replacement of existing side and rear windows with UPVC double glazed units.

Applicant: Mr Neil Costello

Officer: Pete Campbell 292359

Refused on 19/04/12 DELEGATED

BH2012/00099

Flat 1 23 Preston Park Avenue Brighton

Conversion of existing garage into home office space with WC facilities, installation of rooflight and replacement of garage door with new 3 section timber door.

Applicant: Ms Janine Mackerron

Officer: Liz Arnold 291709

Approved on 25/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

No development shall take place until details of the proposed doors and rooflight including 1:20 elevations and 1:1 scale joinery sections 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 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. SPG/03/pres23 received on the 16th January 2012 and drawing no. SPG/02/pres23 received on the 2nd April 2012.

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

BH2012/00216

Flat 2 24 Ditchling Rise Brighton

Replacement of timber windows to rear with new upvc double glazed units (Retrospective)

Applicant: Miss Rebecca Jarman

Officer: Pete Campbell 292359

Approved on 05/04/12 DELEGATED

1) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 415 and a site location plan received on 27/01/2012, supporting photographs received on 07/02/2012 and window specification information received on 13/02/2012.

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

BH2012/00267

11 Preston Park Avenue Brighton

Conversion of existing ground floor flat into 2no flats with demolition of existing conservatory and installation of new rear entrance door.

Applicant: Mr David Mosedale

Officer: Wayne Nee 292132

Refused on 05/04/12 DELEGATED

1) UNI

The proposal is contrary to policy HO9 of the Brighton & Hove Local Plan, which seeks to retain small family dwellings and which only permits the conversion into two or more residential units of a dwelling with an original floor area of more than 115m sqm or with more than 3 bedrooms as originally built. The ground floor flat subject to this application has 2 bedrooms as originally built, and the original internal floor area equates to approximately 89.7sqm. Consequently this property is not of sufficient size to be considered suitable for further subdivision.

Furthermore, a family sized unit would not be retained. As such the principle of the development is unacceptable, and as such is contrary to the above policy.

BH2012/00308

13 Preston Road Brighton

Installation of new shopfront.

Applicant: Papa John's (GB) Ltd

Officer: Chris Swain 292178

Refused on 11/04/12 DELEGATED

1) UNI

The proposal, by reason of design, detailing and proportions would result in an unsympathetic alteration that fails to represent an improvement in the design, compared to the pre-existing timber shopfront which had valuable design elements of architectural merit and would be thereby detrimental to the character and appearance of the existing building, the Preston Road street scene and the surrounding area. As such the proposal is contrary to policy QD10 of the Brighton & Hove Local Plan and Supplementary Planning Document on Shop Front Design (SPD02).

BH2012/00312

26 New England Road Brighton

Loft conversion incorporating front and rear rooflights.

Applicant: Ms Barbara Taylor

Officer: Pete Campbell 292359

Approved on 05/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 11/063/02 and 11/063/03 received on 06/02/2012 and no.11/063/01 received on 13/02/2012.

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

BH2012/00467

Preston Lawn Tennis Club Preston Drove Brighton

Application for approval of details reserved by condition 2 and 3 of application BH2011/03783

Applicant: Preston Lawn Tennis Club

Officer: Aidan Thatcher 292265

Approved on 11/04/12 DELEGATED

BH2012/00494

100 Waldegrave Road Brighton

Erection of single storey side/rear extension.

Applicant: Mr John Suckling

Officer: Wayne Nee 292132

Approved on 24/04/12 DELEGATED

1) BH01.01

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

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

2) BH12.02

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. L-02, L-03 and L-04 received on 20 February 2012.

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

BH2012/00548

103 Hythe Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating dormer to rear and rooflights to front.

Applicant: Mr Peter Gilman

Officer: Jonathan Puplett 292525

Approved on 18/04/12 DELEGATED

BH2012/00679

7 Bavant Road Brighton

Construction of a bay window extension to front of property.

Applicant: Mr Ben Brett

Officer: Robert McNicol 292322

Approved on 25/04/12 DELEGATED

1) BH01.01

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

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

2) BH12.01

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

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

3) BH12.02

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

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

4) UNI

No development shall take place until full details of the windows proposed including 1:20 scale elevations and 1:1 cross-sections showing the joinery and reveals have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter, unless 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.

5) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 1204/P/102 received on 7 March 2012.

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

REGENCY

BH2011/00652

12 Meeting House Lane Brighton

Application to extend time limit of previous approval BH2007/02608 for the conversion and extension of existing 1st, 2nd and 3rd floor residential unit to form 5no flats and 1no retail unit at ground floor levels.

Applicant: Robert Edward Stokely Richard A Moore Haines & Stephen Skinner AS Joint LPA Receivers

Officer: Guy Everest 293334

Approved on 20/04/12 PLANNING COMMITTEE

1) UNI

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

The external finishes of the alterations to 12 Meeting House Lane shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

All new windows to the existing building at 12 Meeting House Lane 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

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 rear extension and glazed link 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 HE1 of the Brighton & Hove Local Plan.

5) UNI

All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

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

6) UNI

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation fronting a highway.

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

7) UNI

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

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

8) UNI

The development shall take place in accordance with 1:20 sample elevations and 1:1 profiles of the lead canopy and external doors approved under application BH2007/02518 on 5th December 2008 and shall be maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2011/03914

Basement & Ground Floor Flat 14A Ship Street Brighton

Application for Approval of Details Reserved by Conditions 8 and 9 of application BH2011/02179.

Applicant: L B Longley Investments

Officer: Adrian Smith 290478

Approved on 12/04/12 DELEGATED

BH2011/03915

Basement & Ground Floor Flat 14A Ship Street Brighton

Application for Approval of Details Reserved by Conditions 9 and 10 of application BH2011/02180.

Applicant: L B Longley Investments

Officer: Adrian Smith 290478

Approved on 05/04/12 DELEGATED

BH2011/03948

106 - 121 Kings Road Brighton

Installation of dry cooler enclosure at first floor level to replace existing with screening wall to east elevation.

Applicant: Hilton UK Hotels Ltd

Officer: Adrian Smith 290478

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

Noise associated with 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 SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

Within three months of the date of the installation of the plant units hereby permitted, a screen shall be erected to the front and part side elevations of the plant units to the satisfaction of the Local Planning Authority, full details of which (including materials and colour finish) shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the visual impact of the plant units and to accord with policies QD14 and HE6 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the site plan received on the 23rd January 2011; approved drawings nos. S11191/01, S11191/02, S11191/03, S11191/04 & S11191/05 received on the 29th February 2012; and the WSP Acoustic Planning Report received on the 22nd March 2012.

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

BH2012/00096

Flat 3 9-10 Victoria Road Brighton

Replacement of existing timber framed windows and doors to side and rear with UPVC double glazed units.

Applicant: Mr Douglas Hopkins

Officer: Christopher Wright 292097

Approved on 24/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The new windows and doors hereby permitted shall have concealed trickle vents and white coloured gaskets and shall be 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.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved design and access statement, heritage statement, biodiversity checklist and photographs received on 16 January 2012; the Rehau brochure received on 28 February 2012; and drawing no. Sk1 Revision B received on 29 February 2012.

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

BH2012/00194

4 Powis Grove Brighton

Extension to existing garage to create double garage incorporating 2no rooflights, installation of PV solar panels to roof of garage against raised back wall, replacement of rear wall with new garage door and widening of dropped kerb facing Clifton Hill. Replacement windows to front elevation, alterations to front and rear entrance steps and associated works.

Applicant: Mr Matthew Hyde

Officer: Jason Hawkes 292153

Approved on 11/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The walls of the rebuilt window bay shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or

edge render beads and shall be painted in a smooth masonry paint to match the original building. The decorative moulding band below eaves level around the bay shall be reinstated to match exactly the existing.

Reason: So as to ensure the preservation and enhancement of the conservation area in accordance with policy HE6 of the Brighton & Hove Local Plan.

3) UNI

No development shall take place until full details of the proposals have been submitted to and approved by the local planning authority in writing, including:

- i) 1:20 sample elevations and sections, and 1:1 joinery sectional profiles of all new external joinery work including all types of new windows and doors;
- ii) 1:5 scale sample sections and 1:1 sectional profiles of the new render mouldings;
- iii) a 1:5 scale elevational and sectional detail of the coping to the rear garage wall and a 1:5 scale detail of the brick quoining;
- iv) a 1:2 scale section through a typical front step riser and tread showing the details of the new step cladding.
- v) details of the lintel over the garage door;
- vi) details of the rooflights;
- vii) details of the crossover and amended kerbing which shall be traditional to the character of the area;
- viii) details of the raised decking including large scale sections and plans;
- ix) samples of materials;
- x) a large scale (1:20) side elevation of the stairs showing their relationship to the building;

The works shall be carried out in accordance with the approved details and maintained as such thereafter.

Reason: So as to ensure the preservation and enhancement of the conservation area in accordance with policy HE6 of the Brighton & Hove Local Plan

4) UNI

The flat roof of the garage shall be clad in lead.

Reason: So as to ensure the preservation and enhancement of the conservation area in accordance with policy HE6 of the Brighton & Hove Local Plan.

5) UNI

Before the work commences, a sample panel of flintwork shall be constructed on the site and shall be approved by the local planning authority in writing and the works shall be carried out and completed to match the approved sample flint panel.

Reason: So as to ensure the preservation and enhancement of the conservation area in accordance with policy HE6 of the Brighton & Hove Local Plan.

6) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.102, 103, 104, 105B, 106, 107A, 108A, 109, 110 & 203 received on the 24th January, 3rd & 15th February 6th April 2012.

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

7) UNI

The new and replacement windows shall be painted timber vertical sliding sashes with no trickle vents to match exactly the original sash windows, including their frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details and shall have concealed sash boxes recessed within the reveals and set back from the outer face of the building to match.

Reason: So as to ensure the preservation and enhancement of the conservation area in accordance with policy HE6 of the Brighton & Hove Local Plan.

BH2012/00398

44 Russell Square Brighton

Erection of part one part two storey rear extension at basement and ground floor levels. Replacement of existing timber casement windows with timber sash windows and associated external alterations.

Applicant: Churchill Guest House

Officer: Christopher Wright 292097

Refused on 20/04/12 DELEGATED

1) UNI

The proposed extensions would, by reason of their form, siting, design and layout, occupy space behind the building which is important to the setting and character of the Listed Building and the pattern of development in the Regency Square Conservation Area, and would result in the loss of yard space which would compromise the original plan form of the Listed Building and adversely affect its historic character. In addition, the proposed flat roof design and style of replacement fenestration is considered incongruous and discordant with the style, appearance and character of the host building and would therefore be detrimental to visual amenity and the appearance of the Listed Building and the Regency Square Conservation Area. As such the proposal is contrary to the requirements of policies HE1, HE4, HE6 and QD14 of the Brighton & Hove Local Plan.

BH2012/00399

44 Russell Square Brighton

Erection of part one part two storey rear extension at basement and ground floor levels. Replacement of existing timber casement windows with timber sash windows. Replacement of metal balustrade to front elevation. Internal alterations to layout.

Applicant: Churchill Guest House

Officer: Christopher Wright 292097

Refused on 20/04/12 DELEGATED

1) UNI

The proposed extensions would, by reason of their form, siting, design and layout, occupy space behind the building which is important to the setting and character of the Listed Building and would result in the loss of yard space which would compromise the original plan form of the Listed Building and adversely affect its historic character. In addition, the proposed flat roof design and style of replacement fenestration is considered incongruous and discordant with the style, appearance and character of the host building and would therefore be detrimental to visual amenity and the appearance of the Listed Building. As such the proposal is contrary to the requirements of policies HE1 and HE4 of the Brighton & Hove Local Plan.

BH2012/00408

17 Montpelier Road Brighton

Creation of rear roof terrace incorporating building up of rear parapet wall and replacement of existing dual pitched roof with new flat roof.

Applicant: Mr Simeone Bowes

Officer: Christopher Wright 292097

Refused on 05/04/12 DELEGATED

1) UNI

The proposal would, by reason of the removal of the rear transverse pitched roof and creation of a roof terrace, significantly alter the original form of the roof and erode the uniformity of the roofscape over this group of historic terrace buildings, some of which are Listed. As such, the proposal would detract from the character and appearance of the host building, set a harmful precedent that could lead to

similar proposals in future, and introduce an incongruous feature in the roofscape as there are no existing roof terraces on adjoining terrace buildings and the properties were not originally designed with roof terraces. For these reasons, the proposal is considered contrary to policies QD14 and HE6 of the Local Plan together with guidance contained in SPGBH1: Roof alterations and extensions and would be harmful to the roofscape and detrimental to the character and appearance of the Conservation Area.

2) UNI2

By reason of the height and siting of the proposed roof terrace, the proposal would facilitate increased overlooking of self-contained flats in Osprey House opposite the application site, and the consequent loss of privacy would be detrimental to neighbour amenity and thereby contrary to policy QD27 of the Local Plan.

BH2012/00452

95-96 Western Road Brighton

Part change of use of ground floor of No 96 Western Road from retail (A1) to restaurant (A3) and pool hall (D2) and internal alterations to incorporate No 95 and No 96 Western Road into one unit.

Applicant: Rock & Roller Bar

Officer: Adrian Smith 290478

Approved on 16/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The A3/D2 use hereby permitted at No.96 Western Road shall be operated in conjunction with the existing premises at No.95 Western Road and by the current occupants of No.95 Western Road only and by no other person, and upon the cessation of occupation the use hereby permitted shall cease and return to A1 (retail) use.

Reason: In order to protect the future retail frontage of the Regional Shopping Centre and to enable the expansion of the premises at No.95 Western Road in exception to policy SR4 of the Brighton & 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. In addition, there should be no significant low frequency tones present.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with policies SR12 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The use hereby permitted shall not be open to customers except between the hours of 09.00 and 0.00 on Mondays to Fridays, between 09.00 and 01.00 Saturdays, and between 10.00 and 00.00 on Sundays and Bank or Public Holidays, and all activity at the site shall cease thirty minutes after the premises has closed to customers.

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

5) UNI

Amplified music or other entertainment noise from within the premises shall not be audible within any adjacent premises.

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

6) UNI

The sale of intoxicating liquor and other beverages shall be by waiter/waitress service only for consumption by people sat at tables on the ground floor. Those playing pool on the ground floor will be permitted to consume alcohol whilst standing to play pool. No vertical drinking will be allowed on the ground floor area in the event that the pool tables are removed.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with policies SR12 and QD27 of the Brighton & Hove Local Plan.

7) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. ADC407/LPA, ADC407/BP, ADC407/07A, ADC407/09A & ADC407/10A received on the 16th February 2012.

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

8) UNI

The ground floor of the premises shall be laid out in accordance with drawing number ADC407/07 rev A and used primarily for the sale and consumption of food and light refreshments consistent with A3 use class, in conjunction with the ancillary D2 pool hall use permitted.

Reason: In the interests of the residential amenity of neighbouring properties in accordance with policies SR12 and QD27 of the Brighton & Hove Local Plan.

BH2012/00453

95-96 Western Road Brighton

Internal alterations to layout including incorporation of ground floor of No 95 and No 96 Western Road into one unit.

Applicant: Rock & Roller Bar

Officer: Adrian Smith 290478

Approved on 17/04/12 DELEGATED

1) BH01.05

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BH2012/00506

18 Hampton Place Brighton

Application for Approval of Details Reserved by Condition 5 viii of application BH2010/00299.

Applicant: Ms Judy Bow

Officer: Jason Hawkes 292153

Approved on 16/04/12 DELEGATED

BH2012/00571

27 Ship Street Brighton

Removal of rear external fire escape ladder, railings and platform with associated infilling of existing rear double doors at ground floor level.

Applicant: Young & Co's Brewery Plc

Officer: Jason Hawkes 292153

Approved on 18/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The renderwork of the blocked rear exit door shall match the existing render and thereafter be retained as such.

Reason: To preserve the character and appearance of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

All the iron supports for the escape platform and ladder shall be removed from the wall and the wall shall be made good to match the original wall.

Reason: To preserve the character and appearance of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.1201/01, 02 & 03 received on the 23rd February 2012.

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

BH2012/00572

27 Ship Street Brighton

Removal of rear external fire escape ladder, railings and platform with associated infilling of existing rear double doors at ground floor level. Internal alterations to layout to allow formation of internal fire escape corridor.

Applicant: Young & Co's Brewery Plc

Officer: Jason Hawkes 292153

Approved on 20/04/12 DELEGATED

1) BH01.05

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

All the iron supports for the escape platform and ladder shall be removed from the wall and the wall shall be made good to match the original wall.

Reason: To preserve the character and appearance of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

The new door linings and architraves, dado rails, picture rails, skirting boards and butt and beaded wall boarding shall match exactly the existing ones and the new partition shall be scribed around the existing dado rails, picture rails and skirting boards. Those areas of the partition wall below the dado rail that are not to have wall boarding shall be lined with embossed paper to match the existing.

Reason: To preserve the character and appearance of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

The renderwork of the blocked rear exit door shall match the existing render and thereafter be retained as such.

Reason: To preserve the character and appearance of the listed building and in accordance with policy HE1 of the Brighton & Hove Local Plan.

BH2012/00590

27 Ship Street Brighton

Installation of rooflight to rear of building.

Applicant: Young & Co Brewery Plc

Officer: Jason Hawkes 292153

Refused on 20/04/12 DELEGATED

1) UNI

The proposed aluminium material for the framing for the proposed lantern light is not appropriate to the character of the listed building. Additionally, the raising of the upstand around the ceiling aperture using lead clad plywood on the outside and skimmed plasterboard on the inside would be inappropriate and would not relate to the decorative moulded boarding sides below. Having regard to the above, the scheme is deemed to detract from the character and appearance of the listed building and surrounding conservation area and is contrary to policies HE1, HE4 and HE6 of the Brighton & Hove Local Plan.

BH2012/00591

27 Ship Street Brighton

Installation of rooflight to rear of building.

Applicant: Young & Co Brewery Plc

Officer: Jason Hawkes 292153

Refused on 25/04/12 DELEGATED

1) UNI

The proposed aluminium material for the framing for the proposed lantern light is not appropriate to the character of the listed building. Additionally, the raising of the upstand around the ceiling aperture using lead clad plywood on the outside and skimmed plasterboard on the inside would be inappropriate and would not relate to the decorative moulded boarding sides below. Having regard to the above, the scheme is deemed to detract from the character and appearance of the listed building and is thereby contrary to policies HE1 & HE4 of the Brighton & Hove Local Plan.

BH2012/00631

58 Ship Street Brighton

Display of internally illuminated fascia sign, internally illuminated menu boxes and externally illuminated hanging sign.

Applicant: Mr Jonathan Cope

Officer: Jason Hawkes 292153

Approved on 18/04/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

5) BH10.05

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

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

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

7) BH10.07

The illumination of the advertisement shall be non-intermittent.

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

BH2012/00772

Flat 1 & 2 65-66 Regency Square Brighton

Application for Approval of Details Reserved by Conditions 2 and 4 of application BH2011/03782.

Applicant: Mr Nigel Rose

Officer: Christopher Wright 292097

Approved on 25/04/12 DELEGATED

BH2012/00798

Mitre House 149 Western Road Brighton

Application for Approval of Details Reserved by Conditions 11 and 12 of application BH2011/03434.

Applicant: Tareem Ltd C/O Montague Management Ltd

Officer: Guy Everest 293334

Approved on 12/04/12 DELEGATED

ST. PETER'S & NORTH LAINE

BH2011/03365

9 & 10 Elder Place Rear Of 65-66 London Road Brighton

Demolition of shop store room and erection of 2 no three bedroom, three storey houses fronting Elder Place.

Applicant: Reefsouth Ltd

Officer: Jonathan Puplett 292525

Approved on 23/04/12 DELEGATED

1) BH01.01

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

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

2) BH02.03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) BH03.01

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

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

4) BH06.03

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

5) BH06.05

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan

6) UNI

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority

for: a method statement to identify, risk assess and address the unidentified contaminants.

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

7) UNI

The rear windows (serving stairways) located between first and second floor level and the second floor rear windows of the development hereby permitted shall be obscure glazed and non-opening and thereafter shall be permanently retained as such.

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

8) UNI

The development hereby permitted shall be carried out in accordance with drawing nos. TA609/ 01A, 02, 03, 04, 05 and 06 received on the 6th of November 2011, drawing no. TA609/ 01A received on the 16th of November 2011, and drawing nos. TA609/ 16C, 17C, 18B, 19A, 20D and 21A received on the 9th of March 2012.

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

9) UNI

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

10) UNI

No development shall commence until a scheme of landscaping and measures to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. All measures other than those requiring planting shall be implemented in full prior to the occupation of the development hereby approved. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that landscaping and biodiversity enhancement measures be incorporated into the development and to comply with Policies QD15, QD16 and QD17 of the Brighton & Hove Local Plan.

11) UNI

None of the residential units hereby approved shall be occupied until the 2 metre high closed board fencing around the rear terrace areas hereby approved have been erected in accordance with the approved plans. The fencing shall be retained as such thereafter.

Reason: To protect the privacy of residents of neighbouring properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

12) UNI

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

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

13) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

BH2012/00311

15 North Gardens Brighton

Loft conversion incorporating rear dormer and front rooflights.

Applicant: Miss Bryony October

Officer: Chris Swain 292178

Refused on 10/04/12 DELEGATED

1) UNI

The proposed rear dormer, by reason of its size, proportions, material and design would result in a bulky and unsympathetic alteration that relates poorly to the existing building and forms an incongruous and over dominant element within the rear street scene, detrimental to the appearance and character of the building and the West Hill Conservation Area, contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

2) UNI2

The proposed rooflights to the front, by reason of design, scale and positioning would relate poorly to the existing building and detract from the appearance and character of the property, the street scene and the wider West Hill Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

BH2012/00385

18 Alexandra Villas Brighton

Loft conversion incorporating dormer to the rear and rooflight to side. Alterations to existing windows and doors and to parapet wall to front elevation.

Applicant: Mr Ed Patey

Officer: Chris Swain 292178

Approved on 10/04/12 DELEGATED

1) BH01.01

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

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

2) BH12.02

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

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

3) BH12.05A

The rooflight[*s*] hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 053_PL_001A, 053_PL_02_A and 052_PL_03_A and a Design and Access Statement received on 3 April 2012.

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

BH2012/00402

13 Vere Road Brighton

Construction of external platform and staircase with balustrade and trellis leading from ground floor to rear garden. Installation of door to rear elevation at ground floor level to replace existing window. Installation of trellis to boundary wall. (Part Retrospective)

Applicant: Lady Paula Maclaurin

Officer: Chris Swain 292178

Refused on 20/04/12 DELEGATED

1) UNI

The proposed external platform and staircase would result in significant overlooking and loss of privacy towards the neighbouring adjoining properties, Nos.11 and 15 Vere Road to the detriment of their residential amenity. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed external platform and staircase by reason of scale, design, positioning and materials would result in an unsympathetic and incongruous alteration that relates poorly to the existing building and detracts from the appearance and character of the surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan.

BH2012/00405

52 Clifton Street Brighton

Installation of rooflight and sun tunnel to front elevation.

Applicant: Mr Barrie Hullis

Officer: Pete Campbell 292359

Approved on 23/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos.01, 02, 04, 05, 06 and sun tunnel specification information received on 13/02/2012 and drawing nos.3a, 3b and a Design and Access Statement received on 27/02/2012.

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

BH2012/00413

10 West Hill Place Brighton

Erection of single storey rear extension

Applicant: Ms Anna Hiscock

Officer: Chris Swain 292178

Approved on 10/04/12 DELEGATED

1) BH01.01

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

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

2) BH12.02

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

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

3) BH12.05A

The rooflight[*s*] hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 211.11.01, 211.11.02, 211.11.03A and 211.11.04A, a Waste Minimisation Statement, a Design and Access Statement, A heritage Statement a Photographic Schedule received on 14 February 2012.

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

5) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed to the hereby approved extension without planning permission obtained from the Local Planning Authority.

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

BH2012/00420

74 Lewes Road Brighton

Change of use from retail (A1) to financial and professional services (A2)

Applicant: Mr Dan Lyons

Officer: Aidan Thatcher 292265

Approved on 11/04/12 DELEGATED

1) UNI

Within 6 weeks of the date of this permission a scheme for the storage of refuse and recycling must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved within 4 weeks of the approval of details and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 968/01, /02, /03 and /04 received on 15.02.12.

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

3) UNI

The use hereby permitted shall not be open to customers except between the hours of 08.00-20.00 on Mondays to Saturdays and 10.00-19.00 on Sundays and Bank or Public Holidays.

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

4) UNI

Within 6 weeks of the date of this permission, details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved must be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented within 4 weeks of the approval of details and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

WITHDEAN

BH2012/00359

88 Kingsmere London Road Preston Brighton

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

Applicant: Miss Jane Surry

Officer: Robert McNicol 292322

Approved on 25/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings and window specification received on 07 February 2012.

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

BH2012/00421

64 Valley Drive Brighton

Erection of single storey rear extension.

Applicant: Bill Behich

Officer: Mark Thomas 292336

Approved on 19/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. A1_2011_031/012 REV P2 received on 24th February 2012.

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

BH2012/00462

Varndean High School Balfour Road Brighton

Erection of amphitheatre to court yard.

Applicant: Varndean School

Officer: Clare Simpson 292454

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. BL01, proposed courtyard sections A-A, proposed courtyard plan, proposed courtyard elevations A and B, proposed courtyard elevations C and D received on 9th March 2012

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

BH2012/00481

12 Windmill Drive Brighton

Render and paint existing brickwork to all elevations.

Applicant: Miss Jackie Spencer

Officer: Christopher Wright 292097

Approved on 24/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

No development shall take place until details of the thickness of the render finish 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 QD14 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. PP009 Revision A, PP013 Revision A, PP014 Revision A and PP015 Revision A received on 20 February 2012; and drawing no. PP016 Revision A received on 1 March 2012.

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

BH2012/00482

12 Windmill Drive Brighton

Certificate of lawfulness for proposed erection of rear infill extension. Conversion of garage into habitable room. External alterations including removal of 1no chimney and alterations to fenestration.

Applicant: Miss Jackie Spencer

Officer: Christopher Wright 292097

Refused on 25/04/12 DELEGATED

1) UNI

The proposed development incorporates a raised platform in excess of 300 millimetres above ground level and as such is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2012/00551

9 Hilltop Brighton

Single storey first floor extension with alterations to windows, doors and wall finishes on all elevations.

Applicant: Barbara Fry

Officer: Robert McNicol 292322

Approved on 18/04/12 DELEGATED

1) BH01.01

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

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

2) BH02.051

The first floor bathroom window on the rear (south-west) elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 101, 111 and 120 received on 27 February 2012, 110A received on 12 March 2012 and 121 received on 4 April 2012.

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

BH2012/00603

35 Surrenden Crescent Brighton

Erection of single storey side and two storey rear extension.

Applicant: Mr & Mrs R Ashton

Officer: Christopher Wright 292097

Refused on 23/04/12 DELEGATED

1) UNI

The proposed dormer roof extensions would, by reason of their number, position and size, unduly dominate the roof slopes of the recipient building and have a discordant visual relationship with one another due to mismatched fenestration detailing and roof/eaves heights. The larger pitched roof dormer would be built up from the eaves of the ground floor and would not match the existing design, position and proportions of the existing tower feature on the western elevation of the property. Furthermore, there is inaccurate representation of the roof form and design of the larger dormer proposed. For these reasons the proposal is not

considered appropriately designed and detailed in relation to the property to be extended and would have a detrimental impact on visual amenity and the character and appearance of the recipient building, contrary to the requirements of policy QD14 of the Brighton & Hove Local Plan and SPGBH1: Roof alterations and extensions.

2) UNI2

Notwithstanding whether the two dormers on each side of the rear extension could be obscure glazed and fixed shut, it is considered that due to the position of the extension in relation to adjoining properties and the close proximity of the dormers to neighbouring dwellings, that the development would have an overbearing and intrusive impact and give residents a sense of being overlooked that would be detrimental to amenity and contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2012/00614

6 Varndean Holt Brighton

Loft conversion including the formation of 3 dormers and erection of a single storey rear extension.

Applicant: Mr Morrish

Officer: Mark Thomas 292336

Refused on 24/04/12 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. Further advice is contained within supplementary planning guidance on roof alterations and extensions (SPGBH1). The proposed dormer windows by virtue of their scale, bulk and number represent an overdevelopment of the rear roofslope which would result in an incongruous and cluttered appearance. Further, the dormer windows are positioned too close to the ridge of the roof and the central dormer features an inappropriately large area of tile hung cladding contrary to guidance contained within SPGBH1. The proposal is therefore contrary to the above policy and guidance.

BH2012/00654

227-233 Preston Road Brighton

Application for variation of condition 9 of application BH2011/00336 (approved on appeal) to read: The retail units hereby permitted shall operate as two independent units at all times and shall not be sub-divided. The sales floor area shall not exceed 280sqm for Unit 1 and 372sqm for Unit 2 and no mezzanine floorspace shall be created.

Applicant: Sainsburys Supermarkets Ltd

Officer: Adrian Smith 290478

Approved on 25/04/12 DELEGATED

1) UNI

The development hereby permitted shall begin not later than three years from the date of this decision.

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

2) UNI

The windows on the Preston Road frontage shall be fitted with clear glazing which thereafter shall be retained and kept unobstructed at all times.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

3) UNI

The development hereby permitted shall be carried out in accordance with the

external materials and finishes detailed on drawing no. 2010 received on the 19th January 2012 and drawing no. 2000A received on the 27th February 2012 under application reference BH2012/00147 and shall thereafter 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

Unit 1 hereby permitted shall not be open to customers except between 0700 and 2300 hours. Unit 2 hereby permitted shall not be open to customers except between 0900 and 2300 hours. No other activity shall take place at the site between 2330 and 0630 hours.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

5) UNI

No deliveries shall be taken at the site except between 0700 and 2100 hours on Mondays to Saturdays and between 0900 to 1700 hours on Sundays and Public Holidays. All deliveries for Unit 1 shall be carried out within the car park shown on drawing no SSLBRIGHTON(LOCAL).1/14D.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

6) UNI

The development hereby permitted shall be carried out in accordance with the Service Yard Management Plan received on the 20th February 2012 under application reference BH2012/00505. All deliveries shall be carried out in accordance with the approved Plan.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

7) UNI

If, during the course of development, any contamination is found which has not previously been identified then measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

8) UNI

Noise from plant and machinery 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 a level 5dB below the existing LA90 background noise level.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

9) UNI

The retail units hereby permitted shall operate as two independent units at all times and shall not be sub-divided. The sales floor area shall not exceed 280 sq m for Unit 1 and 372 sq m for Unit 2 and no mezzanine floorspace shall be created.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

10) UNI

Unit 2 hereby permitted shall only be used for the sale of comparison goods and ancillary storage and for no other purpose including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Comparison goods are defined as books, clothing and footwear, furniture, audio-visual equipment, household appliances and other electrical goods, hardware and DIY supplies, chemist's goods, jewellery, watches and clocks, non-durable household goods, pet and garden supplies and recreational goods.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

11) UNI

The service doors on the southern and western elevations of Unit 2 hereby permitted shall be used solely for service and delivery access.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

12) UNI

The development hereby permitted shall be carried out in accordance with the landscaping scheme detailed on drawing no. P JL/02/WS/SLB/060212 received on the 8th February 2012 under application reference BH2012/00354 and shall thereafter be retained as such. All approved planting and other works shall be carried out in accordance with a timetable previously agreed in writing by the local planning authority. 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 approval to any variation.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

13) UNI

The works to widen the site entrance from Cumberland Road shall be undertaken under the supervision of, and to the satisfaction of, the independent arboricultural consultant as detailed in the supporting statement received on the 6th March 2012 under application reference BH2012/00354. This person shall be present throughout all works to the site entrance to supervise the protection of the adjacent horse chestnut tree.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

14) UNI

The development hereby permitted shall not be open to customers until the parking spaces, vehicle circulation area, vehicular access/egress onto Cumberland Road and cycle hoops have been provided in accordance with drawing no SSLBRIGHTON(LOCAL).1/14D. Thereafter the spaces, circulation area and hoops shall be retained and kept available at all times for their intended purposes.

Reason: As requested by the Inspector's decision notice dated 4th January 2012.

15) UNI

The development hereby permitted shall be carried out in accordance with drawing nos SSLBRIGHTON(LOCAL).1/14D, 905_457/301C and 305M.

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

BH2012/00661

9 The Beeches Brighton

Removal of existing roof and erection of first floor accommodation. Repositioning of existing garden wall.

Applicant: Santino Sarri

Officer: Mark Thomas 292336

Refused on 24/04/12 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The proposal to construct an additional storey of living accommodation would not pay respect to the prevailing scale of properties in The Beeches. The result would be an incongruous form of development, indicative of an inappropriate level of development which would constitute an overextension of the property and an overdevelopment of the site. The proposal is therefore contrary to the above policy.

2) UNI2

Policy QD27 of the Brighton & Hove Local Plan states that development will only be granted planning permission if the proposed development would not result in significant loss of amenity to neighbouring properties. The proposed development by virtue of its bulk, height, scale, positioning and proximity to the neighbouring boundary would represent an overbearing impact for the occupiers of no. 11 The Beeches. As such the proposed development is considered to be contrary to the aforementioned planning policy.

EAST BRIGHTON

BH2012/00502

Flat 6 Chesham Mansions 25-27 Eaton Place Brighton

Loft conversion incorporating roof lights to front and rear.

Applicant: DMB Solutions

Officer: Chris Swain 292178

Approved on 19/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with drawing nos. F6EP/01, F6EP/02 and F6EP/03, and a Design and Access Statement received on 20 February 2012 and drawing nos. F6EP/04A and F6EP/05A received on 16 April 2012.

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

3) UNI

The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

BH2012/00579

2 Chichester Place Brighton

Erection of a replacement rear conservatory. (Retrospective)

Applicant: Mrs Marie Freeman

Officer: Wayne Nee 292132

Approved on 25/04/12 DELEGATED

BH2012/00592

Bristol Court 142 Marine Parade Brighton

Application for Approval of Details Reserved by Conditions 2 and 3 of application BH2009/02178.

Applicant: Mr Rick Wells

Officer: Chris Swain 292178

Split Decision on 24/04/12 DELEGATED

1) UNI

Approve the details pursuant to condition 3 subject to full compliance with the submitted details.

1) UNI

The details pursuant to condition 2 are not approved for the following reason:

1. No elevational drawings or 1:1 joinery details have been submitted. The condition explicitly states that these details are required and thus the details

pursuant to condition 2 cannot be approved.

BH2012/00863

Top Floor Flat 51 Princes Terrace Brighton

Non Material Amendment to BH2010/00796 to alterations to balconies due to safety reasons.

Applicant: Mr Nash Chauhan

Officer: Pete Campbell 292359

Approved on 20/04/12 DELEGATED

HANOVER & ELM GROVE

BH2011/03796

18 Wellington Road Brighton

Application to extend time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities.

Applicant: The Baron Homes Corporation

Officer: Aidan Thatcher 292265

Approved after Section 106 signed on 05/04/12 PLANNING COMMITTEE

1) UNI

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

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

2) UNI

No development shall commence until nature conservation enhancement as part of the site landscaping scheme has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and the details of the proposed green wall planting and artificial external lighting.

Reason: To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

3) UNI

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

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

4) UNI

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

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

5) UNI

The windows on the west elevation of the new build block which adjoins the boundary with Ainsworth House and those within the east elevation of the extended block which adjoins the boundary with number 20 Wellington Road

shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

6) UNI

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

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

7) UNI

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

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

8) UNI

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

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

9) UNI

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

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

10) UNI

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

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

11) UNI

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

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

12) UNI

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

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

13) UNI

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

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

14) UNI

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

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

15) UNI

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

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.

16) UNI

Prior to the commencement of development, details of measures to ensure that the converted element of the development achieves an "Excellent" BREEAM rating and the remainder of the development achieves Level 4 of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policies S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and SU2 of the Brighton & Hove Local Plan.

17) UNI

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

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

18) UNI

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

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

19) UNI

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

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

20) UNI

No development shall commence until a scale plan showing the extent of the demolition proposed and a written methodology for the demolition has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

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

21) UNI

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

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

22) UNI

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

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

23) UNI

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

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

24) UNI

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

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

25) UNI

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

development.

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

26) UNI

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

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

27) UNI

Scrub clearance and demolition shall not be undertaken during the bird nesting season, from the beginning of March and the end of August.

Reason: To protect nesting birds in accordance with policy QD18 of the Brighton & Hove Local Plan.

28) UNI

No development shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.

29) UNI

No development shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.

30) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 0769-004 Photographic Site / Street Survey submitted on 6th October 2008, 0769-002(A) Aerial Image, 0769-003(A) Site Survey, 0769-005(A) Existing Basement & Ground Floor Plan, 0769-006(A) Existing First & Second Floor Plan, 0769-007(A) Existing Elevations - North & West, 0769-008(A) Existing Elevations - South & East, 0769-016(A) Photomontage & Bay Study, 0769-017 Sun Studies submitted on 21st October 2008, 0769-014(A) Proposed Site Sections submitted on 30th October 2008, 0769-001(B) OS & Block Plan, 0769-009(B) Proposed Site Plan, 0769-010(B) Proposed Ground Floor Plan, 0769-011(B) Proposed Basement, First and Second Floor Plan, 0769-012(D) Proposed Elevations- North & West, 0769-013(D) Proposed Elevations- South & East submitted on 16th December 2008.

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

BH2012/00400

65 Southover Street Brighton

Erection of single storey rear extension with roof terrace over and loft conversion incorporating raising of ridge height.

Applicant: Mr Miles Cheverton

Officer: Anthony Foster 294495

Refused on 17/04/12 DELEGATED

1) UNI

The proposed development by reason of its height and design results in a detrimental visual impact upon the character of the existing property and of the row of terrace properties contrary to policy QD14 Brighton & Hove Local plan 2005.

BH2012/00464

94 Ewart Street Brighton

Replacement upvc windows and back door.

Applicant: Mr Graham Boys

Officer: Pete Campbell 292359

Approved on 25/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved unreferenced photos and window specification information received on 17/02/2012.

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

BH2012/00476

126 Lewes Road Brighton

Application for approval of details reserved by conditions 3,6, and 7 of application BH2011/02115.

Applicant: Mr G Ablewhite

Officer: Aidan Thatcher 292265

Split Decision on 11/04/12 DELEGATED

1) UNI

Approve the details pursuant to condition 3 subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 6 and 7 are not approved for the following reasons:

The submitted details do not provide confirmation that current airborne noise requirements would be met and thus it is not possible to approve the details relating to condition 6.

2) UNI2

The submitted information is insufficient within the risks of the contaminated land both within the site and on the adjacent builders yard site and thus it is not possible to approve the details relating to condition 7.

HOLLINGDEAN & STANMER

BH2011/03925

111 Beatty Avenue Brighton

Erection of new detached two bed dwelling house.

Applicant: Mr John Wood

Officer: Anthony Foster 294495

Approved on 05/04/12 DELEGATED

1) UNI

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

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

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI

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

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

4) UNI

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

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

5) UNI

The development hereby permitted shall be carried out in accordance with "Existing Floor Plans & Elevations" Design and Access Statement, Sustainability Checklist, Waste Minimisation Statement, Biodiversity Checklist received 22 December 2011, and "Proposed Dwelling House" received 9 March 2012.

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

6) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall be occupied until a Final / Post Construction Certificate by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

7) UNI

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage Report / Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

8) UNI

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 full details of the proposed green wall, hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

9) UNI

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

10) UNI

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

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

11) UNI

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

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

BH2011/03952

1 Haig Avenue Brighton

Erection of shed in front garden (Retrospective).

Applicant: Ms Wendy Attenborough

Officer: Wayne Nee 292132

Refused on 11/04/12 DELEGATED

1) UNI

The shed by reason of its siting within the front garden near to the site boundary is visually intrusive and detracts from the character and appearance of the street scene. Furthermore the shed's positioning in close proximity to no. 3 Haig Avenue results in an intrusive and un-neighbourly form of development that is detrimental to the amenity of the occupier of this neighbouring property. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2012/00146

1A Rushlake Close Brighton

Raising of land levels at North East corner of garden and erection of 1.8 metre high close boarded fence on North East boundary (Part Retrospective).

Applicant: Mr John Panteli

Officer: Liz Arnold 291709

Approved on 13/04/12 DELEGATED

1) UNI

Unless otherwise agreed in writing by the Local Planning Authority, within 2 months of the date of this permission the new fence hereby approved, to be erected between points A, B, C and D as shown on drawing no. AB/RUSH/01A, shall install and shall be retained as such.

Reason: In order to protect adjoining properties from overlooking and loss of privacy and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI

Access to the enclosure hereby approved, annotated as Infill Areas 1 and 2 on drawing no. AB/RUSH/01A received on the 16th March 2012, shall be for maintenance or emergency purposes only.

Reason: In order to protect adjoining properties from overlooking and loss of privacy and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fence, wall or other means of enclosure shall be erect or constructed other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of the property by further reducing the amount of external amenity space and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration

of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of the property by further reducing the amount of external amenity space and to comply with policy QD27 of the Brighton & Hove Local Plan.

5) UNI

The planting of the two Cherry Trees and shrubs within the approved enclosure, as shown on the drawing titled Proposed Landscaping received on the 16th March 2012 and referred to in an e-mail from Carol Wheeler received on the 20th March 2012, shall be carried out in the first planting season following the date of this approval. Any trees or scrubs which within a period of 5 years from the date of this approval die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to protect adjoining properties from overlooking and loss of privacy and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2012/00321

3 Thompson Road Brighton

Formation of hardstanding including demolition of front boundary wall to create vehicle access, crossover and dropped kerb.

Applicant: Mr John Williams

Officer: Pete Campbell 292359

Approved on 05/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.001 and 003 received on 06/02/2012 and 002-A received on 10/02/2012.

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

BH2012/00422

52 Wolseley Road Brighton

Demolition of existing utility room and erection of single storey side extension, installation of access ramp and alterations to existing hardstanding.

Applicant: Mr Robert Knight

Officer: Wayne Nee 292132

Approved on 24/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) BH05.10

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

4) UNI

Unless otherwise agreed in writing, no development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

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

5) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. DA/1163/1, 2 and 5 received on 15 February 2012, and the block plan and drawing nos. DA1163/3 and 4 received on 29 February 2012.

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

BH2012/00425

Cockcroft Building University of Brighton Lewes Road Brighton

Application for approval of details reserved by condition 2 of application BH2011/02481.

Applicant: University of Brighton

Officer: Aidan Thatcher 292265

Approved on 10/04/12 DELEGATED

BH2012/00522

218 Ditchling Road Brighton

Certificate of Lawfulness for a proposed single storey extension to the rear elevation of the rear outrigger.

Applicant: Mr Shah

Officer: Chris Swain 292178

Approved on 17/04/12 DELEGATED

BH2012/00770

56 Hollingbury Road Brighton

Non Material Amendment to BH2011/03577 to omit the brick upstands and glazing system and replace with metal grating which will be horizontal and flush with concrete surround, light wells will therefore be open to the air and the lower ground floor will have windows below the extra bays.

Applicant: Ms Claire Sansom

Officer: Aidan Thatcher 292265

Approved on 10/04/12 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2012/00286

3 Ashurst Road Brighton

Demolition of existing garage and erection of a two storey side extension with associated roof alterations.

Applicant: Simeone Bowes

Officer: Chris Swain 292178

Approved on 05/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed to the hereby approved extension without planning permission obtained from the Local Planning Authority.

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

4) UNI

The development hereby permitted shall be carried out in accordance with drawing nos. 31845/1, 31845/2B, 31845/3 and 31845/4 and a waste minimisation statement received on 2 February 2012 and two annotated photographs received on 9 February.

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

BH2012/00455

Former Falmer High School Lucraft Road Brighton

Demolition of Former Falmer High School Buildings.

Applicant: The Community Stadium Limited

Officer: Kate Brocklebank 292175

Approved on 11/04/12 DELEGATED

BH2012/00554

46 Goodwood Way Brighton

Certificate of Lawfulness for erection of a two storey rear extension and front porch.

Applicant: Mrs Carolina Kennett

Officer: Pete Campbell 292359

Refused on 23/04/12 DELEGATED

QUEEN'S PARK

BH2011/03736

Amsterdam Hotel 11-12 Marine Parade Brighton

Display of illuminated fascia sign, illuminated pillar signs, illuminated hotel name lettering and non-illuminated hanging sign (retrospective).

Applicant: Tulip Brighton Ltd

Officer: Aidan Thatcher 292265

Approved on 25/04/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

5) BH10.05

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

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

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

7) BH10.07

The illumination of the advertisement shall be non-intermittent.

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

8) UNI

The advertisement shall not be illuminated later than 23:00 or after the premises are closed to the public (whichever is the earlier) and shall not be illuminated before 08:00 on any day.

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

9) UNI

All signs should be located a minimum of 2.3m above ground level and offer a minimum clearance back from the carriageway edge of 450mm and the illumination of the signs should accord with the latest draft of the Institute of Lighting Engineers Technical Report No.5 - The Brightness of Illuminated Advertisements.

Reason: In the interest of highway safety and to comply with local plan policy TR7 & TR8.

BH2012/00048

Flat 1 21 Upper Rock Gardens Brighton

Erection of single storey extension at rear basement level and replacement of existing single glazed windows and door with new double glazed timber units.

Applicant: Mr Robert Threlfall

Officer: Chris Swain 292178

Approved on 16/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The east facing, side elevation of the hereby approved extension 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.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.0001 and 0003A, a site plan, a block plan and a Design and Access Statement received on 9 January 2012 and drawing nos. 0002C and 0004A received on 14 April 2012.

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

4) UNI

All new windows, the rear door and the timber frame to the hereby approved glazed extension shall be painted white and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2012/00322

80C Richmond Street Brighton

Enlargement of existing ground floor rear extension, erection of first floor extension above and alterations to windows and doors.

Applicant: Ms Katja Von Schweitzer

Officer: Liz Arnold 291709

Approved on 10/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings titled Sheet 1, Sheet 2 Sheet 3, Sheet 4, Sheet 6, Sheet 7, Sheet 8, Sheet 10, Sheet 11, Sheet 11aSheet 14, Sheet 15, Sheet 16, Sheet 16 and Sheet 18 received on the 6th February 2012.

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

BH2012/00338

45/46 Upper St James Street Brighton

Installation of new shop front.

Applicant: Top to Toe

Officer: Wayne Nee 292132

Approved on 20/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

No works shall take place until full details of the proposed works including 1:20 scale sample elevations and details of materials have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient detail has been submitted to ensure satisfactory detailing to preserve the character and appearance of the conservation area and to accord with policy HE6 of the Brighton & Hove Local Plan and SPD02 Shopfront Design.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved unnumbered drawings received on 24 February 2012.

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

BH2012/00391

Unit 6C Freshfield Industrial Estate Stevenson Road

Brighton

Change of use from B8 warehouse to B8 warehouse, B1 office space, product demonstration rooms, and ancillary retail.

Applicant: Kent Top Temps

Officer: Anthony Foster 294495

Approved on 18/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 101, 104, site location plan, Supporting Statement received on 10 February 2012, and drawing no. 100 Rev B received on 10 April 2012.

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

BH2012/00393

Flat 6 Royal Crescent Mansions 100 Marine Parade Brighton

Internal alterations to layout of flat. (Retrospective)

Applicant: Ms Vivian Bannister

Officer: Pete Campbell 292359

Approved on 18/04/12 DELEGATED

1) UNI

Consent is hereby permitted in accordance with the approved drawing no.163.01.a and a Design and Access Statement received on 23/02/2012.

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

BH2012/00403

30 Windmill Street Brighton

Erection of single storey rear extension.

Applicant: Mr Paul Downing

Officer: Wayne Nee 292132

Approved on 17/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 12.01.04/1, 2, 3, 4, 5 and 6 received on 13 February 2012.

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

BH2012/00435

Sea Life Centre Madeira Drive Brighton

Application for approval of details reserved by conditions 2 and 3 of application BH2011/03304.

Applicant: Sea Life Centre, Brighton

Officer: Aidan Thatcher 292265

Approved on 10/04/12 DELEGATED

ROTTINGDEAN COASTAL

BH2011/03219

Flat 4 4 Lewes Crescent Brighton

Extension of part of flat over existing flat roof above first floor to form an additional self contained one bedroom flat with roof terrace.

Applicant: Mrs Gina Bryson

Officer: Anthony Foster 294495

Refused on 25/04/12 DELEGATED

1) UNI

The applicant has failed to demonstrate the potential impact that the proposed development would have on the amenity of the neighbouring occupiers of the flats below in terms of increased building bulk and increased sense of enclosure, and loss of light to the detriment of their living conditions. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2011/03220

Flat 4 4 Lewes Crescent Brighton

Extension of part of flat over existing flat roof above first floor to form an additional self contained one bedroom flat with roof terrace.

Applicant: Mrs Gina Bryson

Officer: Anthony Foster 294495

Approved on 25/04/12 DELEGATED

1) BH01.05

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) BH13.11

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation fronting a highway.

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

3) BH13.12

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

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

4) UNI

Notwithstanding the approved plans, details of the chimney structure, including the terminus at the base and treatment at the top shall be submitted to and approved in writing by the Local Planning Authority before works commence. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory completion of the development and to preserve the historical and architectural appearance and character of the listed building and to accord with policy HE1 of the Brighton & Hove Local Plan.

5) UNI

All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the background walls and maintained as such thereafter.

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

6) UNI

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

Reason: To ensure a satisfactory completion of the development and to preserve the historical and architectural appearance and character of the listed building and to accord with policy HE1 of the Brighton & Hove Local Plan.

7) UNI

No works shall take place until full details of the proposed windows including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

8) UNI

No works shall take place until full details of the proposed French Doors including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

9) UNI

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

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

10) UNI

No works shall take place until full details of the proposed lead clad plinth and sun pipe windows including cross sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

BH2011/03294

12 Ainsworth Avenue Brighton

Erection of single storey rear extension and front porch.

Applicant: Mr Christopher Curtis

Officer: Louise Kent 292198

Approved on 17/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. E/OS/01 Rev B received on 13 March 2012, E/01 Rev. A, E/02 Rev. A & E/04 Rev A received on 1 March 2012, and E/03 received on 27 October 2011.

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

BH2011/03551

105 Marine Drive Rottingdean Brighton

Application for Approval of Details Reserved by Conditions 3, 4, 7, 8, 10, 11, 13 and 14 and 15 of application BH2010/03444.

Applicant: HR Investments

Officer: Kathryn Boggiano 292138

Approved on 25/04/12 DELEGATED

BH2011/03805

7 Bishopstone Drive Saltdean Brighton

Demolition of existing house and garage. Erection of 2no houses, 1no three bedroom and 1no four bedroom and associated works.

Applicant: Sussex Villas Ltd

Officer: Sue Dubberley 293817

Approved on 17/04/12 DELEGATED

1) BH01.01

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

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

2) BH02.03

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove

Local Plan.

3) BH02.07

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

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

4) BH04.01

The new dwelling[s] shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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

5) BH05.02B

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

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

6) BH06.01

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

7) BH06.03

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

8) UNI

Access to the flat roofed areas 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.

9) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. TA 525 /01C, /02, / 10 D, /11D, /12D, /13D, /14 C, /15 D, /16 C, /17C, /18C, /19 D, /20D, /21D, /22 B, 23, 30, 31, 32, 33, 37, 38, 39, 40 and 41 received on 13 December 2011 and drawing nos. ADC431/03B and 04A received on 9 March 2012.

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

10) UNI

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

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

11) UNI

The windows servicing the bathrooms 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.

12) UNI

The windows servicing the bathrooms 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.

BH2012/00204

41 Westfield Avenue North Saltdean Brighton

Erection of single storey side and rear extension and provision of loft conversion incorporating roof extension and alterations, rooflights and increased ridge height.

Applicant: Mr Dean Edwards

Officer: Jonathan Puplett 292525

Refused on 25/04/12 DELEGATED

1) UNI

The proposed development would result in a prominent over-enlarged appearance which would be out of keeping with the bungalows to either side of the application site. The roof form created would be out of keeping with neighbouring dwellings. The visual spacing between the roofs of nos. 39 and 41 Westfield Avenue North would be reduced and the consistency of roof design and spacing between roofs would be lost to the detriment of the street scene. The extended dwelling would also have an inappropriate appearance when viewed from the windows and rear gardens of neighbouring properties to the rear and to either side of the application site. The proposed development is therefore contrary to Policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

The bulk and visual impact of the proposed extensions would have an overbearing and enclosing impact on neighbouring occupiers of the properties to the rear and to either side of the application site. The proposed rear glazed doors and rear window would provide increased views of the gardens and dwellings to the rear of the application site, causing harm to privacy. The proposed development is therefore contrary to Policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2012/00218

130 & 130 A Lustrells Vale Saltdean Brighton

Erection of single storey garage to rear of ground floor office and first floor rear extension to flat above.

Applicant: Paul Martin

Officer: Robin K Hodgetts 292366

Approved on 20/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

Apart from the area designated as the approved balcony area as shown on drawing No. 102/8, sheet 3 of 3, access to the flat roof over the garage hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 102/8, 102/8 sheet 2 of 3 and 102/8 sheet 3 of 3" received on 24 February 2012.

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

BH2012/00327

4 Eley Crescent Rottingdean Brighton

Roof alterations including removal of existing dormers, hip to gable roof extension, new rear dormer and rooflights and solar panels to front elevation.

Applicant: Mr Mark Saxby

Officer: Wayne Nee 292132

Refused on 13/04/12 DELEGATED

1) UNI

The proposal to replace the existing hipped roof with a gable end would imbalance the symmetry of the semi-detached pair to the detriment of the appearance of the properties, and would create a visually heavy roof to one half. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Roof Alterations and Extensions (SPGBH1).

2) UNI2

The proposed rear dormer, by reason of its size, bulk and design, is considered to form an unacceptable alteration to the roof slope of the property. As such, the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and SPGBH1.

3) UNI3

The proposed roof lights, by reason of their excessive number and concentrated positioning, would form an unacceptable addition to the property. As such, the proposal is contrary to policy QD14, and to SPGBH1.

BH2012/00352

101 Marine Drive Rottingdean

Erection of single storey extension to the entrance porch.

Applicant: Mrs Eileen Stevens

Officer: Anthony Foster 294495

Approved on 05/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The works hereby permitted shall not commence until documentary evidence, in the form of a proposed timescale and signed contracts by all interested parties, for the alterations to 103 Marine Drive approved under planning permission BH2012/00353 and the works to 101 Marine Drive hereby approved have been submitted to and approved by the Local Planning Authority. The works shall be carried out to 101 Marine Drive, within the approved timescale unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that works to the two flats are not undertaken on an ad hoc basis which would impact on the uniform appearance of the front elevation of the building, and to comply with policy QD14 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 11.12.02/1, /02A, Site Location Plan received on 8 February 2012 and Design and Access Statement received 26 March 2012.

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

BH2012/00353

103 Marine Drive Rottingdean

Erection of single storey extension to the entrance porch.

Applicant: Mr Derek Mepham

Officer: Anthony Foster 294495

Approved on 05/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The works hereby permitted shall not commence until documentary evidence, in the form of a proposed timescale and signed contracts by all interested parties, for the alterations to 101 Marine Drive approved under planning permission

BH2012/00352 and the works to 103 Marine Drive hereby approved have been submitted to and approved by the Local Planning Authority. The works shall be carried out to 103 Marine Drive, within the approved timescale unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that works to the two flats are not undertaken on an ad hoc basis which would impact on the uniform appearance of the front elevation of the building, and to comply with policy QD14 of the Brighton & Hove Local Plan.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 11.12.02/1, /02A, Site Location Plan received on 8 February 2012 and Design and Access Statement received 26 March 2012.

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

BH2012/00368

Between Pontoons 6 & 7 Western Concourse Brighton Marina Brighton

Application to extend time limit for implementation of previous approval BH2008/03593 for construction of new single storey floating building for use as a club house.

Applicant: Brighton Marina Yacht Club

Officer: Jonathan Puplett 292525

Approved on 25/04/12 DELEGATED

1) BH01.01

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

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

2) BH02.08

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

3) BH03.01

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

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

4) BH05.09A

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

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

5) BH07.03

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

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

6) BH07.04

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

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

7) BH07.11

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

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.

8) UNI

No development shall take place until a written scheme for the monitoring of changes to marine life in relation to the development has been submitted to and approved in writing by the Local Planning Authority in accordance with details of the scope and methodology of the scheme which shall also have been submitted to and approved in writing by the Local Planning Authority. The monitoring scheme shall be implemented in accordance with the agreed details.

Reason: To determine the effects of the installation of permanent floating structures on the ecology of Brighton Marina and to comply with policy NC4 of the Brighton & Hove Local Plan.

9) 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 facade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise levels. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142: 1997.

Reason: To protect residential amenity and to comply with policies QD27 and SU10 of the Brighton & Hove Local Plan.

10) UNI

The premises shall only be used for yacht club/club house and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

BH2012/00466

11 Ainsworth Avenue Brighton

Erection of two storey side extension replacing existing garage incorporating rooflights to front, side and rear.

Applicant: Mr David Plant

Officer: Liz Arnold 291709

Approved on 16/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 01RevB received on the 26th March 2012.

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

BH2012/00495

Marina Way & Mariners Quay Brighton Marina Brighton

Works to access off Mariners Quay to rear of ASDA store including installation of 2 sets of single hinged steel gates, realigned kerb and relocation of security camera and reinstatement of car park and grassed areas (Retrospective).

Applicant: Southern Water Services Ltd

Officer: Aidan Thatcher 292265

Approved on 23/04/12 DELEGATED

1) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 263467/WUD/PA/004/4 A and 263467/WUD/PA/002/5 A received on 20.12.12.

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

2) UNI

The access road shall only be used between the hours of 07.30 - 19.30 hours Monday to Friday and 08.00 - 13.00 hours on Saturdays and not at any time on Sundays, Bank or Public Holidays.

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

BH2012/00499

65 High Street Rottingdean Brighton

Internal alterations and refurbishment including installation of painted panelling over existing beams and artex walls.

Applicant: Greene King

Officer: Chris Swain 292178

Approved on 16/04/12 DELEGATED

1) BH01.05

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BH2012/00504

44 Arundel Drive East Saltdean Brighton

Erection of a single storey rear extension with flat roof and 1no rooflight. (Part retrospective)

Applicant: Mr S Comolli & Mrs J Campbell

Officer: Chris Swain 292178

Approved on 20/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed in either of the two side elevations of the hereby approved extension, without planning permission obtained from the Local Planning Authority.

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

5) UNI

The development hereby permitted shall be carried out in accordance with a site and block plan received on 20 February 2012 and drawing nos. 547.01B and 547.R02B received on 20 April 2012.

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

BH2012/00568

3 Arundel Terrace Brighton

Application for Approval of Details Reserved by Condition 2 of application BH2010/01848.

Applicant: Mr G Whelan

Officer: Chris Swain 292178

Approved on 18/04/12 DELEGATED

BH2012/00625

1 Longhill Road Brighton

Single storey extension, terrace and bike store to rear of single dwelling house.

Applicant: Steph Holister

Officer: Wayne Nee 292132

Refused on 25/04/12 DELEGATED

1) UNI

The proposed rear terrace, due to its elevated height and its location near to the side boundary of 70 Ainsworth Avenue, would represent an overbearing addition for the residents of this neighbouring property by reason of an increased sense of overlooking and loss of privacy, and therefore to the detriment of their residential amenity. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2012/00773

90 Dean Court Road Rottingdean Brighton

Non Material Amendment to BH2011/03288 to remove chimney stack, alterations to window locations and amendment of aluminum windows to white UPVC.

Applicant: Mark Storey

Officer: Pete Campbell 292359

Approved on 05/04/12 DELEGATED

BH2012/00869

28 Wivelsfield Road Brighton

Non Material Amendment to BH2011/00807 including removal of part basement storage area to the rear, alteration to the roof and increase in depth of the utility extension and alterations in the appearance of the conservatory.

Applicant: Mr Richard Jordan-Penswick

Officer: Anthony Foster 294495

Approved on 17/04/12 DELEGATED

WOODINGDEAN

BH2012/00299

136 The Ridgway Brighton

Erection of 2 storey side extension and installation of rooflights to South elevation.

Applicant: Mr Chris Browning

Officer: Wayne Nee 292132

Approved on 05/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 01 and 04 received on 06 February 2012, and drawing no. 02B received on 05 April 2012.

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

BH2012/00418

58 Crescent Drive North Brighton

Removal of two storey rear extension and replacement with balcony to first floor with stairs to garden.

Applicant: Mrs Kay Charnley

Officer: Pete Campbell 292359

Refused on 16/04/12 DELEGATED

1) UNI

The proposed balcony, by reason of overlooking and loss of privacy would unduly impact on the living conditions of the occupiers of No.56, 58a and 60 Crescent

Drive North and as such is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The use of the proposed balcony, due to its unenclosed nature, would result in noise disturbance to the occupiers of neighbouring properties and as such is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2012/00423

Sussex Nuffield Hospital Warren Road Brighton

Installation of replacement steel and glass entrance canopy on north elevation and additional window to east elevation.

Applicant: Nuffield Health Brighton Hospital

Officer: Sue Dubberley 293817

Approved on 23/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. 2142-D-20-003-A, 2142-D-90-001-C, 2142-D-47-001-C, and 2142-D-47-002-B received on 15 February 2012 and drawing nos. 2142-D-20-004-B, 2142-D-22-200-A and 2142-D-22-250-C received on 27 February 2012.

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

BH2012/00451

47 Selhurst Road Brighton

Application for Approval of Details Reserved by Conditions 4, 5, 6, 7, 8, 9 and 11 of application BH2010/00165.

Applicant: Douglas Graham Developments Ltd

Officer: Aidan Thatcher 292265

Split Decision on 23/04/12 DELEGATED

1) UNI

Approve the details pursuant to conditions 4, 5, 6, 7 and 11 subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 8 and 9 are not approved for the following reasons:

1. The applicant has not submitted the Final Code Certificate as required by Condition 8, and thus it is not possible to approve the details.
2. The applicant has submitted insufficient information in relation to the protection of existing trees and hedges as required. As such it is not possible to approve the details in relation to condition 9.

BH2012/00489

95 Balsdean Road Brighton

Erection of single storey extension to north elevation incorporating new garage and alterations including installation of glazing to balcony on south elevation and roof lights to west elevation.

Applicant: Mr Din Mohammed

Officer: Liz Arnold 291709

Approved on 25/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 1110/03 received on the 21st February 2012 and drawing nos. 1110/01A and 1110/02A received on the 6th March 2012.

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

BRUNSWICK AND ADELAIDE

BH2011/03302

17-19 Holland Mews Hove

Construction of a terrace of 3no three storey, two bedroom houses with garages and bicycle stores.

Applicant: C O Bishop

Officer: Jason Hawkes 292153

Approved on 20/04/12 DELEGATED

1) BH01.01

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

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

2) BH02.06

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

3) BH02.07

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

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

4) BH04.01A

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling[*s*] hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

5) BH05.01B

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

6) BH05.02B

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

7) BH05.08

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

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

8) BH06.03

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

9) BH06.05

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

10) BH08.01

The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved

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

11) BH11.01

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

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

12) BH11.02

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

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

13) BH12.01

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

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

14) BH12.07

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

15) UNI

Prior to the commencement of development on site, detailed drawings and further information, including levels, sections and constructional details of the proposed accesses, surface water drainage, outfall disposal, street lighting and telegraph poles to be provided or moved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until these works have been fully implemented in accordance with the approved details.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1 & TR19 of the Brighton & Hove Local Plan.

16) UNI

The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used for any purpose other than the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1 & TR19 of the Brighton & Hove Local Plan.

17) UNI

Unless otherwise agreed, the front second floor front balconies shall be maintained as rain water harvesting trough areas as shown on drawing 0738-P-110. Access to the balconies shall be for maintenance or emergency purposes only and these balconies shall not be used as roof gardens, terraces, patios or similar amenity areas.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

18) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.0738-P-101, 102, 103, 104, 105, 106, 107, 108, 109-P1, 110-P1, 111, 112-P1, 113, 114, 115, 116, 117, 118 & 119 received on the 28th October 2011 and 29th March 2012.

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

BH2012/00176

20 Brunswick Square Hove

Removal of existing pebble dash render to rear elevation and replace with new smooth block lined lime render.

Applicant: 20 Brunswick Square (Hove) Ltd

Officer: Robert McNicol 292322

Approved on 10/04/12 DELEGATED

1) BH01.05

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

No works shall take place until full details of the proposed works including 1:20 scale sample elevations and a statement of work have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter, unless agreed in writing by the Local Planning Authority. The statement and elevations should address the following:

- a. A traditional lime based 3 coat mix without plasticizer or waterproofing agent must be used.
- b. No external beads or stops or bell drips are to be used.
- c. The render is not to be painted.
- d. All redundant pipework is to be removed as part of the work.
- e. All unauthorized plastic pipework to be removed as part of the work.
- f. All redundant embedded metal fixings to be removed from the masonry and the wall to be made good in matching material with lime based mortar prior to the application of the new render.
- g. All redundant cabling to be removed as part of the work.
- h. All remaining cabling to be clipped behind existing downpipes or otherwise concealed in neat tight runs.

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

BH2012/00533

7 Adelaide Crescent Hove

Cover existing entrance crossover with small black and white Victorian style tiles.

Applicant: The 7 Adelaide Crescent Residents Association Ltd

Officer: Jason Hawkes 292153

Refused on 16/04/12 DELEGATED

1) UNI

Front entrances and paths are important elements of the architecture of buildings and the materials and detailing makes a significant impact on the building itself. The laying of the tiles on top of the original stone entrance path compromises the detailing of the path leaving an odd change level and exposing the bottom of railings. The scheme is therefore deemed to detract from the character and appearance of the listed building and is contrary to policy HE1, HE3 and HE4 of the Brighton & Hove Local Plan.

BH2012/00539

4 Palmeira Square Hove

Replacement of rear timber framed window with white painted timber patio doors.

Applicant: Ms Susie de Castilho

Officer: Robert McNicol 292322

Refused on 20/04/12 DELEGATED

1) UNI

REFUSE planning permission, subject to the following reasons:

The proposal would cause loss of privacy and disturbance to neighbouring residents as well as harming the architectural and historic character of the Grade II Listed Building. It is therefore contrary to policies QD14, QD27, HE1 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 1127/301/A and 1127/302/B submitted on 30 March 2012.

BH2012/00575

20 Brunswick Square Hove

Removal of existing pebble dash render to rear elevation and replace with new smooth block lined lime render.

Applicant: 20 Brunswick Square (Hove) Ltd

Officer: Robert McNicol 292322

Approved on 17/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

No works shall take place until full details of the proposed works including 1:20 scale sample elevations and a statement of work have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter, unless agreed in writing by the Local Planning Authority. The statement and elevations should address the following:

- a. A traditional lime based 3 coat mix without plasticizer or waterproofing agent must be used.
- b. No external beads or stops or bell drips are to be used.
- c. The render is not to be painted.
- d. All redundant pipework is to be removed as part of the work.
- e. All unauthorized plastic pipework to be removed as part of the work.
- f. All redundant embedded metal fixings to be removed from the masonry and the wall to be made good in matching material with lime based mortar prior to the application of the new render.
- g. All redundant cabling to be removed as part of the work.
- h. All remaining cabling to be clipped behind existing downpipes or otherwise concealed in neat tight runs.

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

CENTRAL HOVE

BH2012/00023

Flat 1 Essex House 8 St Aubyns Gardens Hove

Removal of existing UPVC window and installation of new UPVC double glazed french doors.

Applicant: South Coast Home Improvements

Officer: Helen Hobbs 293335

Approved on 23/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved un-numbered drawings received on 7th February 2012 and site plan received on 5th January 2012.

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

BH2012/00108

Hove Central Library 182-186 Church Road Hove

Installation of new rooflights to replace existing.

Applicant: Brighton & Hove City Council

Officer: Clare Simpson 292454

Approved on 16/04/12 DELEGATED

1) BH01.05

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

Unless otherwise agreed in writing, the new roof lights shall not be glazed other than with Pilkington Optifloat Green 6mm Toughened glass and retained as such thereafter.

Reason: To preserve the character of the listed building in accordance with policy HE1 of the Brighton & Hove Local Plan.

BH2012/00201

Flat 1 69 St Aubyns Hove

Recovering of existing balcony with asphalt covering.

Applicant: Ellman Henderson

Officer: Helen Hobbs 293335

Approved on 05/04/12 DELEGATED

1) BH01.01

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

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

2) BH12.02

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings nos. AC/69StAubyns/01 and AC/69StAubyns/02 received on 25th January 2012.

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

BH2012/00288

69 George Street Hove

Erection of single storey rear infill extension and part first floor rear extension, installation of first floor window and alteration to front entrance of shopfront.

Applicant: Freshwater Group of Companies

Officer: Robert McNicol 292322

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. BN08010047 (proposed floor plans) and BN08010047 (existing and proposed shopfront sections) received on 23 February 2012 and BN08010047/202 received on 03 February 2012.

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

BH2012/00300

4-5 George Street Hove

Display of internally illuminated fascia sign, projecting sign, pole mounted menu and awnings (retrospective).

Applicant: Stonegate Pubs

Officer: Helen Hobbs 293335

Approved on 13/04/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

3) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

4) BH10.05

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

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

5) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

6) BH10.07

The illumination of the advertisement shall be non-intermittent.

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

BH2012/00438

143-145 Church Road Hove

Display of internally illuminated fascia sign.

Applicant: Loungers Ltd

Officer: Guy Everest 293334

Approved on 10/04/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

5) BH10.05

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

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

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

7) UNI

The illumination of the advertisement shall be non-intermittent and shall not exceed 600 candela per square metre.

Reason: To safeguard the appearance and character of the area and to comply with policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07, Advertisements.

8) UNI

For the avoidance of doubt only the lettering to the fascia hereby approved shall be internally illuminated and the remainder of the fascia shall be unlit.

Reason: To safeguard the appearance and character of the area and to comply with policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07, Advertisements.

BH2012/00446

19 George Street Hove

Replacement of 3no air conditioning condensers and installation of 3no additional air conditioning condensers.

Applicant: Nationwide Building Society

Officer: Christopher Wright 292097

Approved on 11/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

Noise associated with the external air conditioning installation hereby permitted shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:1997. In addition, there should be no significant low frequency tones generated.

Reason: In order to safeguard the amenity of neighbouring residents from noise disturbance and in order to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. HO50-W-PL.10 Revision A received on 15 February 2012 together with technical documents, and the Noise Impact Assessment Final

Report received on 2 March 2012.

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

BH2012/00456

Flat 32 Bath Court Kings Esplanade Hove

Replacement of existing aluminium and UPVC windows and doors with aluminium windows and doors.

Applicant: Hanson Capital Management

Officer: Mark Thomas 292336

Approved on 19/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved window specification document and annotated photographs received on 16th February 2012.

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

BH2012/00526

64 Church Road Hove

Conversion of lower ground floor to form self-contained flat incorporating enlargement of existing doorway to rear.

Applicant: Mr Alan Bull

Officer: Clare Simpson 292454

Refused on 18/04/12 DELEGATED

1) UNI

The proposed conversion of the basement level to a residential unit would, by reason of the site level and the limited number and position of windows and openings in relation to the floor plan, receive inadequate natural light and ventilation and provide a poor outlook for future occupiers. As such the development would not provide for a satisfactory standard of living accommodation and would be detrimental to the amenity of future occupiers and is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development would result in a loss of designated storage area for the ground floor retail unit and the existing residential flats in the above ground floor level. The proposal is considered contrary to policies SR5 and SU2 respectively and TR14 of the Brighton & Hove Local Plan.

BH2012/00537

17 Flag Court Courtenay Terrace Hove

Replacement of existing windows with white upvc windows.

Applicant: Mrs Betty Freed

Officer: Mark Thomas 292336

Approved on 19/04/12 DELEGATED

1) BH01.01

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

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

BH2012/00675

53-54 George Street Hove

Display of externally illuminated fascia, externally illuminated projecting sign and internally illuminated ATM panel signs.

Applicant: The Royal Bank of Scotland Group

Officer: Jason Hawkes 292153

Approved on 25/04/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

5) BH10.05

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

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

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

7) BH10.07

The illumination of the advertisement shall be non-intermittent.

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

BH2012/00822

1-2 Victoria Terrace Hove

Application for Approval of Details Reserved by Conditions, 2, 3, 4, 5, 6, 7 and 8 of application BH2009/00262. (Amended description).

Applicant: Mr John Regan

Officer: Christopher Wright 292097

Approved on 18/04/12 DELEGATED

GOLDSMID

BH2011/02977

14 Cambridge Grove Hove

Application for Approval of Details Reserved by Conditions 3, 4, 6 & 7 of application BH2009/01696.

Applicant: Sparks Property Developments

Officer: Guy Everest 293334

Approved on 05/04/12 DELEGATED

BH2012/00181

59 Addison Road Hove

Erection of single storey rear extension.

Applicant: Mr & Mrs Toby Wiggs

Officer: Robert McNicol 292322

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 21796-00/001-301 received on 23-Jan-2012 and 21796-00/001-305 received on 30-Jan-2012.

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

BH2012/00226

5 Goldstone Road Hove

Loft conversion incorporating new dormer to rear facing roofslope, installation of 2no velux rooflights to front facing roofslope and 2no velux rooflights to side facing roofslope, installation of timber steps to access rear entrance from garden, installation of new window to front elevation and replacement of existing windows and doors with white UPVC windows and doors.

Applicant: Rijac Properties Ltd

Officer: Robert McNicol 292322

Approved on 23/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 819/01 and 819/02 received on 26 January 2012 and 819/04/A and 819/04/B received on 4 April 2012.

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

BH2012/00269

45 Cromwell Road Hove

Erection of new terraces at ground and first floors to rear.

Applicant: The Montessori Place

Officer: Jason Hawkes 292153

Refused on 10/04/12 DELEGATED

1) UNI

The proposed development, by virtue of its modern design, size and materials relates poorly to the host property and would appear as incongruous and unsympathetic addition. The proposal is therefore contrary to policies QD1, QD2, QD14 and HE6 of the Brighton & Hove Local Plan which seek to ensure that new developments are well designed, sited and detailed in relation to the property to be extended and also preserve the character and appearance of the conservation area.

BH2012/00381

Cambridge House 121-123 Davigdor Road Hove

Erection of canopy to existing car park (Retrospective)

Applicant: F Gjona

Officer: Christopher Wright 292097

Refused on 23/04/12 DELEGATED

1) UNI

The canopy, by reason of the siting, scale, materials and finishes, has an unduly dominant and incongruous appearance which is detrimental to visual amenity and the prevailing townscape and character of the locality. As such the development is contrary to the requirements of policies QD2 and QD14 of the Brighton & Hove Local Plan.

BH2012/00414

Flats 26-41 9 The Upper Drive Hove

Erection of canopy to entrance

Applicant: Southern Housing Group

Officer: Mark Thomas 292336

Approved on 23/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 04410/024, 04410/042 and visual impressions received on 14th February 2012.

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

BH2012/00442

46A Highdown Road Hove

Replacement of existing timber casement window with UPVC sash window to rear elevation.

Applicant: Mr Guy Bamford

Officer: Robert McNicol 292322

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved window specifications received on 27 February 2012.

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

BH2012/00540

Flat 1 29 Hartington Villas Hove

Erection of single storey rear extension.

Applicant: Mr & Mrs Asher Benzecrit

Officer: Mark Thomas 292336

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 0160.02 C received on 1st March 2012.

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

BH2012/00561

135-137 Dyke Road Hove

Certificate of Lawfulness for the existing use of the first and second floor of the premises as offices (B1).

Applicant: Austin Rees

Officer: Adrian Smith 290478

Refused on 17/04/12 DELEGATED

BH2012/00648

93 Goldstone Road Hove

Replacement of existing aluminium windows with upvc windows.

Applicant: Mr Peter Copley

Officer: Robert McNicol 292322

Approved on 23/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved window specification and photographs received on 1 March 2012.

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

BH2012/00670

Gill House Conway Street Hove

Display of 2no non-illuminated fascia signs.

Applicant: Harket Property LLP

Officer: Steven Lewis 290480

Approved on 17/04/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

5) BH10.05

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

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

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

HANGLETON & KNOLL

BH2012/00310

Mill View Hospital Nevill Avenue Hove

Increase the height of garden wall from 1.9 metres to 2.3 metres and infill openings.

Applicant: Sussex Partnership NHS Trust

Officer: Christopher Wright 292097

Approved on 10/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

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

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

4) 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 around the outer edge of the proposed boundary wall. The landscaping as approved shall be retained as such thereafter.

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

5) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 3/RX213/OCP88/2011/43; 0/RX2113/OCP882011/44 Revision 0; and 3/RX213/OCP88/2011/43 Revision 0 received on 14 February 2012.

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

BH2012/00346

146 Poplar Avenue Hove

Erection of single storey rear extension and raised decking.

Applicant: Mr Tim Vellacott

Officer: Adrian Smith 290478

Approved on 18/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the north and south side elevations of the extension hereby permitted without planning permission obtained from the Local Planning Authority.

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

4) UNI

The development hereby permitted shall be carried out in accordance with the site plan and approved drawing nos.100, 111, 112, 113, 114, 115, 116 & 117 received on the 8th February 2012; the site block plan received on the 20th February 2012; and drawing no.118 received on the 30th March 2012.

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

BH2012/00427

149 Godwin Road Hove

Erection of a 3no bedroom house adjoining existing dwelling with new entrance to side.

Applicant: Mr Andrew Carter

Officer: Christopher Wright 292097

Refused on 11/04/12 DELEGATED

1) UNI

The development would, by reason of the limited plot size, prominent siting at the corner of a junction between two roads, irregular plan form, roof shape, design and appearance, have a cramped appearance and an unbalanced and incongruous visual relationship with the existing pair of semi-detached houses to which it would be attached, and would be out of keeping with the pattern and character of existing development and would be unduly dominant and occupy space to the side of the existing house which should remain open in respect of existing established building lines. As such the proposal would be detrimental to visual amenity and would have a harmful impact on the street scene and the character and appearance of the local area, contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The proposal seeks to construct a new dwelling on land which is previously undeveloped and in order to meet the requirements of policy SU2 of the Local Plan and SPD08: Sustainable Building Design, the proposal should achieve a minimum of Level 5 of the Code for Sustainable Homes. This represents minimal net increase in use of energy and emissions generation in respect of the Greenfield status of the existing land. The application proposes to meet Level 3 of the Code for Sustainable Homes and this is insufficient to meet policy requirements.

BH2012/00501

41 Broad Rig Avenue Hove

Erection of a single storey side extension.

Applicant: Mr Stephen & Mrs Lesley Grey

Officer: Robert McNicol 292322

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 224.12.03 and 224.12.04 received on 5 April 2012.

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

BH2012/00624

51 Dale View Hove

Certificate of Lawfulness for a proposed hip to gable roof extension incorporating a rear dormer and erection of single storey rear extension.

Applicant: Mr Billin & Ms Marchant

Officer: Helen Hobbs 293335

Approved on 24/04/12 DELEGATED

BH2012/00676

205 Elm Drive Hove

Removal of existing conservatory and erection of a single storey rear extension, incorporating 2no. velux rooflights and installation of new entrance steps from garden.

Applicant: Gerry White

Officer: Mark Thomas 292336

Approved on 19/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. 01 received on 24th February 2012.

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

NORTH PORTSLADE

BH2012/00620

60 Mile Oak Road Portslade

Certificate of lawfulness for proposed roof extension incorporating two dormers.

Applicant: Mrs Karveen Baines

Officer: Jason Hawkes 292153

Approved on 18/04/12 DELEGATED

BH2012/00642

10 Oakdene Rise Portslade

Certificate of lawfulness for proposed demolition of existing rear conservatory and erection of a single storey extension.

Applicant: Mrs Glynis Stanley

Officer: Robert McNicol 292322

Approved on 12/04/12 DELEGATED

1) UNI

Informatives:

1. This decision is based on drawing nos. 1202/OS/01, 1202/01, 1202/02 and 1202/03 received on 29 February 2012.

SOUTH PORTSLADE

BH2012/00025

1-5 Franklin Road Portslade

Demolition of existing car showroom and workshop and erection of 9 new dwellings.

Applicant: William S Frost Pension Plan

Officer: Guy Everest 293334

Approved on 25/04/12 DELEGATED

1) UNI

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

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

2) UNI

The development shall not be occupied until vehicle parking areas have been provided in accordance with approved drawing no. C-1132 (08) 04. The parking areas shall not thereafter be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate off-street parking provision is retained and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no first or second floor window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed to the south, east or western elevation of the rear (backland) terrace without planning permission obtained from the Local Planning Authority.

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

4) UNI

The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct

run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

5) UNI

The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

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

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

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

6) UNI

No development shall commence until the method of construction, in the form of an environmental management plan, to include the phasing of the development, and measures to control construction noise, vibration and dust emissions has been submitted to and approved in writing by the Local Planning Authority. All subsequent construction shall be undertaken in accordance with the approved details.

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

7) UNI

No development shall commence until details of obscure glazing to first floor window openings to the western elevation of the rear (backland) terrace have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and shall be thereafter be retained as such.

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

8) UNI

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 3 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

9) UNI

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

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

10) UNI

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

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

11) UNI

Notwithstanding the approved plans no development shall commence until details of the incorporation of Lifetime Home standards in the design of the hereby approved dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.

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

12) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 has been submitted to, and approved in writing by, the Local Planning Authority.

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

13) UNI

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

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

14) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

15) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. C-1132 (08) 01, C-1132 (08) 02, C-1132 (08) 03, C-1132 (08) 04 & C-1132 (08) 07 (with the exception of 'South Elevation 03') received on 5th January 2012; approved drawing no. C-1132 (08) 05 received on 13th January 2012; and approved drawings no. C-1132 (08) 06 A & C-1132 (08) 09 received on 30th March 2012.

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

BH2012/00177

Units 10 and 11 Victoria Road Portslade

Display of internally illuminated fascia sign and internally illuminated pylon sign (retrospective).

Applicant: MG Motor UK

Officer: Helen Hobbs 293335

Approved on 25/04/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

5) BH10.05

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

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

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

7) BH10.07

The illumination of the advertisement shall be non-intermittent.

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

BH2012/00325

Portslade Town Hall Victoria Road Portslade

Alterations including ramped access to East and West elevations, two storey extension enclosing new staircase to South elevation, change of use of first floor living accommodation to open-plan office and new dropped kerb and access gate.

Applicant: Brighton & Hove City Council

Officer: Adrian Smith 290478

Approved on 13/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new parking bays hereby permitted shall not be occupied until full details of the new gates have been submitted to and approved in writing by the Local Planning Authority.

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

4) UNI

The new parking bays hereby permitted shall not be occupied until the associated crossover has been constructed in accordance the Council approved Manual for Estate Roads and under licence from the Highway Operations Manager.

Reason: In the interest of highway safety and to comply with Local Plan policies TR1, TR7 and TR8.

5) UNI

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

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

6) UNI

If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

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

7) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 001, 004 & 006 received on the 6th February 2012; drawing no.002 received on the 17th February 2012; and amended drawing no.008A received on the 4th April 2012.

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

8) UNI

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

BH2012/00367

19 Foredown Drive Portslade

Erection of single storey front extension and replacement of felt roof to existing rear ground floor extension with new dual pitched roof.

Applicant: Mr & Mrs P Herring

Officer: Mark Thomas 292336

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings 'Proposed Elevations' and 'Proposed Ground Floor Plan' received on 9th February 2012.

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

BH2012/00652

3 South Street Portslade

Certificate of lawfulness for existing use as a hot food takeaway (A5)

Applicant: Mr Chi Chan

Officer: Mark Thomas 292336

Approved on 23/04/12 DELEGATED

HOVE PARK

BH2011/03509

7 Elm Close Hove

Erection of 1no five bedroom house. (Part Retrospective)

Applicant: Mr Tony Thomas

Officer: Clare Simpson 292454

Approved on 13/04/12 PLANNING COMMITTEE

1) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.ADC355/ 09A, 26 and 28B received on the 16th November 2011 and drawing no. ADC355/ 27F and 29F received on the 7th March 2012

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

2) UNI

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

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

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse(s) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

The approved scheme of landscaping shown on drawing number ADC355/09A and RW Green Method Statement received on the 16th November 2011 shall be maintained for a period of 5 years from the completion of the development and any trees or plants which within a period of 5 years from the completion of the

development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

5) UNI

The first floor rear windows shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

6) UNI

The cycle parking facilities outlined on the approved drawing ADC355/26 received on the 16th November 2011 shall be retained for use by the occupants of, and visitors to, the development at all times.

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

7) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

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

BH2012/00114

Park House Old Shoreham Road Hove

Demolition of former residential language school and erection of 5 storey block of 71 flats incorporating basement car park and surface car parking to provide 71 parking spaces, including landscaping and other associated works.

Applicant: Hyde Newbuild Limited

Officer: Christopher Wright 292097

Approved after Section 106 signed on 18/04/12 PLANNING COMMITTEE

1) UNI

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

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

2) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

3) UNI

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

4) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

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

5) UNI

The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

6) UNI

The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

7) UNI

Notwithstanding the drawings submitted, the development shall provide for a minimum of 7 disabled accessible parking spaces and these shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

8) UNI

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

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

9) UNI

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

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

10) UNI

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the

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

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

11) UNI

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

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

Reason: To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

12) UNI

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

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

13) UNI

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

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

14) UNI

Notwithstanding the drawings submitted, no development shall take place until the precise details of the canopy shelters, including materials, scale and design, over the surface disabled parking spaces hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

15) UNI

No development shall take place until the precise details of an alternative method of ventilation, such as passive or mechanical ventilation, for the rooms fronting Goldstone Crescent, Old Shoreham Road and Hove Park Gardens within the development hereby permitted, have been submitted to and approved in writing

by the Local Planning Authority.

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

16) UNI

No development shall take place until the precise details of a satisfactory visibility splay at the vehicular access to the site off Old Shoreham Road have been submitted to and approved in writing by the Local Planning Authority. Thereafter the visibility splays shall be maintained for the lifetime of the development.

Reason: In order to safeguard inter-visibility between motorists and pedestrians, in the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.

17) UNI

No development shall take place until a method statement providing the precise details of how the badger sett on site will be protected during the construction and successfully accommodated within the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of nature conservation and the safeguarding of a protected species and their habitat and in order to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

18) UNI

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

Reason: To enable the recording of any items of historical or archaeological interest, as the development is likely to disturb remains of archaeological interest, in accordance with requirements within policy HE12 of the Brighton & Hove Local Plan.

19) UNI

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve a minimum of Code level 4 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve a minimum of Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

20) UNI

i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:

- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and,

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c). If during development contamination not previously identified is found to be present at the site, no further development, unless otherwise agreed in writing by the local planning authority, shall be carried out until the developer has submitted, and obtained written approval from the local planning authority, for a method statement to identify, risk assess and address the unidentified contaminants.

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

21) UNI

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

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

22) UNI

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

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

23) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until 4 x bird and 4 x bat roosting boxes, which should be made from 'Woodcrete' or equivalent, and fixed

securely to the external walls of the building, have been provided.

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

24) UNI

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

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

25) UNI

The development hereby permitted shall be carried out in accordance with the approved Design and Access Statement; Planning Supporting Statement; Sustainability Checklist; Sustainability Report; Landscape Specification; One Hove Park Planning Application Supporting Documents; and drawing nos. Y023-001, Y023-001 Revision A, Y023-010 Revision F, Y023-012 Revision D, Y023-013 Revision D, Y023-014 Revision E, Y023-015 Revision E, Y023-017 Revision B, Y023-020 Revision E, Y023-050, OHP-ND-001, OHP-ND-002, OHP-ND-003 OHP-ND-004, J37.82/01 Revision B and J37.82/03 received on 17 January 2012; the Archaeological Desk-Based Assessment received on 18 January 2012; the Phase 1 Preliminary Contamination Assessment Report received on 6 March 2012; and drawing nos. Y023-011 Revision G, Y023-016 Revision F and Y023-021 Revision E received on 20 March 2012.

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

BH2012/00121

66 Benett Drive Hove

Erection of single storey rear extension with creation of lower ground floor garden room below.

Applicant: Mr P J Yard

Officer: Christopher Wright 292097

Refused on 23/04/12 DELEGATED

1) UNI

The proposed extension would, by reason of the design, scale, height and flat roof form, neither respond to the natural topography of the site nor would integrate or enhance the positive characteristics and design of the existing house. For these reasons the proposed is not considered to be appropriately designed in relation to the property to be extended and would have an unduly dominant and incongruous appearance that would be detrimental to visual amenity, contrary to the requirements of policies QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed extension would, by reason of the siting, scale and height, together with the raised level of the proposed rear balcony, have an unduly intrusive and overbearing impact on neighbouring occupants and would enable overlooking of neighbouring occupants resulting in loss of privacy. As such the proposal is contrary to the requirements of policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2012/00265

114 Nevill Avenue Hove

Certificate of Lawfulness for a proposed loft conversion incorporating dormer extension to side and rear elevations.

Applicant: Mr Gary Miles

Officer: Helen Hobbs 293335

Approved on 10/04/12 DELEGATED

BH2012/00342

42 Hill Drive Hove

Enlargement of existing front dormer and conversion of integral garage into habitable room.

Applicant: Mr S Durand

Officer: Helen Hobbs 293335

Refused on 23/04/12 DELEGATED

1) UNI

The proposed front dormer, by virtue of its bulk, size, positioning and inappropriate design would form an incongruous addition, and detrimental to the appearance of the building and the visual amenities enjoyed by neighbouring properties. The development is therefore contrary to policy QD14 the Brighton & Hove Local Plan and to Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions.

BH2012/00386

124 Woodland Drive Hove

Erection of two storey rear/side extension and conversion of garage into habitable accommodation.

Applicant: Mr Khalid Rafique

Officer: Clare Simpson 292454

Approved on 16/04/12 DELEGATED

1) BH01.01

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

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

2) BH12.01

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

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

3) UNI

The proposed side windows in the north elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

4) UNI

No works shall take place until full details of the proposed new window for the front elevation including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning

Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE6 of the Brighton & Hove Local Plan.

5) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.CH462/006, 007, 008, 009 received on the 13th February 2012.

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

BH2012/00396

19 Goldstone Crescent Hove

Erection of new dwelling behind existing garage fronting Goldstone Crescent.
Relocation of vehicular access from side of garage to front.

Applicant: Mrs Lucie Harding

Officer: Adrian Smith 290478

Approved on 11/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI

Other than the balcony areas identified in the approved drawings, access to the flat roofs to the dwelling hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as roof gardens, terraces, patios or similar amenity areas.

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

4) UNI

The trees which are to be retained, including specifically that identified as T13 in the accompanying Arboricultural Report, shall be protected to BS 5837 (2005), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the trees which are to be retained on site and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the tree identified as T14 in the accompanying Arboricultural Report shall be protected within the application site to BS 5837 (2005) as far as reasonably practicable.

Reason: To protect the trees which are to be retained on site and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

6) UNI

The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles in association with the approved dwelling.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1, TR19 and SPG4

7) UNI

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

- (a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and
- (b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

8) 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, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

9) UNI

All hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

10) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that it has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and

approved in writing by, the Local Planning Authority.

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

11) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

12) UNI

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

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

13) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing nos. TA596/01A, TA596/10A, TA596/11A, TA596/12A, TA596/13A & TA596/17A received on the 13th February 2012; and drawing nos. TA596/14B, TA596/15B, TA596/16B & TA596/18B received on the 28th March 2012.

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

14) UNI

The new dwelling shall be constructed to Lifetime Homes standards, with the exception of the construction of a stepped access from the car parking space to the dwelling with integrated power supply to enable the provision of a chairlift at a later date with no further structural alterations, to the satisfaction of the Local Planning Authority.

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

BH2012/00412

48 Hill Brow Hove

Erection of PVCu screen to side of decked area. (Retrospective)

Applicant: Mr Simon Lemcke

Officer: Mark Thomas 292336

Approved on 19/04/12 DELEGATED

BH2012/00472

28 Orchard Avenue Hove

Erection of single storey rear extension.

Applicant: Sean Ryan

Officer: Robert McNicol 292322

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) BH14.02

No development shall take place within the application site until the applicant has secured the maintenance of an on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings received on 20 February 2012.

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

BH2012/00503

5 Radinden Drive Hove

Demolition of existing conservatory and erection of single storey rear extension, erection of first floor extension to front elevation and alterations to balcony.

Applicant: Mr & Mrs M Grindell

Officer: Steven Lewis 290480

Approved on 16/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved Gerald Moore Architect drawings no. 1073/11/P/01B, 1073/11/P/02A, 1073/11/P/03 & 1073/11/P/04 received on 20/02/2012.

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

BH2012/00530

130 Old Shoreham Road Hove

Change of use from retail (A1) to restaurant and take away (A3/A5) with part re-cladding of existing building and associated parking alterations.

Applicant: Cascade Caterers Ltd

Officer: Clare Simpson 292454

Refused on 20/04/12 DELEGATED

1) UNI

The on-site disabled car parking provision is considered deficient in the number of spaces and those spaces which are provided are unacceptably restricted. The

development relies on car parking on an adjacent site outside of the control of the applicant. The application fails to demonstrate that the forecast demand generated from the proposed site can be accommodated within the site or on-street within close proximity to the site and not cause a detrimental highway impact. The proposal is therefore contrary to policies TR1, TR7, TR18, TR19 and Parking Standards SPG4

BH2012/00589

Rear of 25 Dyke Road Avenue Hove

Application for Approval of Details Reserved by Condition 18 of application BH2011/03093.

Applicant: Mr & Mrs S Hardman

Officer: Christopher Wright 292097

Approved on 12/04/12 DELEGATED

BH2012/00626

39 Orchard Gardens Hove

Erection of single storey side and rear extension.

Applicant: Mr Kevin Price

Officer: Christopher Wright 292097

Approved on 25/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved design and access statement and drawing nos. 0130/PA/001,

0130/PA/101, 0130/PA/102 and 0130/PA/103 received on 1 March 2012.

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

BH2012/00729

30 Woodland Avenue Hove

Erection of single storey side/rear extension.

Applicant: David Mates

Officer: Clare Simpson 292454

Approved on 12/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing (un-numbered) received on the 7th March 2012.

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

BH2012/00735

2 Tongdean Place Hove

Erection of single storey side and rear extensions.

Applicant: Mr Dave Roberts

Officer: Clare Simpson 292454

Approved on 23/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.AL-100, 106, 107, 108 109, 110, received on 9th March 2012.

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

BH2012/00743

49 Hill Drive Hove

Alterations to front and part side boundary wall and gate including rendering and glazed infill panels.

Applicant: Mr & Mrs R Starr

Officer: Clare Simpson 292454

Approved on 25/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 0072.PL.101 received on 9th March 2012.

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

BH2012/00808

109 Old Shoreham Road Hove

Certificate of lawfulness for a proposed roof conversion incorporating rear dormer and hip to barn end style gable, 2no front rooflights and new side window.

Applicant: Mr Alistair Sinclair

Officer: Steven Lewis 290480

Approved on 12/04/12 DELEGATED

WESTBOURNE

BH2012/00349

1 Coleridge Street Hove

Certificate of Lawfulness for existing use as a cafe/hot food take-away.

Applicant: Mr Shaun Dyke

Officer: Mark Thomas 292336

Approved on 18/04/12 DELEGATED

BH2012/00500

2 - 6 Pembroke Crescent Hove

Application for removal of Condition 5 of application BH2011/03851 (Conversion of existing care home to form 2no four bed semi-detached dwelling houses and 1no six bed dwelling house and associated works) which states that unless otherwise agreed in writing by the Local Planning Authority, the garage located adjacent to No.6 Pembroke Crescent shall be used solely for the parking of vehicles for the benefit of No.2 Pembroke Crescent.

Applicant: Mrs Beverley Ouanounou

Officer: Adrian Smith 290478

Approved on 19/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

Notwithstanding the details shown on drawing no.03 received on the 19th December 2011, all new and replacement windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such.

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

4) UNI

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

5) UNI

The dwelling at No.2 Pembroke Crescent hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the house at No.2 Pembroke Crescent, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

6) UNI

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

- (a) evidence that the development is registered with the Building Research Establishment (BRE) under Ecohomes (or an equivalent or successor assessment tool) and a Design Stage Assessment Report showing that the development will achieve an Ecohomes Refurbishment rating for all residential units have been submitted to the Local Planning Authority; and
- (b) a BRE issued Design Stage Certificate demonstrating that the development has achieved an Ecohomes Refurbishment rating for all residential units has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved an Ecohomes Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

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

8) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

9) UNI

The development hereby permitted shall be carried out in accordance with the approved site plan, block plan and drawing nos. 03 & 04 received on the 19th December 2011.

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

10) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the garage located adjacent to No.6 Pembroke Crescent and detailed on drawing no.03 received on the 19th December 2011 shall be used solely for the parking of vehicles for the benefit of No.6 Pembroke Crescent.

Reason: For the avoidance of doubt to ensure an adequate level of parking provision and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

BH2012/00536

145 Westbourne Street Hove

Alterations to ground floor rear fenestration.

Applicant: Mr Jon Gillman

Officer: Helen Hobbs 293335

Approved on 23/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 14901.10 received on 27th February 2012.

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

BH2012/00606

5 St Philips Mews Hove

Erection of a single storey side extension.

Applicant: Mr K Paul

Officer: Jason Hawkes 292153

Approved on 17/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

No development shall commence until pruning works to affected trees have been completed. All pruning works shall be carried out in full in accordance with the requirements of BS 3998 (2010) Recommendations for Tree Work.

Reason: To protect the trees in the vicinity of the site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

4) UNI

No development shall commence on site until a scheme which provides for the retention and protection of adjacent trees has been submitted to and approved by the Local Planning Authority. The scheme shall include protective fencing for the adjacent trees and shall be implemented in strict accordance with the agreed details.

Reason: To protect the trees in the vicinity of the site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

5) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no.01, 02, 04, 05, 06, 08, 09, 10 & 11/1201528 received on 29th February 2012.

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

BH2012/00738

7 Princes Crescent Hove

Non Material Amendment to BH2011/03091 to blank window panels amended to windows.

Applicant: Southdown Housing Association

Officer: Robin Hodgetts 292366

Approved on 05/04/12 DELEGATED

WISH

BH2011/02395

53-55 Boundary Road Hove

Application for Approval of Details Reserved by Condition 4 of application BH2010/03350.

Applicant: Roseview Homes Limited

Officer: Guy Everest 293334

Refused on 10/04/12 DELEGATED

1) UNI

Refuse to approve the details reserved by condition 5 of application BH2011/02080 for the following reason:

In order to discharge condition 5 a BRE EcoHomes Design Stage Certificate is required. This information has not been submitted and the condition states a pre-assessment indicator will not be acceptable.

BH2012/00133

26 Kingsway Hove

Erection of side and rear extension at basement and ground floor levels. (Part retrospective)

Applicant: Mr Vic Marchant

Officer: Mark Thomas 292336

Refused on 23/04/12 DELEGATED

1) UNI

Policy QD14 of the Brighton & Hove Local Plan requires that all extensions and alterations are well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area. The proposed extension would represent a bulky and incongruous addition which would dominate the rear elevation indicative of a n overextension of the recipient property. The proposed development is therefore considered to be contrary to policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

Policy QD27 seeks to ensure that development does not result in the loss of amenity to existing or future residents. The proposed alterations to the existing extension would still result in a substandard level of amenity space provision for a family dwelling. The proposed development would therefore result in unsatisfactory living conditions for existing and future occupiers and it would be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2012/00270

149 Portland Road Hove

Installation of condenser unit on flat roof of rear extension.

Applicant: The Royal Bank of Scotland Group

Officer: Mark Thomas 292336

Approved on 13/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

Noise associated with the external air conditioning installation hereby permitted shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS4142:1997. In addition, there should be no significant low frequency tones generated.

Reason: In order to safeguard the amenity of neighbouring residents from noise disturbance and in order to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawing no. RBS-GTP-02A and product specification document received on 17th February 2012.

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

BH2012/00343

19 Roman Road Hove

Certificate of lawfulness for proposed conversion of 2no flats to a single dwelling house.

Applicant: High Life Portfolios

Officer: Jason Hawkes 292153

Approved on 16/04/12 DELEGATED

BH2012/00383

61 Worcester Villas Hove

Certificate of lawfulness for proposed loft conversion incorporating rooflights to front and dormer to rear.

Applicant: Fiona Bauermeister

Officer: Christopher Wright 292097

Approved on 16/04/12 DELEGATED

BH2012/00415

40 Welbeck Avenue Hove

Certificate of lawfulness for a proposed loft conversion incorporating a hip to gable roof extension, dormer to side roof slope and 3no rooflights. In-fill of existing porch, alterations to existing ground floor kitchen extension and conversion of garage into habitable space.

Applicant: Mr & Mrs Van Gompel

Officer: Christopher Wright 292097

Approved on 16/04/12 DELEGATED

BH2012/00416

40 Welbeck Avenue Hove

Erection of conservatory extension with lantern light to rear.

Applicant: Mr & Mrs Van Gompel

Officer: Christopher Wright 292097

Approved on 16/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the approved location plan, block plan and drawing no. 01 received on 14 February 2012; and drawing no. C02 received on 21 February 2012.

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

BH2012/00441

257 New Church Road Hove

Display of internally-illuminated fascia and hanging signs and non-illuminated entrance door sign.

Applicant: RBS Banking Group

Officer: Guy Everest 293334

Approved on 10/04/12 DELEGATED

1) BH10.01

This consent shall expire 5 years from the date of this notice whereupon the signage shall be removed and any damage repaired unless further consent to display has been given by the Local Planning Authority.

Reason: To accord with Regulation 14(7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of amenity and public safety.

2) BH10.02

Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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

3) BH10.03

Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

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

4) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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

5) BH10.05

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

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

6) BH10.06

No advertisement shall be sited or displayed so as to-

- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

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

7) BH10.07

The illumination of the advertisement shall be non-intermittent.

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

BH2012/00463

Magnet Ltd Basin Road North Portslade

Rendering of front elevation.

Applicant: Magnet Ltd

Officer: Guy Everest 293334

Approved on 10/04/12 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall be carried out in accordance with the approved 1:1250 site plan and approved drawings no. 12053-100, 12053-101, 12053-0102 A & 12053-104 A received on 1st March 2012.

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

BH2012/00569

Flat 1 4 Wish Road Hove

Installation of replacement white upvc windows to front and side of ground floor flat.

Applicant: Mr Alistair Wylie

Officer: Robert McNicol 292322

Approved on 12/04/12 DELEGATED

BH2012/00601

68 Braemore Road Hove

Certificate of Lawfulness for proposed hip to gable roof extension with rear dormer and two rooflights on front elevation.

Applicant: Mr Richard Geary

Officer: Robert McNicol 292322

Approved on 25/04/12 DELEGATED

BH2012/00651

70 Braemore Road Hove

Erection of single storey rear extension.

Applicant: Mr John Rose

Officer: Steven Lewis 290480

Approved on 24/04/12 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

The extension hereby permitted shall be constructed in conjunction with that approved at No.68 Braemore Road under planning permission BH2012/00600 and shall not be occupied until both are complete.

Reason: The Local Planning Authority considers that this development would cause unacceptable detriment to the amenities of the occupiers of the attached property at No.68 Braemore Road, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, unless built in conjunction with the associated rear extension approved under planning permission BH2012/00600.

4) UNI

The development hereby permitted shall be carried out in accordance with the approved Beecham Moore Partnership drawings no. 2290/01 & 2290/02 received on 01/03/2012.

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

PLANS LIST 16 May 2012

BRIGHTON AND HOVE CITY COUNCIL

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

PRESTON PARK

Application No: BH2012/00880
37 Beaconsfield Villas, Brighton

Fell 2no Sycamore (T2 and T6) (dead, poor form, little public amenity value).

Applicant: Mr Eric Horne
Approved on 19 Apr 2012

Application No: BH2012/00881
37 Beaconsfield Villas, Brighton

5no Sycamores (T1, T3, T4, T5 and T7) - prune. 1no Fir (T8) - prune. 1no Fir (T9) - prune the top half off. 1no Bay (T10) - prune.

Applicant: Mr Eric Horne
Approved on 19 Apr 2012

REGENCY

Application No: BH2012/01025
7 Montpelier Terrace, Brighton

Fell 1no Elm (causing actual structural damage).

Applicant: Mr Stephen Lawrence
Approved on 11 Apr 2012

WITHDEAN

Application No: BH2012/00883
12 Clermont Terrace

1no Prunus - lift crown from 12ft (above ground level) and cut two branches overhanging No 11.

Applicant: Ms Debbie Allen

Approved on 11 Apr 2012

Application No: BH2012/01037
29 Harrington Villas, Brighton

Fell 1no Leylandii (T2) and 1no Cypress (T3)

Applicant: Mr O'Flanagan
Approved on 19 Apr 2012

Application No: BH2012/01039
29 Harrington Villas, Brighton

1no Cypress (T1) - remove dead and diseased wood, tidy stubs, trim back overhang from neighbour's garden retaining healthy growth, reduce back branches growing towards (T4) to separate crowns and reduce down the taller spires growing over/towards rear garden of 36 Harrington Rd. 1no Cypress (T4) - remove dead and diseased wood, tidy stubs, sever ivy, lightly trim back overhang from neighbouring properties retaining healthy foliage and reduce back branches growing towards (T1) to separate crowns. 1no Lilac - prune. 1no Sumach – prune.

Applicant: Mr O'Flanagan
Approved on 19 Apr 2012

QUEEN'S PARK

Application No: BH2012/01032
16 College Terrace

Fell 2no Sycamores (causing actual structural damage).

Applicant: Nicky Goodman
Approved on 18 Apr 2012

BRUNSWICK AND ADELAIDE

Application No: BH2012/00877
Flat 1, 36 Wilbury Road, Hove

1no Lime - repollard to fence level

Applicant: Mr James Cox
Approved on 19 Apr 2012

CENTRAL HOVE

Application No: BH2012/01059
6 Albany Villas, Hove

3no Limes - cut back face and reduce height by approx 6 feet

Applicant: Lesley Baker
Approved on 18 Apr 2012

