





**Brighton & Hove  
City Council**

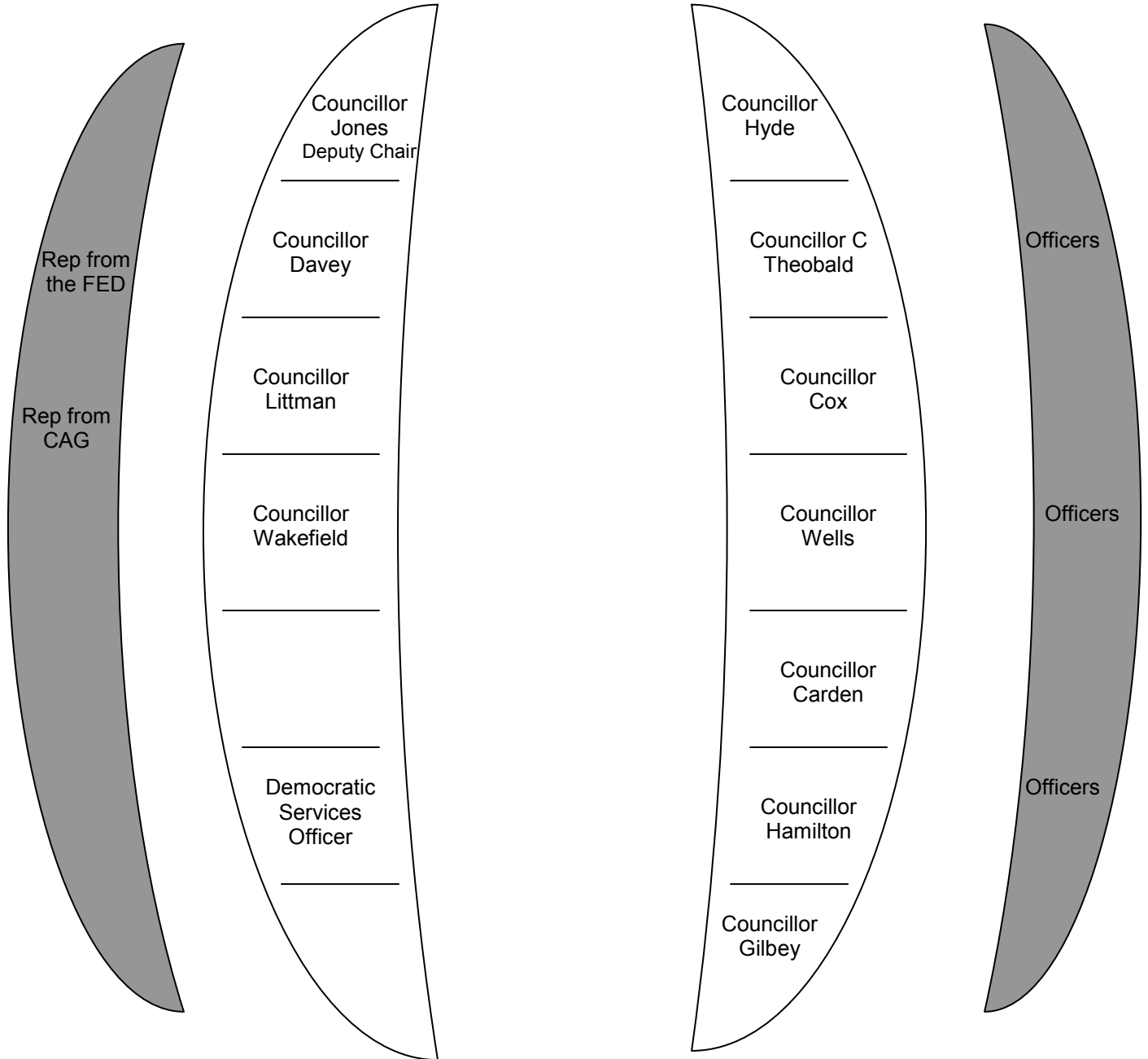
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>17 July 2013</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<p><b>Councillors:</b> Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, C Theobald, Wells and Wakefield</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group) and Chris Kift (The FED Centre for Independent Living)</p>
Contact:	<p><b>Ross Keatley</b> Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gov.uk</p>

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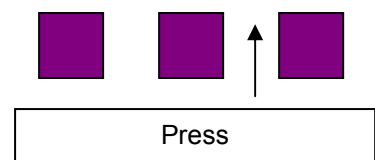
# Democratic Services: Planning Committee

Senior Solicitor	Councillor Mac Cafferty Chair	Head of Development Control	Presenting Officer
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Public Speaker	Public Speaker
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Public Seating



## AGENDA

### 25. 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

- (a) Disclosable pecuniary interests not registered on the register of interests;
- (b) Any other interests required to be registered under the local code;
- (c) Any other general interest as a result of which a decision on the matter might reasonably be regarded as affecting you or a partner more than a majority of other people or businesses in the ward/s affected by the decision.

In each case, you need to declare

- (i) the item on the agenda the interest relates to;
- (ii) the nature of the interest; and
- (iii) whether it is a disclosable pecuniary interest or some other interest.

If unsure, Members should seek advice from the committee lawyer or administrator preferably before the meeting.

(d) All Members present 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.*

### 26. MINUTES OF THE PREVIOUS MEETING

1 - 14

Minutes of the meeting held on 26 June 2013 (copy attached).

## PLANNING COMMITTEE

### 27. CHAIR'S COMMUNICATIONS

### 28. PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 10 July 2013.

### 29. PLANNING ENFORCEMENT YEARLY REPORT APRIL 2012- MARCH 2013 15 - 24

Report of the Executive Director of Environment, Development and Housing (copy attached).

### 30. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

### 31. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

#### MAJOR APPLICATIONS

#### A. BH2012/03872 - Brighton Station, Queen's Road, Brighton - 25 - 54 Planning Permission

Erection of three storey building to provide cycle storage, ancillary shower/changing facilities, cycle shop, café, cycle repair outlet and cycle hire.

**RECOMMENDATION – GRANT**

*Ward Affected: St Peter's & North Laine*

#### B. BH2013/01242 - Brighton Racecourse, Race Hill, Brighton - 55 - 78 Full Planning Permission

Permanent use of land for park and ride facilities for up to 700 cars in conjunction with outdoor events (no more than 50 per year) at the American Express Community Stadium Falmer.

**RECOMMENDATION – GRANT**

*Ward Affected: East Brighton*

## PLANNING COMMITTEE

- C. BH2013/01110 - Wholesale Market, Circus Street, Brighton - 79 - 94  
Full Planning Permission**

Change of use for temporary period of two years from wholesale market (sui generis) to mixed use scheme consisting of community garden (D2), arts and cultural activities (D1) and business enterprise pods (B1) for local start up firms, incorporating removal of part of roof structure to allow for provision of community garden.

**RECOMMENDATION – GRANT**

*Ward Affected: Queen's Park*

- D. BH2013/01318 - 154-155 Edward Street, Brighton - Full 95 - 112  
Planning Permission**

Change of use from offices (B1) to education (D1).

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Queen's Park*

### MINOR APPLICATIONS

- E. BH2012/03335 - Dorothy Stringer School, Loder Road, 113 - 122  
Brighton - Full Planning Permission**

Erection of single storey modular classroom

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Withdean*

- F. BH2013/01223 - The Mill House Public House, 131 Mill Lane, 123 - 134  
Portslade - Full Planning Permission**

Erection of single storey rear extension with associated external alterations.

**RECOMMENDATION – GRANT**

*Ward Affected: South Portslade*

- G. BH2013/01447 - Essex Place, Montague Street, Brighton - 135 - 144  
Full Planning Permission**

Removal of brick balconies and enclosure with UPVC double glazed windows. Replacement of existing windows with UPVC double glazed windows to North and East elevations. Installation of insulated render cladding, new rising gas mains pipe work and associated external alterations.

**RECOMMENDATION – GRANT**

*Ward Affected: Queen's Park*

## PLANNING COMMITTEE

- H. BH2013/00307 - 81 Trafalgar Street, Brighton - Full Planning Permission 145 - 152**  
Installation of extraction flue with roof mounted cowl.  
(Retrospective).  
**RECOMMENDATION – GRANT**  
*Ward Affected: St Peter's & North Laine*
- I. BH2013/01470 - 41 Park Crescent, Brighton - Householder Planning Permission 153 - 164**  
External alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation and alterations to fenestration.  
**RECOMMENDATION – GRANT**  
*Ward Affected: St Peter's & North Laine*
- J. BH2013/01469 - 41 Park Crescent, Brighton - Listed Building Consent 165 - 176**  
Internal and external alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation, alterations to fenestration and reinstatement of internal stairs between ground and basement levels.  
**RECOMMENDATION – GRANT**  
*Ward Affected: St Peter's & North Laine*
- K. BH2013/00588 - 31 Old Shoreham Road, Hove - Full Planning Permission 177 - 190**  
Demolition of existing house and erection of 6no bedroom detached dwelling  
**RECOMMENDATION – REFUSE**  
*Ward Affected: Hove Park*
- L. BH2013/01403 - Stag Inn, 33 Upper Bedford Street, Brighton - Full Planning Permission 191 - 208**  
Demolition of existing public house (A4) and construction of a new 3 storey building comprising 9 one, two and three bedroom residential units with office space (A2) on the ground floor.  
**RECOMMENDATION – GRANT**  
*Ward Affected: Queen's Park*

## PLANNING COMMITTEE

- 32. 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

- 33. APPEAL DECISIONS** **209 - 244**  
(copy attached).
- 34. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **245 - 248**  
(copy attached).
- 35. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **249 - 250**  
(copy attached).
- 36. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** **251 - 256**  
(copy attached).
- 37. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** **257 - 402**  
(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.

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

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

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

WEBCASTING NOTICE

## PLANNING COMMITTEE

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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](mailto:ross.keatley@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 9 July 2013



### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 26 JUNE 2013

#### COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, C Theobald and Wells

**Co-opted Members:** Mr Helmut Lusser (Conservation Advisory Group)

**Officers in attendance:** Paul Vidler (Deputy Development control Manager), Zachary Ellwood (Area Planning Manager), Christopher Wright (Planning Officer), Paula Goncalves (Senior Planning Officer), Liz Hobden (Local Development Framework Team Manager) Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Officer).

#### PART ONE

#### 13. PROCEDURAL BUSINESS

##### 13a Declarations of substitutes

13.1 Mr Lusser was present in substitution for Mr Gowans.

##### 13b Declarations of interests

13.2 Councillor Wells declared an interest in relation to Application F, 68 Crescent Drive South, Brighton as he had a family connection with the applicant and owner. He stated he would withdraw from the meeting during the consideration and vote on this application.

##### 13c Exclusion of the press and public

13.3 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.

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

#### 14. **MINUTES OF THE PREVIOUS MEETING**

- 14.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 5 June 2013 as a correct record.

#### 15. **CHAIR'S COMMUNICATIONS**

- 15.1 It was noted that the Council's Food Growing Planning Advice Note had been highly commended at the South East Centre for the Built Environment Awards 2013. There would a second session of the 6 monthly mandatory training to be held on 23 July at 10 a.m. in the Council Chamber, Hove Town Hall.

#### 16. **PUBLIC QUESTIONS**

- 16.1 There were none.

#### 17. **TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

- 17.1 There were none.

#### 18. **TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

##### **Major Applications**

- A. BH2013/00293 - Land West of Redhill Close, Brighton - Removal or Variation of Condition** - Application for variation of conditions 8 and 13 of application BH2010/00692 (Outline application for 31 dwellings (0.62 ha) with public open space (2.11 ha) and approval of reserved matters for layout, access and landscaping) to change the wording within the condition to state that the development will achieve a Sustainable Homes Code Level 4 rather than Level 5 in respect of plots 1-14 and block 1.

- (1) The Area Planning Manager, Zachary Ellwood, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. Outline planning permission had been granted in 2011, and at that time it had been conditioned that all 31 of the units would meet Code Level 5 for sustainability; this application sought to amend that condition such that 18 of the units would be able to meet a Code Level 4. It was noted that those units still able to meet Level 5 would be those with southerly facing roofs where the installation of photovoltaic panels would be most effective. It was outlined in the report that the Sustainability Officer was satisfied with the amended condition for the remaining 18 units, and it was expected that these units would achieve a high Code Level 4. The site would contain 12 affordable homes units, and 8 of these would be Code Level 5. It was explained that the detailed design of the scheme would form part of the reserved matters application. It was noted that

the position of the units was set out in the outline planning permission, and a minor amendment to Conditions 8, 9, 14 & 15 was suggested to explicitly state which units would be Code Level 5. The application was recommended to be minded to grant for the reasons set out in the report.

### **Public Speakers and Questions**

- (2) Councillor Ann Norman spoke in objection to the scheme in her capacity as the Local Ward Councillor. She extended her thanks to the applicants for keeping the local Ward Councillors updated about developments with the application, and went on to highlight some of the concerns of local residents in relation to the access to the site from Redhill Drive, and the potential impact of visitor parking in the area. There was also some concern expressed about the potential future of the green space, and it was felt that the units should adhere to the sustainability level agreed in the original outline planning permission.
- (3) Mr Andrew Munton spoke on the behalf of the applicant, and noted the Code Level 5 for sustainability had been agreed at the outline stage; however, following work on the reserved matters application it was apparent that there was inadequate roof space on some of the units to include the necessary amount of photovoltaic panels to reach Code Level 5. The applicant had explored other sustainable system to achieve Code Level 5, but none would be as effective. The proposed changes had been fully assessed by the Council's Sustainability Officer to maximise what could be achieved on the site, and the amendment was considered acceptable.
- (4) Councillor Cox asked for information on when the applicant proposed to commence the scheme; in response the Chair advised that the commencement of work was not a material planning consideration, and pointed to the relevant conditions in the report in relation to commencement.
- (5) Councillor Hamilton asked for further information on why Code Level 5 was not achievable on some of the units, and in response Mr Munton explained that this was in relation to the orientation of the dwellings and the amount of panels that could be put on each roof that would be effective.
- (6) Councillor Hyde went on to ask if the roofs could be orientated differently, and Mr Munton explained that the citing of the units was set out in the outline permission, and the amount of roof space was limited so that only so many panels could be placed on each roof.
- (7) Councillor Carol Theobald asked for more information in relation to the orientation, and also about the provision for the Scout hut. In response Mr Munton reiterated that the problem related mainly to the amount of roof space available on each unit; he explained that part of the application sought the transfer of land in relation to the Scout hut and funds to improve the facility.
- (8) Councillor Jones asked why the problems in relation to achieving Code Level 5 had not been apparent at the stage of the application for the outline permission. Mr Munton then explained that when the site had been purchased an assessment had been undertaken and the developers were confident of achieving Code Level 5; he

explained the sustainability coding was banded and it was only the exclusion of the photovoltaic panels that made the difference between Code Levels 4 & 5.

### Questions for Officers

- (9) Before the Committee asked questions the Area Planning Manager confirmed that the roof space of the units was already set by the outline permission, and could not be altered, and the completion timescales were set out in Condition 1 of the report.
- (10) Councillor Davey asked for more information in relation to the banding of the sustainability codings, and in response the Senior Planning Officer. Paula Goncalves, outlined how the levels were banded, and explained that the proposal outlined would be for a high Code Level 4.
- (11) Councillor Cox asked about the dates in the report for the commencement of the scheme, and Officers explained that the commencement would be the same as in the outline permission; this was set nationally for outline consents.
- (12) Councillor Carol Theobald asked if it would be possible for the scheme to achieve a Code Level 5 for all of the units; in response the Sustainability Officer explained that this would be possible with a different design or set of circumstances, but Officers considered the scheme put forward was a reasonable compromise.

### Debate and Decision Making Process

- (13) Councillor Carol Theobald stated the issues in relation to the achievability of the Code Level 5 should have been worked out in advance of the outline planning permission.
- (14) A vote was taken and planning permission was granted on a vote of 8 to 1 with 1 abstention.

18.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to be **MINDED TO GRANT** planning permission subject to: the variation of the Section 106 Obligation dated 13 May 2011 to refer to the current application, the Conditions and Informatives set out in section 11 of the report; the amended conditions set out below and the additional informative set out below.

- 8. No residential development pursuant to plots 15-22 (inclusive) or Block 2 (plots 27-31) shall commence until a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that development achieves Code Level 5 for these 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. No residential development pursuant to plots 1-14 (inclusive) or Block 1 (plots 23-26) shall commence until a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that development achieves Code Level 4 for these 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. Plots 15-22 (inclusive) and Block 2 (plots 27-31) shall not be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that these residential units have achieved a Code for Sustainable Homes rating of Code Level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

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

15. Plots 1-14 (inclusive) and Block 1 (plots 23-26) shall not be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that these residential units have 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.

Additional informative:

- i. In respect of conditions 9 & 15 of the permission hereby granted, the Local Planning Authority expects the residential units on Plots 1 to 14 (inclusive) and Block 1 (plots 23-26) to achieve a minimum of 76 points overall in the Code for Sustainable Homes assessment.

**Note:** Councillors Littman and Wakefield were not present at the meeting.

**Minor Applications**

- B. **BH2013/00848 - The Hyde, 95 Rowan Avenue, Hove- Full Planning Permission -** Construction of 5no. four bedroom houses and access road off Rowan Avenue with associated works including car parking.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.

- (2) The Case Officer, Christopher Wright, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The proposals related to a plot of land to the rear of no.57 to 81 Rowan Avenue, and the plot was accessible from an extended roadway. Historically the land had belonged to the nearby sports and social club; this had been demolished leaving behind a former playing field and the surface car park. The properties proposed on the site would be of a traditional form with pitched roofs; the fenestration would be aluminium, coloured grey and there would be painted render walls. Each of the properties would have refuse and cycle storage at the back which could be accessed by a gate, and none of the properties would have side windows to mitigate any overlooking. There would also be tall boundary planting between the site and the rear gardens that abutted it. The majority of the site was greenfield and the applicant had offered a Code Level 5 for sustainability. It was the view of the Officers that the applicant had made a satisfactory case for residential development on the site, and the form and scale of the proposals was appropriate given the location. It was also considered that there would be no significant adverse impact on neighbouring amenity, and the impact of the transport was acceptable. The application was recommended for approval for the reasons set out in the report.

#### **Questions for Officers**

- (3) Councillor Davey asked for more information in relation to the boundary between the site and the existing residential properties behind, and it was explained that the application proposed additional planting on the western boundary, and there was a condition that the landscaping be submitted and approved.
- (4) Councillor Jones asked for more information on how the developer proposed to meet Code Level 5 for sustainability, and in response it was explained that it was a policy requirement on this kind of site; the site plan also showed that the north to south orientation of all the houses allowed for effective use of photovoltaic panels.
- (5) Councillor Hyde asked specific questions about the amount of parking on the site, and it was explained that the amount of parking set out in SPG 4 was a maximum requirement, and as what was proposed here was less than the maximum it was deemed acceptable.
- (6) Councillor Gilbey asked more information about the access way and footway for the site. In response it was explained that the report recommended this be widened to 1.3 metres. Councillor Hyde had further queries, and it was explained that some of the carriageway was currently not in an adoptable condition, and the report addressed this matter through condition.
- (7) It was confirmed for Councillor Carol Theobald that there would be sufficient space on the site to allow cars to enter and exit in forward gear.

#### **Debate and Decision Making Process**

- (8) Councillor Hyde expressed concerns about the potential overflow of parking from the site, but went on to state that the development was appropriate; would provide family

homes; there would be no overlooking and she would be supporting the Officer recommendation.

- (9) Councillor Jones noted that the site was 'awkward' but he welcomed this kind of development where there was minimal impact on wildlife, and it was a good use of the land.
- (10) Councillor Carol Theobald noted that the proposal was 'neat' and would be an improvement on what was currently there.
- (11) A vote was taken and planning permission was unanimously granted.

18.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves it is **MINDED TO GRANT** planning permission subject to the section 106 Obligation, Conditions and Informatives set out in section 11 of the report.

**Note:** Councillors Littman and Wakefield were not present at the meeting.

**C. BH2012/04035 - 43 Russell Square, Brighton - Full Planning Permission** - Change of use from single dwelling (C3) to House in Multiple Occupation (Sui Generis) on upper floors and 1 no. one bedroom basement flat. Alterations including increased roof height of rear extension and provision of slate roof. (Part Retrospective).

- (1) This application was deferred.

**D. BH2013/01366 - 35 Uplands Road, Brighton - Full Planning Permission** - Change of use from single dwelling (C3) to House in Multiple Occupation (C4).

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was noted that this was the first application since the introduction of the new Article 4 Direction to come before the Committee. The proposals included the creation of a fourth bedroom on the ground floor. The application had been extended to the side, and it was noted that there was off street parking, and the area was not part of a controlled parking zone (CPZ), but there was some concern from local residents in relation to parking. The small front garden was also considered appropriate for storage of refuse and recycling; there was also potential space on the site for secure cycle storage, but full details of this would be necessary before occupation. The application had been assessed against policy CP21 from the emerging City Plan as the adopted Local Plan was silent on the matter of HMOs; the policy sought to prevent over intensification, and it had been demonstrated that an HMO in this location was in line with policy. The application was recommended for approval for the reasons set out in the report.

#### **Questions for Officers**

- (2) It was confirmed for Councillor Davey that there would be no physical alterations to the outside of the building.

- (3) It was confirmed for Councillor Gilbey that the location of refuse and recycling storage would be secured through condition before occupation.
- (4) Councillor Hyde stated that she was of the view that the policy had sought to protect family homes from being turned into HMOs, but it was instead being used to justify the introduction of a small HMO. In response Officers explained that the policy sought to control the number of HMOs and give the Council an opportunity to assess the proposals.
- (5) It was confirmed for Councillor Gilbey that the application would allow no more than six people to live in the premises.

#### **Debate and Decision Making Process**

- (6) Councillor Carol Theobald stated that she thought the application was step backwards, and the property should be retained as a family home.
- (7) A vote was taken and planning permission was granted on a vote of 8 to 1 with 1 abstention.

- 18.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

**Note:** Councillors Littman and Wakefield were not present at the meeting.

- E. BH2013/01106 - 40-42 Upper St James's Street, Brighton - Full Planning Permission** - Erection of a two storey extension creating additional second and third floors. Creation of 2no flats at second and third floor levels.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The property currently comprised a Thai Restaurant with a residential flat above, and the shop frontage wrapped around the corner. The application sought to add two additional storeys to create a three bedroom flat and a two bedroom flat; it was also noted that the third floor would be inset to allow it to better protect neighbour amenity, it was noted that the proposals matched the building height that was present generally in the area, and the proposed stepping up feature had also been used to mirror similar nearby features in the Conservation Area. Planning permission had been granted in 2004 for a similar scheme, but had since lapsed. In relation to neighbour impact it was noted that the only affected windows were secondary or non-habitable, and there was a reasonable level of light due to the existing distances between buildings. It was also noted that two storey buildings were not the normal feature along this stretch of road. The Heritage Team were satisfied that the design was sensitive and would mirror existing features, and the previously approved scheme was a material consideration. The application was recommended for approval for the reasons set out in the report.

#### **Questions for Officers**



- (2) It was confirmed for Councillor Hyde that the distance between the flank walls would be 2.9 metres.
- (3) It was confirmed for Councillor Davey that the flat on the second floor would be a three bedroom, and the one of the third floor would be a two bedroom unit.
- (4) It was clarified for Councillor Cox that CAG were of the view that the application should be refused.
- (5) Councillor Carol Theobald asked about the impact on Wyndham Street, and Officers stated that this was considered a reasonable transition in the area.

### **Debate and Decision Making Process**

- (6) Mr Lusser explained that CAG had discussed the application at length, and they felt it should be refused. He explained that there was a mixture of height and styles in the area, the row of terrace houses in Wyndham Street created an unbroken line of approximately eleven Grade 2 listed buildings, and it was the view of CAG that the character of these side streets should be protected. It was felt that the addition of two storeys would be out of character and excessive in terms of the impact on Wyndham Street.
  - (7) Councillor Carol Theobald stated that the development was one storey too many; would be out of proportion with Wyndham Street, and she would be voting against the Officer recommendation.
  - (8) A vote was taken and planning permission was granted on a vote of 9 to 1.
- 18.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 of the report.

**Note:** Councillors Littman and Wakefield were not present at the meeting.

### **F. BH2013/01482 - 68 Crescent Drive South, Brighton - Full Planning Permission -** Erection of front and rear extensions, loft conversion incorporating raising of ridge height, hip to gable roof extension, installation of rear balcony and rooflights.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application sought extensions to a bungalow to create a two storey property which would have a gable to the front and rear to accommodate two bedrooms both with en-suite facilities. Currently the front of the property had a low level hipped roof, and the proposal would be higher than the line of the existing pitched roof; adding additional bulk. The existing single storey conservatory at the rear would be replaced with a single extension to bring out the gabled roof further. It was considered that the application would create a huge

amount of increased bulk to form the substantial two-storey property. It was noted that the neighbouring property at no. 74 had also been extended, the building was larger and the extended roof was hipped away from the road; whereas the proposed extension would not follow the existing roofline. The properties on the other side of the street were much more substantial but they were of a different design; more set back and not read as part of the streetscape including the application property. Officers were of the view that the application would change the property so fundamentally it would be detrimental to the character of the street scene. The principal of some extension might be acceptable but it was felt the potential impact of this application was unacceptable in terms of the impact on the street scene because of the high gable. There had also been a previous application for a very similar scheme with more rooflights that had been refused under delegated powers, and was currently the subject of an appeal to the Planning Inspectorate. The application was recommended for refusal for the reasons set out in the report.

### **Public Speakers and Questions**

- (3) Miss Lucy Clifton-Sprigg spoke in support of the application in her capacity as the applicant and explained that the application sought to enlarge her family home to provide more space. The first application had been refused and the number of rooflights had been reduced to address the reasons for refusal. It was possible to create a large extension to the property under permitted development rights, but this option had not been pursued as it was felt it would lead to an unsightly property. The existing streetscene was varied; with a combination of large properties and smaller bungalows, and several of the bungalows had been extended in a similar way to what was set out in the application. Miss Clifton-Sprigg also explained that she has consulted neighbours and received no objections, and the application did not create any over-looking or loss of daylight for neighbouring properties. The application had been mindful of Planning Policy, and it felt the proposal could work within it.
- (4) Councillor Hyde referenced the visual aids provided by the applicant during her presentation, and sought clarification on the location of the extended properties shown.

### **Questions for Officers**

- (5) Councillor Hyde asked for more information on the large extension to the neighbouring bungalow, and it was explained that the extension had been granted permission in 2003, and the decision predating the currently adopted Local Plan and the policies contained within it.
- (6) Councillor Gilbey noted that the road was not as flat as it appeared in the photographs, and the difference in ridge height between the proposed scheme and the extended property was clarified.

### **Debate and Decision Making Process**

- (7) Councillor Hyde stated that she did not agree with the recommendation, and there were a number of examples in close proximity where the roofs had been raised; there was also a block of flats a few properties further along the street. She acknowledged that the proposed roof was large, but felt that this was still appropriate given the

context of similar extension in the street. She stated that she would be voting against the Officer recommendation.

- (8) Councillor Carol Theobald noted that there were already examples of this sort of extension in the street; she noted there were no objections from neighbours and she could see no problem with the scheme.
- (9) Councillor Mac Cafferty explained that he agreed with some of what Councillor Hyde had mentioned; acknowledging that there were different roof forms in the street, but also noting that the policies used to justify refusal were successfully upheld at appeals.
- (10) A vote was taken and the Officer recommendation to refuse was not carried on a vote of 4 to 4 with 1 abstention; as the vote was tied the Chair exercised his casting vote to defeat the Officer recommendation. Councillor Hyde proposed reasons for approval and these were seconded by Councillor Carol Theobald; a short adjournment was then held to allow Councillor Mac Cafferty, Councillor Hyde, Councillor Carol Theobald, the Deputy Development Control Manager, the Senior Solicitor and the Area Planning Manager to draft the reasons for approval in full. These reasons were then read to the Committee, and it was agreed they reflected what had been put forward by Members. A recorded vote was then taken with the proposed reasons for approval and Councillors: Mac Cafferty, Hyde, Cox and Carol Theobald voted that planning permission be granted; Councillors: Carden, Davey, Gilbey and Hamilton voted that planning permission be refused and Councillor Jones abstained from the vote; as the vote was tied the Chair exercised his casting vote to carry the motion and the application was granted.

18.6 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation to refuse, but resolves to **GRANT** planning permission for the reasons set out below:

Reasons For Approval:

- i. The proposed development is in a locality which has a mixed form of development in terms of styles, size and design and a variety of building lines. The proposed development does not cause material harm to the street scene.

Conditions:

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

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

- ii. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing Floor Plan, Elevations and Sections. Location and Block Plans.	1312012/01		15/03/2013
Proposed Ground/First Floor	1312012/02		15/03/2013

Plans and Elevations.			
Proposed Sections AA & BB and Street scene Elevation.	1312012/03		15/03/2013

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

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

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

- 19.1 There were none.

**20. APPEAL DECISIONS**

- 20.1 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.

**21. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**22. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**23. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

- 24.1 That the Committee notes the details of applications determined by the Executive Director of Environment, Development and Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. 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 4.05pm

Signed

Chair

Dated this

day of



## PLANS LIST – 17 JULY 2013

<b>Subject:</b>	<b>Planning Enforcement Yearly Report April 2012- March 2013</b>
<b>Date of meeting:</b>	<b>17 July 2013</b>
<b>Report of:</b>	<b>Head of Planning and Public Protection</b>
<b>Contact officer:</b>	
<b>Name:</b>	<b>Aidan Thatcher Tel: 292031</b>
<b>Email:</b>	<b><a href="mailto:aidan.thatcher@brighton-hove.gov.uk">aidan.thatcher@brighton-hove.gov.uk</a></b>
<b>Ward(s) affected:</b>	<b>All</b>

### **1. SUMMARY AND POLICT CONTEXT:**

During the consultation period undertaken as part of the development of the Planning Enforcement Policy Document (PEPD), Members and residents expressed an interest in being informed about the progress and outcomes of enforcement investigations. As such, the PEPD requires an annual monitoring report to be presented to the Planning Committee.

### **2. RECOMMENDATIONS:**

That Members' note the contents of this report.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

The planning enforcement team has undergone significant change in the past 12 months. The previous Planning Investigations and Enforcement Manager Gerard McCormack left the authority in November 2012, with an interim manger in post until Aidan Thatcher took post in January 2013.

#### **Case load management within planning enforcement**

During the 2012-13 period a total of 729 cases have been closed following enforcement investigation which is a slight decrease of 93 cases from the previous year. There are currently 417 live enforcement investigations being managed by the team

In 37% of the cases closed, there was found to be no breach of planning control.

In 14% of cases closed, it was determined that it was not expedient to pursue formal enforcement proceedings, as the breach was minor and not causing unacceptable harm.

In 49% of cases there were breaches of planning which needed to be investigated and were significant.

Where there was found to be a significant breach of planning control, or where development was considered to be causing unacceptable harm, compliance was achieved in 85% of cases, before formal action was required.

## PLANS LIST – 17 JULY 2013

In 7% of all cases closed, compliance was achieved through the issuing of a formal enforcement notice.

The table below provides a comparison between this year and last as to the reasons why cases were closed.

	<b>No breach</b>	<b>Not expedient</b>	<b>Full Compliance</b>	<b>Compliance following notice</b>
<b>2012/13</b>	255 (37%)	95 (14%)	291 (42%)	52 (7%)
<b>2011/12</b>	294 (36%)	66 (8%)	419 (51%)	43 (5%)

### **Enforcement notices**

Serving an Enforcement Notice is the most common and most effective method of remedying unauthorised development when informal negotiation has not been successful. Enforcement notices are served early in an investigation when the breach of planning control is causing significant harm or where the transgressor has made it clear that they are unwilling to remedy the breach. The transgressor has the right to appeal against the notice, and the appeal is considered by the Planning Inspectorate.

Fifty-two Enforcement Notices have been served in the 2012-13 period, an increase of twenty-eight from the previous year. The table in appendix 1 summarises the breach of planning control and current status of the investigations in relation to each of the properties against which enforcement notices have been served.

The Enforcement Notices served take a variety of forms as set out below.

### **Enforcement Notice Appeals**

If an appeal is lodged against an enforcement notice, the requirements of the notice are held in abeyance until the appeal is determined by the Planning Inspectorate.

The grounds upon which an enforcement notice can be appealed include:

Ground (a) – That planning permission should be granted for what is alleged in the enforcement notice, or that the condition which is alleged not to have been complied with should be discharged.

Ground (b) – That the breach of planning control alleged in the enforcement notice has not occurred as a matter of fact.

Ground (c) – That there has not been a breach of planning control.

Ground (d) – That at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.



Ground (e) – That the notice was not properly served on everyone with an interest in the land.

Ground (f) – That steps required to comply with the requirements of the enforcement notice are excessive and lesser steps would overcome objections.

Ground (g) – The time given to comply with the notice is insufficient or unreasonable.

The Planning Inspectorate will dismiss or allow the appeal and also have the ability to vary the enforcement notice should they feel this necessary. On some occasions they make split decisions – part allowing and part dismissing the appeal.

With all enforcement investigations, every effort is made to encourage transgressors to carry out the required works prior to formal action becoming necessary.

### **Section 215 Notices**

Where the condition of land or a building is adversely affecting the amenity of a neighbourhood, the Council may issue a Notice under Section 215 of the Town and Country Planning Act 1990, requiring the owner or occupier to improve the condition of the land or building. Failure to comply with the Notice is a criminal offence. The Council also has powers, where a Notice has not been complied with, to enter the land and carry out the work itself and recover the cost from the owner.

### **Breach of Condition Notices**

These can be used as an alternative to an Enforcement Notice. There is no right of appeal against a breach of condition notice.

### **Other significant achievements**

#### *Increased Public Awareness*

Part of the work of the team involves raising public awareness. The strategy during the 2012-2013 period has been for the Planning Enforcement and Investigations Team to issue press releases to local newspapers and regularly update the Planning Enforcement and Investigations web page.

When necessary, the team manager attends residents meetings to discuss planning enforcement matters that are of concern, be it generally or in relation to a specific investigation.

The awareness amongst residents has, and continues to improve with residents and developers regularly remedying breaches of planning control without formal enforcement action becoming necessary. This is supported by

the largest proportion of all cases closed being those due to full compliance (42%).

#### *Workload*

The Planning Investigations and Enforcement Team has progressed a high volume of cases over the past 12 months, and current live investigations are significantly higher than they have been previously. Officers have been successful in ensuring the thorough and successful processing of investigations in general in accordance with the timeframes set out in the Planning Enforcement Policy. All open investigations are progressing.

The team has continued with our pro-active action which has focused on improving the condition and appearance of dilapidated properties throughout the city with the use of Section 215 powers. This action has seen significant improvements to the appearance of properties along Western Road, Brighton, Western Road, Hove and Preston Street, Brighton.

#### **The coming year**

The next 12 months are an exciting time for the Planning Enforcement and Investigations Team. As well as continuing the excellent work the team are currently undertaking, the following measures will also take place.

- I. Continuing to work with other Council departments and external organisations to resolve breaches in legislation that are causing material planning harm;
- II. Continuing to identify areas in the City where pro-active enforcement projects will improve their character and appearance;
- III. Continuing to promote the success of the team through regular press briefings and use of the Council website;
- IV. Review and improvement of the Planning Enforcement Pages of the Council's website. This will improve the interaction of residents with the service and simplify the process of reporting potential unauthorised breaches of planning legislation;
- V. The implementation of a monitoring process for planning conditions to ensure that those placed on planning approvals are adhered to (subject to the successful implementation of the ICT project)
- VI. Further integration of the Planning Enforcement and Investigations Team within Development Management to ensure the profile of the team is increased within the department.

#### **4. CONSULTATION**

None required.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

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There are no financial implications relating to this enforcement report that fall outside the normal service delivery for the department.

### Legal Implications:

There are no legal implications relating to this enforcement report that fall outside the normal service delivery for the department.

### Equalities Implications:

There are no equalities implications relating to this enforcement report that fall outside the normal service delivery for the department.

### Sustainability Implications:

There are no sustainability implications relating to this enforcement report that fall outside the normal service delivery for the department.

### Crime and Disorder Implications:

There are no crime and disorder implications relating to this enforcement report that fall outside the normal service delivery for the department.

### Risk and Opportunity Management Implications:

There are no risk and opportunity management implications relating to this enforcement report that fall outside the normal service delivery for the department.

### Corporate/Citywide Implications

There are no corporate or citywide implications relating to this enforcement report that fall outside the normal service delivery for the department.

## **APPENDIX 1 – PLANNING ENFORCEMENT NOTICES ISSUED BETWEEN APRIL 2012 – MARCH 2013**

	<b>ADDRESS</b>	<b>WARD</b>	<b>BREACH</b>	<b>UPDATE</b>
April	13 Preston Road	Preston Park	Unauthorised shopfront	Appeal allowed
April	62 Clyde Road	St Peters and North Laine	Conversion of property into four self contained flats	Complied
April	2 Berwick Road	Rottingdean Coastal	Two storey side	Awaiting compliance

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			extension	
April	2 Berwick Road	Rottingdean Coastal	Unauthorised conversion of property into two residential units	Awaiting compliance
April	78 St Georges Road	East Brighton	Listed building painted purple	Complied
April	7 Dorset Gardens	Queens Park	Condition and appearance	Complied
April	5 Regency Square	Regency	Condition and appearance	Awaiting compliance
April	105 Upper Lewes Road	St Peters and North Laine	Condition and appearance	Awaiting compliance
April	4 St Georges Road	Queens Park	Condition and appearance	Complied
May	29 Viaduct Road	St Peters North Laine	Condition and appearance of property	Complied
May	18 Richmond Road	St Peters North Laine	Condition and appearance of property	Awaiting compliance
June	Land adjacent to 1 Carlisle Road	Westbourne	Storage container	Appeal dismissed, awaiting compliance
June	129 Western Road	Regency	Removal of plastic windows	Complied
June	Pocket Rocket, Basement, 176 Church Road,	Central Hove	Ensure that rear door is kept shut other than in emergencies	Complied
June	24 Bonchurch	Hanover and	Condition and	Awaiting

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	Road	Elm Grove	appearance	compliance
June	39 St Pauls Street	St Peters and North Laine	Condition and appearance	Complied
June	30 Western Road	Brunswick and Adelaide	Condition and appearance	Complied
June	131 Edward Street	Queens Park	Condition and appearance	Complied
June	134 Edward Street	Queens Park	Condition and appearance	Awaiting compliance
June	31 Montpelier Street	Regency	Condition and appearance	Complied
June	17 Palmeira Square	Brunswick and Adelaide	Condition and appearance	Awaiting compliance
June	9 Western Road	Brunswick and Adelaide	Condition and appearance	Works currently being undertaken
June	10 Western Road	Brunswick and Adelaide	Condition and appearance	Works currently being undertaken
July	8 Western Road	Brunswick and Adelaide	Shopfront	Complied
July	The New Madeira Hotel, 19-23 Marine Hotel	Queens Park	Decking at front of unit	Complied
July	121-123 Davigdor Road	Goldsmith	Car wash and canopy	Awaiting removal of canopy, car wash approved
July	14 Egremont Place	Queens Park	Condition and appearance	Complied
July	8 Western Road	Brunswick and Adelaide	Condition and appearance	Complied

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July	32 Lansdowne Place	Brunswick and Adelaide	Condition and appearance	Awaiting compliance
August	46-48 Grand Crescent	Rottingdean	Boundary Wall	Complied
August	4 Cambridge Road	Brunswick and Adelaide	Solar panels on top of roof	Complied
August	13 Preston Street	Regency	Condition and appearance of property	Awaiting compliance
August	22 Preston Street	Regency	Condition and appearance of property	Awaiting compliance
August	12 Preston Street	Regency	Condition and appearance of property	Complied
August	44 Preston Street	Regency	Condition and appearance of property	Complied
August	26 Preston Street	Regency	Condition and appearance of property	Awaiting compliance
September	32-34 High Street, Rottingdean	Rottingdean Coastal	Condition and appearance of property	Complied
September	36-38 High Street, Rottingdean	Rottingdean Coastal	Condition and appearance of property	Complied
September	73 Portland Road	Westbourne	Condition and appearance of property	Complied
September	54 Preston Street	Regency	Condition and appearance of property	Complied
January	Land at 115 Carden Hill, Brighton	Patcham	Remove the raised, brick hardstanding from the land	Awaiting appeal hearing date

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			at the front of the property	
January	14 Kensington Place	St Peters and North Laine	Removal of porch on front elevation	Awaiting appeal decision
February	22 Eley Crescent	Rottingdean Coastal	Removal of boundary fence and gate	Awaiting appeal decision
March	F 10, 18 Brunswick Place	Brunswick and Adelaide	Internal works to a LB	Awaiting appeal decision





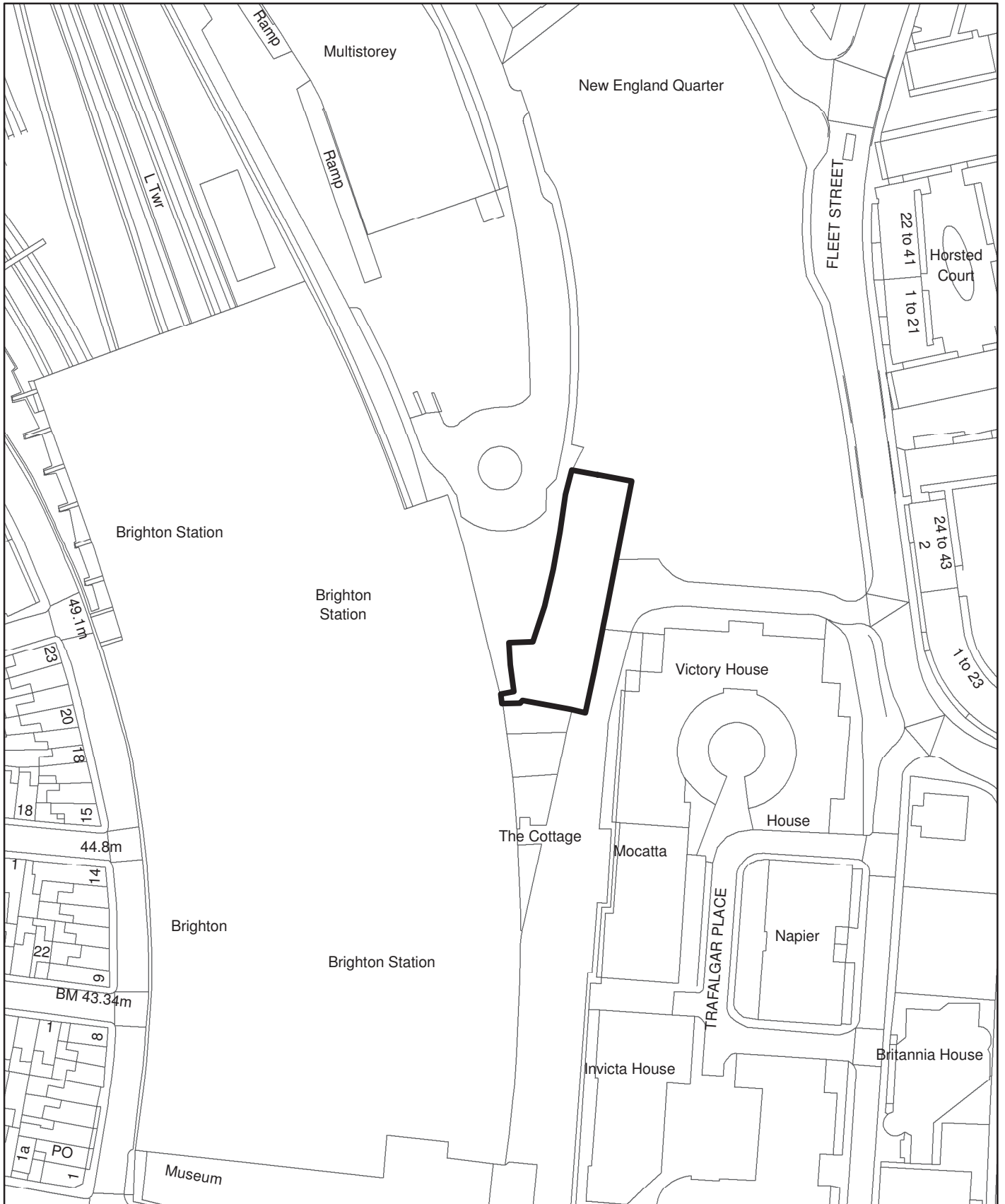
**PLANS LIST  
ITEM A**

**Brighton Station, Queens Road, Brighton**

**BH2012/03872  
Full Planning**

**17 JULY 2013**

# BH2012/03872 Brighton Station, Queen's Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

PLANS LIST - 17 JULY 2013

<b><u>No:</u></b>	<b>BH2012/03872</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Brighton Station Queens Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of three storey building to provide cycle storage, ancillary shower/changing facilities, cycle shop, café, cycle repair outlet and cycle hire.</b>		
<b><u>Officer:</u></b>	Maria Seale Tel 292232	<b><u>Valid Date:</u></b>	22/04/2013
<b><u>Con Area:</u></b>	Adj West Hill	<b><u>Expiry Date:</u></b>	22/07/2013
<b><u>Listed Building Grade:</u></b>	<b>II*</b>		
<b><u>Agent:</u></b>	Frankham Consultancy Group Ltd, 1st Floor, 21 Perrymount Road, Haywards Heath West Sussex RH16 3TP		
<b><u>Applicant:</u></b>	Southern Rail, Mr Paul Best, Go-Ahead House, Floor 2, Project Delivery, 26-28 Addiscombe Road, Croydon CR9 5GA		

**1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives, as set out in section 11.

**2 SITE LOCATION & DESCRIPTION**

- 2.1 The site located to the rear (north) entrance of the station.
- 2.2 The site in part relates to a former ancillary railway building located to the east of Brighton Station (Grade II\* listed), above the existing station retaining wall adjacent to Mangalore Way. Only a wall and pier remain and some low footings and modern railings. It is on the site where originally a low level railway came in. The rest of the site currently forms part of the paved station concourse where cycle stands are located, to the south-east of the drop-off roundabout.
- 2.3 The landscaped area of the site adjoins the boundary of Site J to the north (the public walkway with steps/lift) and the east (the 6 storey office block), both of which are yet to be constructed.
- 2.4 To the south of the site there are various commercial premises down on Mangalore Way in the railway arches and to the south-east beyond Mangalore Way are the large office blocks of Trafalgar House and Victory House.
- 2.5 The site is steeply sloping up to the west, with a difference of about 10 metres between the ground level at the station concourse to the road at Mangalore Way to the east. The existing station retaining wall on Mangalore Way is approx 4.5metres high.
- 2.6 The site of the building in question is not actually within the West Hill Conservation Area, but is adjacent to it (the main station building is located within the Conservation Area).

- 2.7 The site is located within the mixed use Brighton Station Masterplan area (Local Plan Policy EM13) and partly within the Brighton Station Site of Nature Conservation Importance (SNCI).

### 3 RELEVANT HISTORY

**BH2013/01065** Erection of three storey building to provide cycle store, ancillary shower/changing facilities, cycle shop and cafe. Approved 12/6/13. This comprised Listed Building Consent for demolition of the remains of the former engineering building and erection of three storey cycle storage building (and associated landscaping) in its place, on top of/adjoining the existing retaining station wall adjacent to Mangalore Way. An existing ground floor opening off Mangalore Way was to be reinstated.

**BH2012/02529** Adjoining site – Site J: Application for variation of condition 2 of application BH2010/03999 (Mixed use development comprising 2973sqm commercial office space (Class B1), 94 bedroom hotel (Class C1), 147 residential units (Class C3) and 255sqm retail floorspace/cafe/office (flexible use Class A1/A2/A3/B1)) to allow revised fenestration and overall appearance of the hotel (Block B) and offices (Block C), increase the internal hotel floorspace from 3029sqm to 4802sqm, decrease the internal office space from 2973sqm to 2460sqm and create new basement area to accommodate plant and other services. Minded to Grant subject to Deed of Variation to S106 Agreement 12/02/13.

**BH2012/02454** Alterations throughout station concourse. LBC Approved 9/10/12.

**BH2010/03999** Adjoining site – Site J: Mixed use development incl residential, hotel and office. Approved 9/12/11. Northern part (site A - residential and public realm areas) currently under construction.

**BH2001/01811/OA Masterplan:** In August 2001, an application for a Masterplan outline planning permission, with certain reserved matters approved, was submitted for the redevelopment of the 8.9ha Brighton Station Site. The mixed use scheme included retail, hotel, offices, food and drink, community facilities, housing, a training centre, public open space and associated highway works. The Masterplan consent divided the site into 15 blocks and was generally in accordance with the Brighton Station Development Brief (SPGBH3). Approved 9/9/03. There have been a number of subsequent detailed applications approved for various blocks, including Site J above.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a three storey cycle storage building to serve the station, with associated landscaping. A 'cycle hub' is proposed accommodating cycle storage and other uses.
- 4.2 The building would accommodate approximately 500 cycles (final number established at detailed design stage) in a two-tier rack system. Cycles would use a turnstile system at ground floor level accessed by a key card. At first floor level ancillary toilets, showers and changing rooms are proposed, as well as a bike hire/repair shop, with a bike shop display area, and a café with outside terrace. The terrace would be located to the north of the building. At lower ground floor level a plant room is proposed and further café space with direct access to the open space. The building would have stair and lift access to all floors.

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- 4.3 The building would result in the loss of some the existing cycle stands at concourse level (approx. 80 spaces). Other existing informal cycle parking at the station would be retained including approx.100 spaces under the station canopy at the rear, approx. 30 spaces within the rear car park and 40 spaces to the front. The proposal would therefore result in a total of approximately 670 spaces to serve the whole station, an increase of about 420 over the existing situation.
- 4.4 The cycle store and cycle hire/repair/shop and ancillary changing rooms would be open 24 hours a day and would be free at point of entry. Opening hours for the retails units, including terrace, are not specifically proposed (as the user is unknown at this stage), although provisional opening hours of between 6am-10pm are suggested.
- 4.5 The building would appear two-storeys high from the concourse level and three storeys high (above the retaining wall) from Mangalore Way. The building would be rectangular in shape with a flat roof. A panelled cladding system is proposed to all elevations, in white at the ground and first floor level and in a colour to match the retaining wall below at lower ground floor level. Aluminium framed double glazed curtain walling system is proposed for the windows, with occasional opaque glazed panels. Aluminium and glass balustrading is proposed to the first floor terrace.
- 4.6 A new public landscaped area is proposed immediately to the north of the building. An indicative layout been submitted, showing mainly hard landscaping with wide terraced steps. This would be for the public and café users to sit and meet etc and for access to the lower ground floor of the new building.
- 4.7 Amended plans have been submitted showing re-paving of the station concourse, to match existing blockwork paving of main part of the concourse, to replace the existing paving.
- 4.8 It is proposed to reinstate an existing ground floor opening off Mangalore Way, currently bricked up.
- 4.9 A bin store is proposed to the south-west of the building at concourse level surrounded by a 1.8m high fence.
- 4.10 A Planning Statement, Design and Access Statement, Habitat Survey, Waste Acceptance Criteria report, Geotechnical Assessment, lift specification and cycle stand specification have been submitted in support of the proposal.
- 4.11 The proposal is essentially a non-profit scheme, funded by the Department for Transport, Network Rail, Southern Railway and the Council. The funding for the landscaped open area to the north is anticipated to be from the Brighton Gateway project.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** None

- 5.2 A letter has been received from the **Lower Goods Yards Traders Association c/o Unit 6 Lower Goods Yard, Trafalgar Street Arches**, signed by **13** people/traders objecting on the following grounds:
- Modern design and excessive scale not in keeping with listed station and Lower Goods Yard buildings
  - Building will be severe and overly dominant
  - Loss of light
  - Creation of wind tunnel
  - Insufficient explanation of alternative options such as opening up railway arches
  - Need for bike shop/hire/repair already served by existing bike shop in Goods Yard, which could be accessed more effectively by stairs/lift
  - No need for another café in the area, especially if isolated from Trafalgar Street
  - Negative impact on existing local businesses
- 5.3 **CAG:** Support. Welcome the application (and BH2012/03872) and recommend it be approved.
- 5.4 **East Sussex Fire and Rescue Service:** No response.
- 5.5 **EDf Energy:** No response.
- 5.6 **English Heritage:** Comment. Request the application be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.
- 5.7 **Environment Agency:** Given the low risk of the development type and location of the proposal, no comment.
- 5.8 **Network Rail:** No response.
- 5.9 **Railway Heritage Trust:** No response.
- 5.10 **Scottish Gas Networks:** No response.
- 5.11 **Southern Water:** Comment. All existing infrastructure should be protected during construction. A formal application is required to SW for a connection to the public sewer to be made by the applicant or developer. Relevant Informatives are recommended attached to any consent. The applicant will need to arrange for long term maintenance of any Sustainable Urban Drainage Systems (SUDS).
- 5.12 **Sussex Police:** No response.
- 5.13 **UK Power Networks:** No objections.

**Internal:**

- 5.14 **Access Officer:** Comment. There is an accessible toilet but the lift is 1000mm and should ideally be 1100mm wide to be fully accessible.
- 5.15 **Planning Projects Manager:** Comment. Brighton Station Gateway is a corporate council project in association with Network Rail and Southern, to provide a much improved 'people-friendly' environment at the southern and northern entrances to the station. The northern entrance is currently regarded by the vast majority of users as 'the rear entrance' to the station. The concept of 'Northern Gateway' recognises the increasing popularity and potential of this area as an exit and arrival point and aims to remodel the area by creating new and appropriate buildings and uses around the edge of the existing public realm - and upgrading the public realm itself (along with the provision of new facilities and landscaping).
- 5.16 The concept of the cycle hub has the potential to act as an important component in achieving the proposed Northern Gateway, by virtue of the following elements:
- The presence of the facility has the potential to increase movement and activity at this entrance/exit point to the station, thereby contributing to overall 'Northern Gateway' objectives;
  - The fenestration running the length of the building 'at grade' along its western elevation will create an 'active frontage', as well as act as a visual reference to passers-by with regard to the building's purpose as secure cycle parking;
  - The café(s) will provide additional facilities to add to the place-making objectives of the Northern Gateway scheme.
- 5.17 Designing and securing a high quality and successful public realm around the building will be an important element in achieving the Northern Gateway objectives. Council officers are currently in discussion with Southern and Network to commission an overall public realm design. It will be important to ensure that public realm and cycle hub building are as integrated as possible.
- 5.18 Particular attention will need to be paid to achieving a design solution to the area abutting the retaining wall adjacent to Site J of the New England Quarter, between the Site J steps to the upper stations concourse and the northern end of the cycle facility. This area is at a lower level to the remainder of the upper concourse and presents both a design challenge and potential opportunity to create a unique open public area.
- 5.19 It is possible that any commercial operator(s) who take on the cycle parking building may - for business reasons - seek reconfigurations to the internal areas of the building. Any such decisions may also influence the design of the public realm (for example, if the café was to be relocated on a different level). The design team will work closely with the cycle hub developer to ensure an outcome that best meets the objectives of Northern Gateway.
- 5.20 **City Infrastructure:** No response.
- 5.21 **Ecology:** No Comment

- 5.22 **Economic Development:** Support. Proposal contributes the revitalisation and regeneration of Brighton Station providing much needed dedicated cycle storage facilities and associated other uses to compliment the provision of the storage facility as part of a wider Brighton Station Gateway scheme to improve the visual appearance and servicing of the front of the station to enhance the visitor experience.
- 5.23 If approved, a financial contribution of £1,826 is requested through S106 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance using the formula for warehouse development over 235m<sup>2</sup> of £5 per m<sup>2</sup> together with the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the construction phase.
- 5.24 **Environmental Health:** Comment: The site is part of a much wider historic station footprint and as such presents issues for potentially contaminated land. In particular, the site footprint appears to have been engineering sheds, engineers stores, and other built facilities. As such, there is for the potential for localised land contamination and a need for further works to be carried out. Notwithstanding the supporting information (reports) submitted, there are likely issues with the site and more work will need to be done in due course,
- 5.25 A café is proposed for the first floor, yet there is no information on where such a premises might extract air, what plant it may have or what measures may be in place to deal with noise and odour.
- 5.26 It is therefore necessary that conditions be applied to ensure such issues are adequately controlled.
- 5.27 **City Neighbourhood Co-ordinator:** No response.
- 5.28 **Heritage Team:** Comment: The Station is Listed Grade II\* and is located in the West Hill Conservation Area.
- 5.29 It is an assemblage of buildings and structures of various dates encompassing several phases of development. The original front Mocatta building and the base of the station date from 1841 and has been extended on the ground floor onto the Concourse. The historic buildings on the east and west sides of concourse, the glazed canopy supported on ornate columns and forecourt canopy were added later in the 1880s. The station platforms were built out on its eastern side over a ramped cab road (now disused) and supported on cast iron columns.
- 5.30 Fronting onto Mangalore Way is a row of undercroft buildings sitting underneath the platforms. These were stables and goods handling areas with offices above, now in a variety of uses. At the northern end of this is an area above a high retaining wall where a low level railway line came in. There was originally a building on the upper level but this has gone apart from some footings, one section of wall and a brick pier. The line now forms a Greenway (green corridor) through the New England Quarter development to the station. The site forms part of the designated Greenway (green corridor). It is visible from the Station



platforms and along Mangalore Way from the South and from the east from Cheapside as well as from the north. To the east of the station is the very large Trafalgar House and Victory house modern office block. To the north-east of the site is Site J on former railway land where a substantial new office and hotel scheme has been approved.

5.31 Relevant Design and Conservation Policies and Documents

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on LPAs to “have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest it possess” (section 16).

The National Planning Policy Framework; The Historic Environment Planning Practice Guide (DCLG & EH);

Local Plan policies QD1, QD2, QD4, QD5, QD10, HE1, HE3, HE4 & HE6.

5.32 The Proposal and Potential Impacts

The proposed new building would be a substantial structure sitting on top of the raised area above Mangalore Way. The development would partly obscure views of the platform shed and canopy in views from the east. In most views from the east it and much of the station will be obscured by the new development on Block J. The former dramatic long views of the Station many viewpoints in the lower central valley of Brighton and from the hillside to the east have largely been obstructed already by the New England Quarter development.

5.33 It would also be visible from Trafalgar Street and along Mangalore Way. It will, however read as a separate building with a space between it and the station from many viewpoints along Mangalore Way. It will also be significantly lower than the shed and canopy which will remain visible above the proposed building.

5.34 The modern design and materials of the building is intended to reflect the design and colours of the station without slavishly copying it. The scheme will present full width glazed windows at ground floor level onto the northern gateway on its western and northern sides, complementing that space. The scheme also shows the landscaping of the ground to its north between the end of the green corridor and the new steps and lift from the lower level that will be implemented as part of the Block J development. This landscaping to form an outdoor seating area is considered essential to the successful integration of the proposals with its surroundings and the Greenway and steps. It is intended that some of the Section 106 money from the New England Quarter development intended to secure improvements to the northern gateway will help secure this landscaping.

5.35 I consider that the proposed building would not significantly harm the setting of the station and that its design and the landscaping are acceptable, subject to details and samples of materials. However, the paving area to the west of the building needs to be improved once the existing cycle stands are removed. The mix of slab and concrete block pavers is somewhat chaotic and needs to be rationalised by a consistent treatment right up to the building. I would therefore recommend that the area of concrete block pavers is included in the landscaping scheme and that they are replaced with matching paving slabs. *[Note: Amended plans now received show this]*

- 5.36 It will be important to ensure that the landscaping scheme is secured through conditions and a Section 106 Agreement or other mechanisms.
- 5.37 Mitigations and Conditions  
Recommend conditions requiring 1:50 scale plans, elevations and sections of the landscaped areas, including details of the plantings, tree grills, outside steps, walls, copings and railings and samples of the materials.
- 5.38 Recommend a condition requiring details of the proposed building's cladding system shopfront door and window frames and louvres and details and samples of the materials and colours.
- 5.39 **Planning Policy:** Comment. The application should be determined in accordance with the Local Plan and policies in the emerging City Plan.
- 5.40 Adopted Local Plan Policy QD6 states that the provision of public art will be sought from major development schemes including significant proposals that would have a major impact on important public spaces. The type of public art and level of contribution vary depending on the nature of the development proposal, the characteristics of the site and its surroundings. To safeguard the implementation of this policy, it is important that instances in which approval/sign off from the council is needed is clearly identified and secured. It is suggested a financial contribution of £7,200 would apply to this development, arrived at after the internal gross area of the development (in this instance approximately 929 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. As ever, the final contribution will be a matter for the case officer to test against requirements for s106 contributions for the whole development in relation to other identified contributions which may be necessary.
- 5.41 **Sustainability:** Comment The information contained in the recent Planning Statement is helpful. It does not, however, really address the policy requirements of SU2 or SPD08, despite these being referenced.
- 5.42 Adopted Local Plan Policy SU2 (efficiency of development in the use of energy, water and materials) requires applicants to demonstrate the sustainability of the development and Supplementary Planning Document (SPD) 08 outlines recommended standards for major, non-residential developments (60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'; and feasibility study on rainwater harvesting and grey water recycling systems).
- 5.43 In addition, adopted Local Plan Policy EM13 (Brighton Station) expects new development on this site to act as exemplars of sustainable development and, as it stands, this proposal does not meet this policy objective.
- 5.44 The commitment to undertake a feasibility study on rainwater harvesting is welcomed and should be conditioned. However, overall, it is disappointing no information is provided with regards to the standard the applicant actually aims to achieve. Commitment to achieve typical U-Values does not go far enough in

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addressing the energy, water, materials and other areas of sustainability assessed under BREEAM. Hence, the information provided is not sufficient to allow for a reasonable assessment of the sustainability of this development.

- 5.45 The Planning Statement does clarify that the development is not for profit and that costs have increased as a result of negotiation, however, these do not necessarily represent an exceptional case and further information will be required. The unusual nature of the proposal and its community benefit is recognised, but as it stands these circumstances are not considered to be sufficient to negate the need to submit a BREEAM assessment. SPD08 does recognise that where there are issues of viability a lower BREEAM standard may be applied ('very good' instead of 'excellent'), but does not put aside the requirement for a BREEAM assessment altogether. BREEAM is a robust mechanism to ensure a scheme is actually delivered to a certain sustainable standard and hence is identified as the Council's preferred approach in SPD08. As a not for profit scheme there may be some flexibility to require just a post-construction BREEAM certificate (as opposed to one also at design stage), to save resources.
- 5.46 Given this is a project in which the council is partner and, hence would want to lead by example, the request to exempt this application from submission of an independent assessment and a clear statement of what standard the building was designed to is disappointing.
- 5.47 If the applicant is concerned with the impact that the fit-out of the retail unit might have upon achieving a particular BREEAM assessment, in the past we have used a condition which allows for the BREEAM assessment to be carried out without the fit-out element at application stage (Phase 1 of this development) and a sustainable approach for the fit-out stage to be secured via the lease (Phase 3 of this development).
- 5.48 **Sustainable Transport:** Comment. Approval is recommended. The Highway Authority has the following comments to make:
- 5.49 Means of Access  
The applicant states within the Design & Access Statement that the primary means of access to the cycle centre will be from the north via the proposed steps and lift from Site J of the New England Quarter or by the road along Stroudley Road to the rear of the railway station. Obviously, an alternative means of access is via Queens Road and through the railway station.
- 5.50 It would have been beneficial to provide an additional means of access from Mangalore Way. This would have greatly increased cycle permeability to the site and provided the main point of access from areas to the east and south of the site. Without direct access from Mangalore Way it is envisaged that users approaching from areas to the south east will probably use the proposed steps and lift within Site J of the New England Quarter.

- 5.51 Lift & Stairs The applicant appears to be intending to use a larger than standard lift which measures 2m wide by 1.4m deep. This should allow one person and their bike in at a time. This is therefore deemed acceptable. It would also be beneficial if the applicant provided wheeling ramps for the stairs located between the outside paved area, at lower ground floor level and ground level. If necessary this could be secured via condition.
- 5.52 Nature of Stands The majority of the stands now have an aisle width of 2.1m to the rear of them. This is deemed adequate by the Highway Authority to ensure that there is appropriate aisle width to conveniently manoeuvre a bike in and out of the stands and is therefore deemed to be in accordance with TR14 of the Brighton & Hove Local Plan.
- 5.53 However, the Highway Authority would recommend some minor changes to ensure improved access through the store. Some stands only have 1548mm to the rear of them. This would result in the top tier being extremely difficult to use. Therefore the Highway Authority would suggest that they are removed and a wider aisle width is provided. Also, a number of stands should be removed to ensure a decent aisle width is provided in this location. These amendments would result in the loss of some spaces (approximately 15) but the Highway Authority's view is that it is better to have more usable spaces and appropriate circulatory space than extra spaces which are difficult to use.
- 5.54 Complimentary Cycle Stands The applicant has confirmed that they intend to retain a large proportion of the existing cycle parking in other areas of the railway station. This is welcomed by the Highway Authority and will reduce the likelihood of informal cycle parking from occurring.
- 5.55 The Highway Authority would recommend the inclusion of conditions to secure a usable layout and secure retention of existing remaining cycle stands to serve station, and details of wheeling ramps on the stairs located between the outside paved area, at lower ground floor level and ground level.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 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."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR8	Pedestrian routes
TR13	Pedestrian network
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU8	Unstable land
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
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 – active frontages
QD6	Public art
QD7	Crime prevention through environmental design
QD10	Shopfronts
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD19	Greenways
QD27	Protection of Amenity
QD28	Planning obligations
EM1	Identified employment sites

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EM2	Sites identified for high tech and office uses
EM9	Mixed uses and key mixed use sites
EM13	Brighton Station – mixed uses
HO1	Housing sites and mixed use sites with an element of housing
SR2	New retail development beyond the edge of existing established shopping centres
SR12	Large use Class A3 (restaurants and cafes) and use class A4 (pubs and bars)
NC4	Sites of Nature Conservation Importance
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	development within or affecting the setting of conservation areas

### Supplementary Planning Guidance:

SPGBH1	Roof Alterations & Extensions
SPGBH2	External Paint Finishes & Colours
SPGBH4	Parking Standards

### Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD10	London Road Central Masterplan
SPD11	Nature Conservation & Development

### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in favour of sustainable development
DA4	New England Quarter and London Road

## **8 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the following:

- the principle of the development within the Brighton Station Masterplan area
- the principle of the development within the SNCI and Greenway
- the relationship and linkages to the New England Quarter including Site J
- the impact to the station concourse area in the context of the Brighton Station Gateway project
- design and the impact on the character and appearance of the locality, including the setting of the grade II\* listed station and West Hill Conservation Area
- the impact to amenity, to neighbours and the environment
- sustainability
- promotion of sustainable transport

### **Planning Policy and the principle of the development**

#### 8.2 Local Plan Policy

The Local Plan policies that apply to this development are outlined in section 7, and are discussed in more detail under the topic headings below. The proposal is considered acceptable when judged against both national and local planning

policy. A strong theme throughout planning policy is promotion of sustainable development and sustainable modes of transport, which this proposal delivers.

- 8.3 LP policy EM13 relating to the Brighton Station Masterplan (New England Quarter NEQ) area seeks to secure fully integrated mixed use development incorporating housing, employment, retail, community uses including public open space and a hotel in accordance with the development brief. Development within the Masterplan area is now largely complete as Site J now under construction, with the exception of Block K, and achieves the vision for the site which is 'to develop a vibrant mixed use urban quarter that meets both its strategic and local role whilst acting as an exemplar of 21<sup>st</sup> Century sustainable urban development'. The site of the cycle hub and its associated landscaping completes the southern link to the station within the Masterplan area and is considered to comply with the vision of Policy EM13. It would be a sustainable building (subject to compliance with condition) and promote sustainable transport and add vibrancy to the station approach and give more presence to the northern gateway, enhancing the strategic role of the station.
- 8.4 The concerns of the objectors regarding the uses proposed are noted, however, the cycle 'hub' idea is encouraged and is considered exciting and innovative. The provision of the café, cycle hire, repair, shop and changing facilities will encourage users and could help secure the long term viability of the facility, which is welcomed and accords with planning policy. Whilst the retail element doesn't strictly comply with all the relevant criteria of LP policies SR1 and SR2, as it is beyond an established shopping area, it is very much an ancillary use and adds vibrancy and adds to the sense of place. Mixed uses are encouraged by policy EM13 and the Station Gateway project (see below). As the café is over 150sqm, LP policy SR12 (large café/restaurant) applies and this is discussed further under 'Amenity' below. The new facility would not necessarily duplicate what is provided by 'Amsterdammers' in the Lower Goods Yard, which is specialist, as it would cater for a different type of need for general cycle repair and retail – specifically commuters - and the key is that it is easily accessible being at concourse level. Cycle hire is encouraged in principle as that would benefit the tourist economy and again add vibrancy. Competition between businesses is not a material planning consideration.
- 8.5 Brighton and Hove Submission City Plan Part One  
The proposal is considered to comply with relevant policies in the emerging City Plan, which is a material consideration of some weight. Policy DA4 identifies the site as forming part of the England Quarter/London Road Development Area, and is of particular relevance. DA4 seeks to revitalise the area and create a new business quarter and sets out 11 local priorities to achieve the strategy.

The cycle hub proposal is particularly relevant to meeting priority no.5 'working with Southern Rail, Network Rail and partners to enhance the environment and maximise use of the space around Brighton Railway Station (Brighton Station Gateway) recognising its important role as a gateway to the city, a public space, a major transport interchange and the need to improve links to and from the station'. The proposal helps achieve priority no.6 which seeks improvements to air quality by encouraging a modal shift to sustainable transport and no. 7 which

seeks to strengthen links between the NEQ, London Road and North Laine with high quality streetscapes and public spaces and a greater choice of routes and ease of movement. It also contributes towards no.10 which seeks to extend and strengthen the greenway network and secure enhancements to open space and biodiversity.

8.6 The Brighton Station Gateway

Brighton Station Gateway is a corporate council project in association with Network Rail and Southern Rail, and was formally recognised as such at Cabinet on 11/11/10. It is therefore a material consideration of some weight.

8.7 The aim of the project is to provide an attractive and welcoming gateway to both southern and northern entrances to the station through enhancement of public realm and creation of a much improved 'people-friendly' environment. The northern entrance is currently regarded by the vast majority of users as 'the rear entrance' to the station, and the concept of 'Northern Gateway' recognises the increasing popularity and potential of this area as an exit and arrival point. The project aims to remodel the area by creating new and appropriate buildings and uses around the edge of the existing public realm - and upgrading the public realm itself (along with the provision of new facilities and landscaping). When the Gateway project was conceived it was known that a cycle hub was likely to come forward, and was taken into account.

8.8 As can be seen from the comments of the Planning Projects Manager in section 5 above, the concept of the cycle hub is considered to have the potential to act as an important component in achieving the proposed Northern Gateway. It will increase movement and activity at this entrance/exit point to the station, thereby contributing to overall 'Northern Gateway' objectives and the fenestration running the length of the building 'at grade' along its western elevation will create an 'active frontage', as well as act as a visual reference to passers-by with regard to the building's purpose as secure cycle parking. The café(s) are considered to provide additional facilities to add to the place-making objectives of the Northern Gateway scheme.

8.9 In the context of the Gateway project, it is considered important that a high quality and successful public realm around the building is secured to deliver an important element of the Northern Gateway objectives, and thus the proposal involves new areas of enhanced landscaping, including a new public open space to the north up to the boundary with Site J.

8.10 The Brighton Station Site of Nature Conservation Importance and Greenway

The site is largely located within the Brighton Station Site of Nature Conservation Importance (SNCI) and LP policy NC4 is relevant. LP policy QD17 relating to Nature Conservation is also relevant. These policies seek to ensure development prevents damage to nature conservation features and seeks to enhance biodiversity. The site also lies within a defined Greenway and LP Policy QD19 is relevant which seeks to enhance the Greenway network. Greenways are defined as 'largely car-free off-road routes connecting people to facilities and open spaces' which can contribute to habitat connectivity.



- 8.11 At the time of considering the site J application (BH2010/03999), this last remaining part of the SNCI/Greenway within the NEQ was not included within the public open space forming part of the New England Quarter. The Council's Ecologist acknowledged at that time that this remaining piece was effectively a dead end and had limited ecological value, and when weighed up against the benefits delivered by Site J and the whole NEQ, it was agreed in principle for it to be excluded.
- 8.12 The site's ecological value is considered to be limited as stated in the submitted Habitat report, and supports habitats that are common and widespread. The majority of the land has been previously developed or recently cleared and disturbed and contains vertical drops, limiting its value.
- 8.13 In this context is it considered acceptable in principle to develop part of the site. The LP policies do however remain relevant, and through conditions requiring bird boxes and sympathetic landscaping, the scheme should make a positive contribution towards biodiversity and public open space. Unfortunately a green roof was discounted by the applicant due to cost.

**Design and the impact to the character and appearance of the locality, including the grade II\* listed station and the West Hill Conservation Area**

- 8.14 The site is located within the grade II\* listed station and adjoining the West Hill Conservation Area and LP policies HE1, HE3 and HE6 are relevant, which seek to preserve their special character and appearance. General QD design policies in the Local Plan are also relevant and seek to ensure the development is a quality design and fits in well with the surrounding area.
- 8.15 There is no objection in principle to removal of the remains of the previous engineering sheds located within the curtilage of the listed station and replacement with a 3 storey building of modern design. Listed Building Consent has recently been granted for this (see history section 3).
- 8.16 A significant amount of work was carried out at the pre-application stage by the applicant and the council's Heritage Officer to reach the final design now proposed. As can be seen from the comments of the Heritage Officer, a building of scale and of modern design proposed is considered to have an acceptable impact to the setting of the listed station and West Hill Conservation Area. It should be noted that CAG also support the scheme
- 8.17 There is no doubt the proposed new building would be a substantial structure sitting on top of the raised area above Mangalore Way but it would appear as only two storeys high from concourse level and would not look out of place in the high density central location. The building makes good use of the difficult sloping site and makes effective and efficient use of it, which is encouraged. The Heritage Officer confirms the development would partly obscure views of the platform shed and station canopy in views from the east but in most views from the east it and much of the station will be obscured by the new development on Site J. The former dramatic long views of the Station from many viewpoints in the lower central valley of Brighton and from the hillside to the east have largely been obstructed already by the New England Quarter and Trafalgar Place developments. It would be visible from Trafalgar Street and along Mangalore

Way. It will, however, read as a separate building with a space between it and the station from many viewpoints along Mangalore Way. It will also be significantly lower than the shed and canopy which will remain visible above the proposed building. The modern design and materials of the building is intended to reflect the design and colours of the station without slavishly copying it.

8.18 It was felt important that the building was 'active' fronting the station concourse and this has been achieved through fenestration, in compliance with policy QD5. The building does not benefit from public access down on Mangalore Way, which was discounted by the applicant due to cost but also primarily as the main access to the station is to be through the adjacent Site J new steps and lift. Another access would have helped open up the development but it is appreciated the difference in levels is significant and there are financial constraints and the Site J access is considered appropriate. An additional access to 'activate' Mangalore Way might be something to potentially explore in the future but for now the fenestration and terrace proposed should help give the building interest on that elevation.

8.19 Public realm

To ensure the new building is successful in its setting and properly integrated, it is considered essential to deal with the differences in levels and provide associated landscaping and public realm and finish the link to the boundary of the Site J Development, particularly given the context of the SNCI/Greenway/Station Gateway. Internal connection from the upper floors to the lower ground floor is considered important for these reasons also. The proposal includes these necessary elements and it is recommended they be conditioned to ensure they are delivered. An indicative design shows how the building could address the levels and provides open space with wide terraced steps with potential access for a cafe, which is welcomed. A final design can be secured by condition, and particular attention will need to be paid to achieving a design solution to the area abutting the retaining wall adjacent to Site J of the New England Quarter, between the Site J steps to the upper stations concourse and the northern end of the cycle facility. This area is at a lower level to the remainder of the upper concourse and presents both a design challenge and potential opportunity to create a unique open public area and is welcomed by the Brighton Station Gateway project.

8.20 It is felt important to replace the existing paving where some cycle stands are located (which is currently different to the main concourse) with matching block paving to ensure the development ties in and enhances the public realm, and amended plans have been received showing this.

8.21 It is anticipated that the public open space will afterwards become part of the overall station concourse area, maintained by Network Rail/Southern Rail.

8.22 Public art

As a major development in a prominent location, and one which contributes to public realm, LP policy QD6 relating to public art applies. This normally requires payment of a financial contribution or direct provision of public art. However, given the marginal viability and particular circumstances of the scheme, a

financial contribution is not pursued in this case. An artistic element or 'influence' could be provided within the open space to the north of the building and this is recommended by condition.

**8.23 Crime prevention**

Policy QD7 seeks crime prevention through environmental design. The applicant confirms that this will be achieved through a ticketed access, CCTV cameras and security lighting. Access to the first floor will be restricted during night time hours to prevent antisocial behaviour. Brighton Railway stations security and support staff will assist when necessary. The exterior cladding will be resistant to impact damage and glazing will have anti-fragment film. It is considered that these measures satisfactorily demonstrate compliance with policy QD7.

**Impact to amenity of neighbours and the environment**

8.24 Policy QD27 states that planning permission for 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. Policies SU9 and SU10 seek to ensure development does not cause pollution or nuisance.

8.25 It should be recognised that any assessment of amenity needs to be made in the context of the location, which is a mixed use, high density, central area. The proposed building would be detached and located within the curtilage of the station, limiting any potential impact would have. It is not considered that the proposal would cause undue loss of light, wind tunnel etc and it would not cause a noise nuisance.

8.26 The nearest properties are in commercial use, which are considered to be less sensitive than residential. There is a large office block offices opposite on Mangalore Way and commercial uses in the Lower Goods Yard to the south. The building is considered to be located sufficient distance above and to the north of the Lower Goods Yard properties so as not to cause undue loss of amenity. Whilst Mangalore Way is quite narrow at one point opposite the office block, the lower windows of that block are already overshadowed by the large retaining wall and the site is due north of the block, lessening the impact in terms of loss of light. No objections have been received from the office block. The building is set some distance from the nearest residential properties, which will be on the northern part of Site J, so as not to have an impact. The building and outside terrace would be set south of the office block at Site J (not yet constructed), lessening its impact. The landscaped space should enhance the outlook for the Site J office block.

8.27 There may be potential for the proposal to lead to a noise nuisance if particularly noisy plant is proposed or if the café/terrace is open late at night and appropriate restrictive conditions are therefore recommended, in accordance with advice by the Environmental Health Officer. Policy SR12 relating to large café uses is relevant as the café would be over 150sqm and it appears that there are other large A3/A4 uses within 400 metres (Prince Albert pub and Green Door Store etc). However, given the proposed café is very much ancillary

to cycle hub and will be closed relatively early (10pm), it is not considered that any conflict or loss of amenity will occur.

8.28 Land Contamination

Given the previous use of the site for railway engineering, there is potential for contamination. LP Policy SU11 states that permission will not be granted for the development of polluted land unless satisfactory remediation can be achieved, to reduce threats posed by contamination to health safety or the environment. Where suspected contamination is not felt to be significant or not of high risk, permission may be granted subject to conditions requiring site investigation and any necessary remedial measures.

8.29 An initial waste report has been submitted with the application which outlines initial findings of site investigation and classifies the contents of three samples from the site. It highlights that all three samples are classified as 'hazardous waste'. The Council's Environmental Health Officer confirms that there is a likelihood of contamination and recommends that appropriate conditions are imposed to secure further investigation and any necessary remediation.

8.30 Protection of water resources

Policies SU3, SU4 and SU5 seek to protect water resources and their quality.

8.31 Both the Environment Agency and Southern Water raise no objection. Sustainable Urban Drainage Systems (SUDS) are proposed and appropriate conditions and informatives are recommended to ensure the development complies with these policies.

**Sustainability and promotion of sustainable transport**

8.32 Local Plan Policy SU2 (efficiency of development in the use of energy, water and materials) requires applicants to demonstrate the sustainability of the development and Supplementary Planning Document (SPD) 08 outlines recommended standards for major, non-residential developments (60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent'; and feasibility study on rainwater harvesting and grey water recycling systems). Policy EM13 (Brighton Station) expects new development on this site to act as exemplars of sustainable development.

8.33 The proposal itself promotes use of sustainable transport - both cycling and the train and is very much welcomed, in accordance with the above policies. The commitment to undertake a feasibility study on rainwater harvesting is welcomed as are a number of other measures, including SUDs, outlined in the submitted Planning Statement.

8.34 There is some concern, however, that the building itself could fall significantly short of the sustainability standards normally required for development in the city, as outlined by the council's Sustainability Officer. This is particularly disappointing given the Council is a partner in the project and that the site is located within the Brighton Station Masterplan area where exemplars of sustainable development are sought. Whilst significant weight is given to the fact that the proposal promotes use of sustainable transport, is delivering a piece of

community infrastructure and is a not for profit scheme, this does not mean that the requirement to incorporate sustainable building practices in the construction of the building is set aside.

- 8.35 On the basis of the information submitted to date, there is some concern that the applicant is not targeting any BREEAM standard. BREEAM is a robust mechanism to ensure sustainable development is delivered, and is consistently required for all relevant development. SPD08 does recognise that where there are issues of viability a lower BREEAM standard may be applied ('very good' instead of 'excellent'), although it does not put aside the requirement for a BREEAM assessment altogether. In the absence of an exceptional case therefore, a condition requiring compliance with a 'very good' BREEAM standard is recommended. Some flexibility is recommended, and just a post-construction BREEAM certificate (as opposed to one also at design stage) is recommended, to save time and money.
- 8.36 Waste Management:  
A dedicated refuse storage area is proposed to the south of the building, which is considered to be sufficient to provide for the refuse and recycling needs of the development in accordance with LP policy SU2. City Clean have not responded to the application, however, they do not deal with commercial waste. There may be space to potentially incorporate food waste/composting. The storage area would be well screened, ventilated and accessible and would be in accordance with PAN05.
- 8.37 Sustainable transport  
Policy TR1 seeks to ensure the demand for travel created by development is met and seeks to promote sustainable modes of travel. TR14 seeks to secure well designed and accessible cycle parking facilities.
- 8.38 There is no doubt that that the proposal will promote cycle and train use, and is welcomed in accordance with the above policies. The facility is considered to deliver a significant piece of community infrastructure, which will make a positive contribution to the Brighton Station area. The idea of a cycle 'hub' is considered innovative and exciting.
- 8.39 The council's Highways Team consider the facility to be well designed and recommend approval, although there is some concern regarding some of the aisle widths in the layout of the ground floor cycle storage. This can be resolved with some minor alteration and the applicant has confirmed they are willing to do this. They do not, however, wish to be tied to a specific layout at this stage so the final layout will be secured by condition. It is still considered that approximately 485-500 bicycles will be able to be adequately stored and accessed. Details of wheeling ramps on the stairs located between the outside paved area, at lower ground floor level and ground level can be conditioned.
- 8.40 There is no information with the application or evidence to suggest that currently there is a shortfall of cycle spaces at the station. The proposal, therefore, is anticipated to meet increased demand and will help promote increased use of sustainable modes, and is welcomed. A number of existing cycle stands at the

northern entrance of the station would need to give way to the new building, however, these are limited (80) and further stands will remain. The Highways team welcome the fact that a large proportion of the existing cycle parking in other areas of the railway station is to be retained as it will reduce the likelihood of informal cycle parking from occurring. It will also meet a need from different users, as opposed to mainly commuters, which the cycle hub is aimed at. The Highways Team wish to condition that the existing cycle parking is retained, however, it is not considered that this is strictly necessary to make the current cycle hub proposal acceptable. The applicant has confirmed the existing spaces will remain and there is no intention to reduce numbers. Listed Building Consent was recently granted (ref BH2012/02454) for relocation of existing cycle stands at the front of the station. Retention of a suitable number of cycle parking spaces will be taken into account in any future Gateway project work.

### **Other Considerations**

#### **8.41 Economic Development**

As can be seen in this considerations section, the scheme is partly publicly funded and is a not for profit scheme with marginal viability meaning funds for S106 do not exist. Therefore it is not recommended that a contribution towards the Local Employment Scheme is pursued. The applicant has stated they may be able to offer on-site training and local labour but do not offer a firm commitment. Therefore, on balance, it is not considered necessary to impose that 20% of the construction force be local employees given the modest scale of the scheme (internal floor area less than 1000sqm) and the specialist nature of development and the fact that it is part of railway infrastructure delivered by a rail company. An informative is recommended giving details of the Local Employment Scheme Co-ordinator and partnership working will be encouraged.

8.42 The applicant states that the proposal will employ 12 employees and the scheme itself will make commuting more attractive, both of which will have a positive economic benefit, which is welcomed.

### **9 CONCLUSION**

9.1 The principle of developing one of the last pieces of the New England Quarter development area is considered acceptable. The proposal would form the final part of the southern link to the station and is welcomed.

9.2 Although the site is located within a designated SNCI and Greenway, there is no objection to the proposals. The site has limited ecological value, is effectively a dead end and the proposal will incorporate new public open space and enhance ecology.

9.3 The proposal would enhance the northern entrance of the station and compliment the aims of the Brighton Station Gateway, a corporate project.

9.4 The proposal would promote sustainable modes of travel - cycle and train use - and is welcomed in accordance with national and local planning policy. The facility is considered to deliver a significant piece of community infrastructure, which would make a positive contribution to the Brighton Station area. It is considered to be an innovative and exciting project and is supported.

- 9.5 The modern design of the building is considered acceptable and makes good use of difficult sloping site. The proposal would compliment the listed station and surrounding area. The proposal would deliver important enhanced public realm and complete the link to both Site J and the station within the NEQ.
- 9.6 The proposal would not have an adverse impact on amenity.
- 9.7 The proposal promotes sustainability but the building itself is not targeted towards a BREEAM standard, however, this will be conditioned.
- 9.8 The development is not for profit and as such has been unable to meet the full range of policy requirements and S106 obligations, but given the benefits of the scheme, this is considered acceptable.

## 10 EQUALITIES

- 10.1 The development would be accessible and have a lift. The Access Officer considers that the 1000mm wide platform lift is not ideal as it has some shortcomings for some disabled people and the BS standard recommends 1100mm. The applicant states they have researched alternative lifts but these were discounted due to cost or due to increasing the stair core area and reducing the space for cycle parking. As the BS standard is not mandatory and the lift will still be able to accommodate a single wheelchair, on balance, it is considered acceptable.

## 11 CONDITIONS / INFORMATIVES

### 11.1 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 listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed site block plan	521464-A-006	Rev 04	22/4/13
Existing site plan	521464-A-002	Rev 05	16/4/13
Exiting north, south, west elevations	521464-A-302	Rev 02	17/4/13
Site Sections	521464-A-253	Rev 01	4/12/12
Section 01	521464-A-250	Rev 02	4/12/12
Section 02	521464-A-251	Rev 05	16/4/13
Section 03	521464-A-	Rev 06	16/4/13

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Section 04	521464-A-254	Rev 02	16/4/13
Proposed west, north and south elevations	521464-A-300	Rev 05	16/4/13
Existing and proposed east elevation	521464-A-301	Rev 05	16/4/13
Lower ground floor plan	521464-A-119	Rev 05	16/4/13
Lower ground floor & ground floor construction phases	521464-A-101	Rev 02	16/4/13
First floor construction phases	521464-A-102	Rev 02	16/4/13
First floor plan	521464-A-121	Rev 07	16/4/13
Roof plan	521464-A-122	Rev 05	16/4/13
Ground floor plan furniture layout	521464-A-161	Rev 02	17/6/13
Proposed site plan	521464-A-005	Rev 08	3/6/13
Existing and proposed site location plan	521464-A-001	Rev 04	22/4/13
Existing to be demolished	521464-A-100	Rev 02	16/4/13

3. The café(s) and outside terrace shall only be open between the hours of 06.00 and 22.00 each day.  
**Reason:** To prevent undue noise nuisance and protect amenity, to comply with policies SU10, QD27 and SR12 of the Brighton and Hove Local Plan.
- 4) No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority:
- a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
  - 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;
  - c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.
- Reason:** To protect amenity and undue pollution, to comply with policies QD27 and SU11 of the Brighton and Hove Local Plan.
- 5) The development shall not be completed or occupied until there has been submitted to the Local Planning Authority verification by a competent person approved under the provisions of part c) of the condition above that any



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remediation scheme required and approved under the provisions of the condition has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under part c) of the condition above.

**Reason:** To protect amenity and undue pollution, to comply with policies QD27 and SU11 of the Brighton and Hove Local Plan.

- 6) The internal layout of the building including the internal staircase and lift link to all three floors, as shown on the approved drawings (except for the ground floor cycle storage area), shall be implemented before the development hereby permitted is first brought into use. Details of the ground floor cycle storage layout shall be submitted to and approved in writing by the Local Planning Authority and the approved layout shall be implemented before the building is first brought into use and the cycle parking facilities shall thereafter be retained for use by visitors to the development at all times.

**Reason:** The provision of the internal staircase and lift links all three floors will help ensure the building relates successfully to its surroundings and the public open space to the north and for accessibility reasons, and to ensure the cycle storage layout incorporates sufficient aisle width to ensure the stands are usable, to encourage travel by means other than private motor vehicles and to comply with policies QD1, QD2, QD3, QD15, EM13, TR1 and TR14 of the Brighton and Hove Local Plan and to meet the objectives of the Brighton Station Gateway project.

- 7) The development hereby permitted shall not be first brought into use until details of a minimum of 4 bird boxes to be located on the building and/or within the public open landscaped area have been submitted to and approved in writing by the Local Planning Authority. The approved bird boxes shall be implemented before the building and/or open landscaped area are first respectively brought into use.

**Reason:** To enhance biodiversity of the site, to comply with policies QD17, NC4, QD19 and EM13 of the Brighton and Hove Local Plan.

- 8) The building hereby approved shall not be first brought into use until all the paved area immediately to the west of the building where the existing cycle stands are located which currently has different style of paving to that of the rest of the station concourse, has been re-paved with blockwork to match the rest of the station concourse south of the roundabout as shown on drawing no. 521464-A-005 Rev 08 received on 3/6/13. The new paving shall be maintained in perpetuity.

**Reason:** To ensure a high standard of design and ensure the development relates well to its surroundings and enhances the public realm and respects the setting of the listed station and West Hill Conservation Area, to comply with policies QD1, QD2, QD4, QD15, EM13,

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HE1, HE3 and HE6 of the Brighton and Hove Local Plan and to meet the objectives of the Brighton Station Gateway project.

- 9) Details shall be submitted to and approved in writing by the Local Planning Authority for the landscaped open space immediately to north of building as shown within the red line (up to the boundary of Block J site) as shown indicatively on drawing no. 521464-A-005 Rev 08 received on 3/6/13. These details shall include the following:
- a. Hard and soft landscaping including details of tree grills, outside steps, walls, copings, railings and public seating
  - b. Material details and/or samples
  - c. Planting details
  - d. 1:50 scaled elevation and section drawings
  - e. Measures to enhance biodiversity
  - f. A Public Art influence
  - g. Measures to ensure it will be accessed from the new building at lower ground floor level
  - h. Measures to ensure it will be directly accessed by people from the main station concourse level including a bicycle channel wheeling ramp
  - i. Measures to ensure it satisfactorily adjoins the stairs and lift at Site J with no gap

The approved landscaped area shall be implemented within 18 months of the building first being brought into use and shall be fully accessible to the public at all times and shall be maintained as such thereafter.

**Reason:** To ensure a high standard of design and ensure the development relates well to its surroundings and enhances the public realm, respects the setting of the listed station and West Hill Conservation Area and enhances biodiversity and contains public art, to comply with policies QD1, QD2, QD4, QD15, QD16, QD19, EM13, TR8, TR13, QD6, HE1, HE3 and HE6 of the Brighton and Hove Local Plan and to meet the objectives of the Brighton Station Gateway project.

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

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

- 11) No development, other than site clearance and remediation, shall take place until details and samples have been submitted to and approved in writing by the Local Planning Authority of the materials to be used in the external surfaces of the building hereby approved. This shall include details of the cladding system, shopfront, door and window frames and louvers. The development shall be carried out in accordance with the approved details.

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- Reason:** To ensure a satisfactory appearance to the development which respects the setting of the listed station and the surrounding area including the West Hill Conservation Area, to comply with policies QD1, QD2, QD4, HE1, HE3 and HE6 of the Brighton and Hove Local Plan
- 12) The development hereby approved shall not be first brought into use 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:** In the interests of amenity, to comply with policies QD27 and SU9 of the Brighton and Hove Local Plan.
- 13) The development hereby approved shall not be first brought into use 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:** In the interests of amenity, to comply with policies QD27, SU10 and SU9 of the Brighton and Hove Local Plan.
- 14) 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 amenity, to comply with policies QD27, SU9 and SU10 of the Brighton and Hove Local Plan.
- 15) The development hereby permitted shall not be first brought into use until a Building Research Establishment issued Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 50% in energy and water sections of a relevant BREEAM assessment within overall 'Very Good' has been submitted to and approved in writing by the Local Planning Authority.
- Reason:** To ensure the development is sustainable and makes efficient use of water, energy and materials to comply with policy SU2 of the Brighton and Hove Local Plan and SPD08.
- 16) No development shall take place except site clearance and remediation until a feasibility study for the use of using rainwater harvesting and greywater recycling in the development has been submitted to and approved in writing by the Local Planning Authority. Should the rainwater harvesting and/or greywater recycling prove to be feasible and reasonable in all other respects, it shall be implemented within the development.
- Reason:** To ensure the development is sustainable and makes efficient use of water, energy and materials to comply with policy SU2 of the Brighton and Hove Local Plan and SPD08.
- 17) The refuse area located to the south-west of the building shall be implemented before the building is first brought into use and shall make provision for recycling and food waste/compositing.

**Reason:** To ensure the demand for waste is met by the development and ensure the development is sustainable, to comply with policy SU2 of the Brighton and Hove Local Plan.

- 18) No development shall take place except site clearance and remediation until details of the Sustainable Urban Drainage System has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development and shall thereafter be retained as such.

**Reason:** To protect water resources and their quality and sustainability, to comply with policies SU2, SU3, SU4 and SU5 of the Brighton and Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 Development 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 development represents one of the last pieces of the New England Quarter development area and is acceptable in principle. The proposal would not adversely affect the SNCI and would enhance ecology and the Greenway. The proposal would deliver public open space and public realm enhancement. The proposal would compliment the Station Gateway project. The proposal would promote sustainable modes of travel. The proposal would preserve the setting of the listed station and West Hill Conservation Area. The proposal would not adversely affect amenity. Water resources and their quality would be protected. The proposal would incorporate public art. The proposal incorporates crime prevention measures. The proposal would meet the demand it creates for waste. The development would be sustainable. Any contaminated land would be remediated. The proposal would generate up to 12 jobs.
3. With regard to conditions 4 and 5 above, the site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990. It is strongly recommended that in submitting details in accordance with the conditions that the applicant has reference to CLR 11, Model Procedures for the management of land

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contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)) website.

4. The applicant is advised to contact Southern Water at Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) for advice regarding formal connection to the public sewer, Sustainable Urban Drainage Systems, measures required to protect water mains, measures to take into account the possibility of surcharging the public sewer and measures to control trade effluent.
5. The applicant is advised to contact the Council's Local Employment Scheme Co-ordinator, Linda Shaw, on 01273 291107 email: [linda.shaw@brighton-hove.gov.uk](mailto:linda.shaw@brighton-hove.gov.uk) to investigate the potential for on-site construction training and employment for local people.



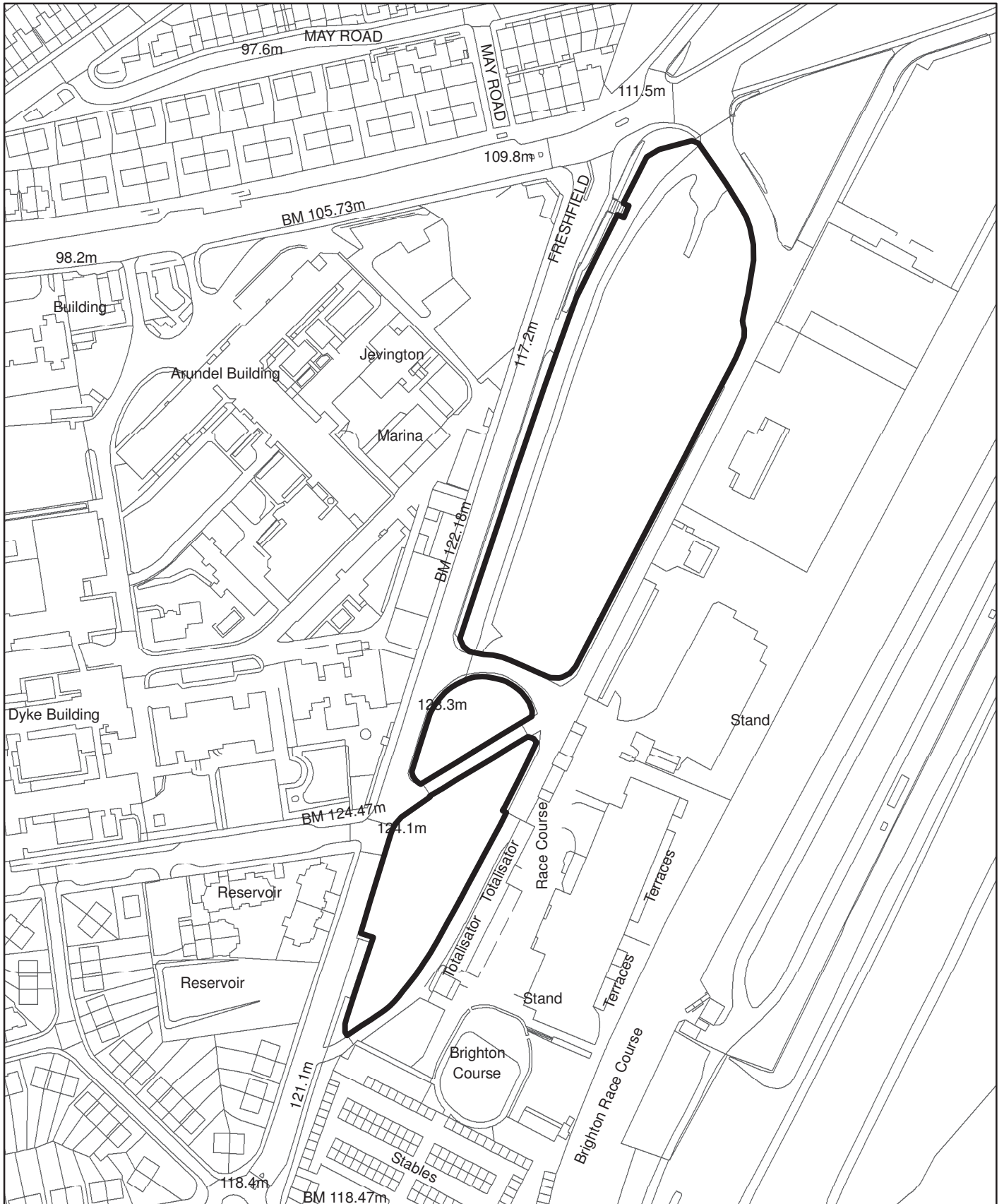
**PLANS LIST  
ITEM B**

**Brighton Racecourse, Race Hill, Brighton**

**BH2013/01242  
Full Planning**

**17 JULY 2013**

# BH2013/01242 Brighton Racecourse, Race Hill, Brighton



**Brighton & Hove  
City Council**

N



**Scale: 1:2,000**



<b><u>No:</u></b>	<b>BH2013/01242</b>	<b><u>Ward:</u></b>	<b>EAST BRIGHTON</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Brighton Racecourse Race Hill Brighton</b>		
<b><u>Proposal:</u></b>	<b>Permanent use of land for park and ride facilities for up to 700 cars in conjunction with outdoor events (no more than 50 per year) at the American Express Community Stadium Falmer.</b>		
<b><u>Officer:</u></b>	<b>Kathryn Boggiano Tel 292138</b>	<b><u>Valid Date:</u></b>	<b>23/04/2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>23 July 2013</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>DMH Stallard, Gainsborough House, Pegler Way, Crawley, RH11 7FZ</b>		
<b><u>Applicant:</u></b>	<b>The Community Stadium Limited , Mr Martin Perry, American Express Community Stadium, Village Way, Brighton, BN1 9BL</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site comprises the land to the west of the racecourse stand and garden centre and to the east of Freshfield Road. The land is currently grassed with some areas of access routes which are hardsurfaced.
- 2.2 The parking area itself is formed of 3 parcels of land. The site has been used as a Park and Ride site for the last two years in connection with the AMEX Community Stadium.
- 2.3 The area is also used for varying amounts of parking for the racecourse, depending on the scale of the event being held. The land slopes up in an eastern direction from Freshfield Road.
- 2.4 Other areas utilised by the racecourse for parking include the triangular piece of land to the west of the garden centre car park, and the linear areas to the west of the racetrack and stand.
- 2.5 Brighton General Hospital is to the west of Freshfield Road.
- 2.6 The racecourse is not within the National Park.

## **3 RELEVANT HISTORY**

### **Stadium Site**

**BH2013/01356:** Application for removal of condition 1 and variation of condition 36 of application BH2011/03861. (Variation of condition application to increase maximum number of spectators at American Express Community Stadium to 30,750 and to change parking provision within 1.5km to between 1500 and 3000

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vehicular parking spaces). Wording for condition 1 to be removed currently reads - "Of the additional 8,250 capacity hereby approved, only 5,991 seats of the additional capacity shall be brought into use for the 2012/2013 football season". Wording for condition 36 to be varied to read as follows - "When the 650 space temporary car park on land to the east of the Stadium (planning application reference LW/11/0466) ceases to be in use, of the additional 8,250 capacity hereby approved, only 5,991 seats of the additional capacity shall continue to be in use. None of the remaining capacity of 2,259 seats shall be returned to use unless details of a permanent park and ride solution, or other permanent transport solution to the satisfaction of the Local Planning Authority, to replace the 650 space temporary car park, has been agreed in writing by the Local Planning Authority and until the permanent park and ride solution, or other permanent transport solution, has been implemented." Under consideration.

**BH2011/03861:** Application for variation of conditions 39 and 43 of approved planning application BH2001/02418 and variation of conditions 35 and 38 of approved planning application BH2008/02732. Condition 39 of application BH2001/02418 and condition 35 of application BH2008/02732 seek to reduce the minimum number of car parking spaces from 2000 to 1500 and increase the maximum number from 2200 to 3000 and to read as follows - " Unless otherwise agreed in writing with the Local Planning Authority, no use of the Stadium for Outdoor Events shall occur unless a minimum of 1500 car parking spaces and a maximum of 3,000 car parking spaces at Sussex University and land at the former Falmer High School or at alternative locations within 1.5km of the Stadium as shown on the car parking plan within Document 6 of the Addendum to the Transport Assessment (Appendix 2.1 of Environmental Statement) which was received on the 15 March 2012, are made available for use by persons attending the said Outdoor Event. Any proposed change to the approved aforementioned parking would need to be submitted to and approved in writing by the Local Planning Authority." Condition 43 of application BH2001/02418 and condition 38 of application BH2008/02732 seek to increase the maximum number of people in attendance from 22,500 to 30,750 (additional 8,250) and to read as follows - "No event shall take place at the Community Stadium with an attendance in excess of 30,750 people". Approved 04 May 2012.

**BH2010/03905:** Change of use of part of ground floor of East stand from educational space to medical centre. Approved 15/02/2011.

**BH2010/03817:** Reduction in height to the landscape adjacent to the east stand. (Part retrospective). Approved 11/03/2010.

**BH2010/02808:** Non material amendment to BH2008/02732 for external elevational changes to the north, east and west stands. Approved. 22/09/2010.

**BH2010/02013:** Non material amendment for the reduction in chalk spoil levels and amendment to profile of contours on land south of Village Way. Amendment to scheme approved under BH2008/02732 for community stadium. Approved 28/07/2010.

**BH2010/01976:** Proposed revision to the North stand approved under planning application BH2008/02732 to include increased floor area for the club shop, new staff restaurant, new floor area for club offices, new museum, new floor area for storage and minor revisions to the North stand elevations. Approved 05/05/2011.

**BH2008/02732:** Revision to stadium permitted under 2001/02418/FP including change in roof design and elevational treatment, increase in useable floor area

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and amendments to use of internal floorspace. Proposed re-contouring of land south of Village Way with chalk and soil arising from excavations required to construct community stadium. Granted 22 April 2009.

**BH2001/02418/FP:** A Community Stadium with accommodation for Class B1 business, educational, conference, club shop merchandise, entertainment and food and road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School. Granted July 2007.

### Racecourse Site

**BH2011/03498:** Change of use of land known as Market Site at Brighton Racecourse for car boot sales on each Sunday throughout the year and additionally on Wednesdays during the months of April to October each year, with additional car parking to South of Manor Hill. (Retrospective). Withdrawn by the applicant.

**BH2011/01152:** Proposed use of land for park and ride facilities for up to 700 cars in conjunction with outdoor events (no more than 50 per year) at the American Express Community Stadium Falmer. Approved for a 2 year period which expired on 30 June 2013.

**BH2007/03144:** Conversion of existing house into two flats for staff accommodation. Approved 12/10/2007.

**BH2003/02595/FP:** Refurbishment of existing storage building into offices, improve existing turnstiles, creation of new toilets. Approved 25/09/2003.

**BH2003/01199/FP:** Change of use of unit from hot food takeaway (A3) to offices (B1). Approved 03/06/2003.

**BH2001/01021/FP:** Use of land at east car park as a Sunday market/car boot sale between 09.00 and 18.00 hours, stall holders 07.00 to 19.00 hours. Withdrawn by the applicant.

**BH2000/00167/OA:** Demolition of existing Silver Ring grandstand and erection of a single storey multi-function hall. Approved 17/03/2000.

**BH1999/02359/FP:** Single storey extensions on west side to existing members and tattersalls enclosures in grandstand. Refurbishment of ground floor halls. Approved 16/12/1999.

**BH1999/01849/FP:** Renewal of BH1998/02436/FP to allow use of land as a Sunday market (for a period of 14 week, commencing 7/05/2000.). Approved 08/12/1999.

**BH1999/00554/FP:** Reconstruction of a parade ring (part retrospective). Approved 04/06/1999.

**BH1999/00299/FP:** Creation of a hardstanding area track on south side of racecourse (between 7 furlongs and 2 furlongs markers) for use by race day vehicles. Approved 31/03/1999.

**BH1998/02436/FP:** Use of land (between racecourse and running track and 'east car park') as a Sunday market and car boot sale. Market to open between 09.00 and 16.00 hours with stall holders on site between 07.00 and 19.00 hours. Approved 10/03/1999.

**BH1998/02339/FP:** New viewing gallery, refurbishment/re-cladding of part of main grandstand and various elevational alterations. Approved 22/10/1998.

**BH1998/01982/FP:** Erection of new entrance gates to main entrance and grandstand. Approved 22/10/1998.

#### **4 THE APPLICATION**

- 4.1 The planning application proposes the permanent use of the land to the east of Freshfield Road and to the west of the racecourse stand and garden centre, as a park and ride site for events at the AMEX Community Stadium for up to 50 times per annum.
- 4.2 The application proposes parking for up to 700 vehicles for up to 35 times a year for the Club's league and cup match day events and outdoor concerts, and for other events at the Stadium on the remaining 15 times per year parking for up to 500 vehicles is proposed.
- 4.3 Park and ride at the race-course for the stadium should not take place when there is a race event or other large scale event taking place at the race-course.
- 4.4 As with previous years, eight buses would be in operation running to and from the Stadium. The route to the stadium is via Warren Road to Woodingdean traffic lights where they turn left and travel along the B2123 to the stadium. The route from the stadium back to the racecourse is via Lewes Road and Elm Grove. Buses are brought onto the site from Freshfield Road and egress onto Warren Road via the existing access points.
- 4.5 The parking opens two and a half hours before kick off and the scheme finishes when the last vehicle has left the car park.
- 4.6 The parking areas are mainly grassed although the access into each area consists of gravelled areas and hardstanding access routes surround each parking area. It is not proposed to hard-surface the parking areas.
- 4.7 The route the buses use within the race-course is already hard-surfaced.
- 4.8 The Club is required to provide a minimum of 1,300 parking spaces at park and ride sites. At the public inquiry into the original planning application for the Stadium, the racecourse site was identified as an additional park and ride site needed to fulfil the transport demands of the Stadium.

#### **5 PUBLICITY & CONSULTATIONS**

- 5.1 **External**  
**Neighbours:** One letter of representation has been received from **Flat 3 122 Pankhurst Avenue**, which comments that they would not want to see all of the grass tarmaced over and people enjoy walking dogs there. They also ask if there will be an improvement to the junction of Elm Grove and Freshfield Road or will there be traffic direction by police during events.
- 5.2 **Brighton & Hove Archaeological Society:** Strongly suggest that the Council consult the County Archaeologist.
- 5.3 **County Archaeologist:** Although the site is within an Archaeological Notification Area, as the site is currently used for car parking and there are no

proposed groundworks associated within this new proposal, do not consider that any archaeological remains are likely to be affected by these proposals.

5.4 **Sussex Police:** No objection.

5.5 **Internal:**

**Air Quality:** The Department of Environment has mapped background air pollution levels. The area of Brighton around the racecourse has excellent long-term air quality; the hill top location is remote from the high-density city and its constantly used road junctions. The Council's kerbside monitoring on Elm Grove showed concentrations of Nitrogen Dioxide below the limit value for eight years; 2001 to 2008. After that time it was decided to cease monitoring at this location so resources could be better directed at the inner priority locations.

The proposal would not affect air quality levels around the vicinity of the site. (Freshfield Road and Elm Grove). Additional buses may contribute towards very short term air quality levels on Lewes Road, however they would not contribute towards the National annual air quality objectives.

5.6 **Environmental Health:** No comment.

5.7 **Sustainable Transport:**

***Comments made on 2 July 2013***

The applicant should:

- Revise sections 6.4 and 6.5 of the Transport Report as the additional demand for P&R cannot be allocated to Mill Road, Mithras House and Cockcroft as they are regularly above capacity. Therefore all additional demand must be assumed to go to the Racecourse P&R site.
- Provide clarification on Appendix 3 on-street parking demand.
- Provide clarification on Woodingdean crossroads.

5.8 The Highway Authority does not agree with the adopted approach with regard to the calculations for the predicted modal split and the on street parking data, and consider that the applicant should amend the Transport Report. However, based on the Highway Authority's own assessment of the modal split data and on street parking data, even if the prediction calculations are amended and a worst case scenario presented, there is still adequate capacity within the racecourse park and ride site and on street capacity to accommodate the forecast additional demand. Therefore a reason for refusal could not be warranted.

5.9 ***Comments made on 26 June 2013***

The Highway Authority cannot currently recommend approval of this application, as the applicant has not addressed queries originally raised by the Highway Authority on 26/05/2013. The applicant should provide clarification on these points which are detailed further below.

5.10 On-street car parking data

The applicant has used the worst case scenario in terms of vehicles parking in the areas to be the CPZ for Coldean and Moulsecoomb for the 2012/13 season. The worst case scenario is a weekday and constitutes 569 cars parking in these

areas. The applicant has increased the estimate by 15% to ensure a robust approach. This means that within the Transport Report the applicant has assumed that 655 vehicles will park in this area. However, the 2012/13 on-street parking survey data for Coldean and Moulsecoomb does not take account of any potential future increase in stadium capacity of 2,259 people. This is because the on-street parking data used is from games in the 2012/13 season where smaller attendances were recorded. Therefore for the games versus Crystal Palace and Wolves when the attendance was at near full capacity a higher number of on-street car parking in Coldean and Moulsecoomb could have been recorded.

- 5.12 As previously stated, the applicant has applied a 15% increase to the number of cars parking in these areas. It is assumed that this uplift is to take account of a potential increase in the stadium capacity of 2,259 and the potential additional people who may park in the Coldean and Moulsecoomb areas, as a result. This approach is welcomed but the uplift should be based on the proportional increase in the number of seats, as a result of full capacity (30,750) above the average attendance at the stadium in the 2012/13 season. This will ensure that the assessment takes full account of the potential increase in stadium capacity.

5.13 Use of modal split data

As previously highlighted in the Highway Authority's original comments, the Highway Authority has some concerns in relation to the use of the 2012/13 modal split data to proportion the overspill car parking from the Coldean and Moulsecoomb CPZ areas to alternative modes. The applicant has responded by stating it is standard practice to use such data and that the Council should provide evidence to support their assertion that the assumptions made on modal split data is optimistic.

- 5.14 The Council would recommend that the 2012/13 modal splits act as a guide but that the applicant undertakes some form of testing to provide evidence of the impact, should more people who currently drive and park in the Coldean and Moulsecoomb areas transfer to park and ride sites. The Highway Authority consider that if a spectator currently drives to Coldean and Moulsecoomb, they are more likely to continue driving and parking somewhere else rather than switch to a different mode completely (bus, train cycle walk). Therefore the applicant could assume a higher percentage of fans that currently drive and park in Coldean and Moulsecoomb are more likely to use a park and ride site than the average fan when the CPZ becomes operational. The modal splits for park and ride could be amended to reflect this likely outcome. This approach is deemed to be reasonable and will ensure the worst case scenario is assessed, as is standard practice when assessing the transport impact of a proposed development.

5.15 Car park and Park & Ride site usage

In Section 6.1 the applicant states that for the last 2 games of the 2012/13 season there was a total of 3257 vehicles either parking in one of the dedicated car parks or a park and ride site. The applicant demonstrates the maximum capacity of all the available park and ride sites for a weekday and weekend in Section 6.2. We have previously requested that the applicant should specify what the average usage is for each parking and park and ride site and provide original survey

results. The applicant should also provide survey results for the demand for each park and ride site for the recent Wolves (4/5/2013) and Crystal Palace (13/5/2013) games. The applicant has not provided this necessary data and must provide this to ensure the assumptions made in sections 6.4 and 6.5 of the report are appropriate.

5.16 The assumption that the overspill car parking from Coldean & Moulsecoomb can be proportioned to the park and ride sites on the basis of the demand as occurred in the 2012/13 season needs to be supported with appropriate usage data as stated above. Obviously, if a park and ride site is regularly operating at capacity it cannot accommodate any displaced car parking from the Coldean and Moulsecoomb area and this may add extra demand at other P&R sites, such as the racecourse. It is noted that within the Planning Statement submitted to support this application the applicant states: “... *both the Mill Road and Mithras House Park and Ride sites both reach maximum capacity regularly prior to matches.*”

5.17 Woodingdean Crossroads assessment

In order to assess the impact on the Woodingdean crossroads the applicant has made reference to the Transport Statement submitted to support the original racecourse P&R application (BH2011/01152). Figure 1, of this TS sets out the forecast network trip distribution forecast at the time of the original application based on ticket buyers for the Withdean stadium; as is indicated in section 8.3 of this most recent report.

5.18 The applicant states that 8% of home supporters are forecast to travel through Woodingdean crossroads, as detailed in Figure 1 of the original TS. The applicant then states in section 7.4 of the report that 80% of supporters using the racecourse travel from the east, this contradicts the network trip distribution detailed in Figure 1 of the original racecourse TS. The applicant also states in section 8.3 of this report that the recent postcode data should be considered more accurate. Therefore the applicant should produce revised calculations that demonstrate the impact on Woodingdean crossroads. This should be based upon the more accurate post code data that demonstrates 80% of people travelling to the racecourse park and ride site travel from the east. The 20% of trips from the east and 80% from the west could be proportioned out based on the home supporters trip distribution in Figure 1 of the original racecourse TS. The applicant must demonstrate that the proposals do not have a significantly negative impact on the operation of Woodingdean crossroads.

5.19 Conclusion – worst case scenario

The applicant states in the conclusion that “*The worst possible case scenario suggests that next season demand could increase by 19 cars, taking the maximum usage up to 346 cars, including on-street demand.*” This is not deemed to be the worst possible case scenario by the Highway Authority in light of the comments made above.

5.20 **Comments made on 26 May 2013**

The Highway Authority cannot currently recommend approval of this application, as clarification is required on certain aspects and further assessment is required

in relation to the potential increase in capacity of the stadium by 2,259 in the 2013/14 season.

- 5.21 The number of cars quoted within the Transport Report as parking in Coldean and Moulsecroomb (1,100) is significantly different to other estimates of the number of vehicles parking in Moulsecroomb and Coldean. The 2011 Transport Assessment (TA) (BH2011/03861) estimated that the number of spectators parking in Moulsecroomb and Coldean to be 1500 spectators. While the counts available at the time of writing the Planning Committee report for planning application (BH2011/03861) estimated the number of cars parked in Moulsecroomb as being 314-338 and 282 in Coldean; a maximum of 620 vehicles (for a maximum capacity of 22,500). Therefore, clarification is requested on this matter and details of where this data is taken from. It would also be useful if the applicant could make use of existing parking survey data in the Moulsecroomb and Coldean areas.
- 5.22 The applicant must provide further clarification as to how they have calculated the number of supporters parking in Moulsecroomb and Coldean.
- 5.23 The applicant has assumed that the 1,100 vehicles that currently park in Coldean and Moulsecroomb will transfer to alternative modes of travel based upon the observed modal split detailed within the Travel Management Plan. However, this is assuming that people who could have regularly travelled by car to the stadium and have had their travel habits set over two football seasons will change to alternative modes of travel. For example it may be optimistic to assume that 35.4% of these supporters will now travel by train, when they have got used to travelling by car. It might be more realistic to assume that a majority who currently drive and park near to the stadium would look to continue to drive but park elsewhere or use a P&R site and only consider an alternative means of transport as a second option. It would be useful if the applicant could provide supporting information to justify the assumption that supporters will transfer to alternative modes based on this modal split.
- 5.24 In relation to car parking demand in and around the Park & Ride sites the applicant states: *“Current car parking demand, as recorded for the four games up to and including 17<sup>th</sup> March 2013 has averaged 3288 spaces. It should be noted that this is the total volume of parking demand across all sites whether near site parking or Park & Ride...”* The applicant must specify what the average demand is for each Park & Ride site and provide original survey results. The applicant should also provide survey result for the demand for each P&R site for the recent Wolves (4/5/2013) and Crystal Palace (13/5/2013) games. If some of the Park & Ride sites are operating at capacity, which they appear to be, this would affect the assumptions made in terms of percentage increases across the sites made in paragraphs 6.4 and 6.5 of the report. Obviously, if a P&R site is operating at capacity it cannot accommodate any displaced car parking from the Coldean and Moulsecroomb areas and this may add extra demand at other P&R sites, such as the racecourse.
- 5.25 The 2012/13 TMP states that there are 520 car parking spaces at Mill Road but paragraph 6.2 states that it is 450. The applicant should provide clarification on



this matter. While the applicant states that Bennett's Field has 650 spaces. However, 70 spaces are staff spaces so it should actually be 580 spaces for supporters. Clarification should also be provided as to levels of staff car parking at all the other sites.

- 5.26 This assessment of increase in parking demand (416 vehicles) only takes account of the existing parking that occurs on-street in Coldean and Moulseccomb. No account has been taken of the implications of an increase in capacity of 2,259 which could be undertaken in the 2013/14 season. No assessment has been made to see whether this increase in demand can be accommodated within the racecourse or other P&R sites. This assessment should therefore be undertaken to fully understand the impact should the capacity increase to its full capacity in 2013/14.
- 5.27 It is not apparent how the applicant has concluded that there will be an increase in vehicles of 175 turning right from Falmer Road to Warren Road and 25 travelling straight on from Warren Way to Warren Road as is stated in paragraph 7.3 of the Transport Report. The applicant should therefore provide further clarification as to how these figures have been assumed.
- 5.28 The applicant concludes that the worst case scenario at the racecourse P&R would be an increase of 38 vehicles. They state *"The worst possible case scenario suggests that next season demand could increase by 38 cars, taking the maximum usage up to 339 cars, including on-street demand."* Again, this does not include any assessment of the potential increase in stadium capacity by 2,259; which could happen in the 2013/14 season. This should be amended as detailed above for paragraph 6.3.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 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."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR6	Park and ride
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise disturbance
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
QD16	Trees and hedgerows
QD27	Protection of Amenity
SR22	Major sporting venues
SR23	Community stadium
NC6	Development in the countryside/downland

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in favour of sustainable development
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## **8 CONSIDERATIONS & ASSESSMENT**

### **8.1 Background**

In 2007 planning permission was granted for the Community Stadium at Falmer, including road works, pedestrian and cycle links, coach/bus park and set down area, shared use of existing car parking space at the University of Sussex and shared use of land for recreation and parking at Falmer High School. In 2009

(BH2008/02732), permission was granted for a revision to the stadium approved in 2007, including a change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace.

- 8.2 As part of the 2007 permission (BH2001/02418/FP), a minimum number of 1300 park and ride parking spaces are required by condition 22, which states that:  
*“No use of the stadium shall take place for Outdoor Events unless and until park and ride facilities with a minimum capacity of 1,300 car parking spaces are available for use by persons attending Outdoor Events at the Stadium and such spaces shall be maintained for such use in accordance with the Travel Management Plan.”*
- 8.3 There were existing park and ride facilities at Mithras House, Lewes Road and Mill Road which were used in connection with games played at Withdean Stadium. However, an additional site was needed in order to cope with the additional demand and as part of the public inquiry into the original application for the Stadium, the racecourse site was accepted as being necessary as an additional park and ride site.
- 8.4 Permission for park and ride at the racecourse was granted at Planning Committee on the 29 June 2011 (BH2011/01152) for a temporary period of two years which expired on the 30 June 2013. The Club had applied for a permanent permission, however, Planning Committee members considered that it was more appropriate to permit a temporary consent for two years, so that the Club could assess the traffic and parking implications, air quality implications and congestion that might be created over this time, and then the relevant information could be presented back to Planning Committee.
- 8.5 The numbers of parking spaces available at the Park and Ride sites are:
- Mill Road: 450 spaces
  - Mithras House & Cockcroft: 500 spaces
  - Racecourse: 700 spaces
  - Total = 1650 spaces.
- 8.6 The number of spaces therefore exceeds the 1,300 minimum required by condition. However, the spectators at the Stadium has since increased from the original maximum crowd of 22,500 spectators.
- 8.7 On the 25<sup>th</sup> April 2012, Planning Committee resolved to mind to grant a variation of condition application (BH2011/03861) to the original Stadium permissions, in order to permit the following:
- Increase in spectator capacity at the Stadium from 22,500 to 30,750 and change to the number of vehicular parking spaces which must be provided within 1.5km from between 2,000 and 2,200 spaces to between 1,500 and 3,000 vehicular parking spaces.
- 8.8 Condition 1 of BH2011/03861 requires that the additional capacity of 8,250 be brought into use in two stages. Within the 2012/13 football season the Club can use up to 28,491 of the seats. From the 2013/14 football season onwards the Club can use the full capacity of 30,750.

- 8.9 Condition 36 of BH2011/03861 is also of relevance to the number of seats the Club can bring into use. This condition specifically states that:  
 “No more than 5,991 of the 8,250 (total 28,491) additional capacity hereby approved shall be brought into use unless details of an additional permanent park and ride solution, or alternative transport solution, has been agreed in writing by the LPA in consultation with the Highway Authorities (B&HCC and Highways Agency) and until the permanent park and ride solution has been implemented.”
- 8.10 The Club has now submitted another variation of condition application (BH2013/01356) to remove condition 1 completely and to vary the requirements of condition 36 to:  
 “When the 650 space temporary car park on land to the east of the Stadium (planning application reference LW/11/0466) ceases to be in use, of the additional 8,250 capacity hereby approved, only 5,991 seats of the additional capacity shall continue to be in use. None of the remaining capacity of 2,259 seats shall be returned to use unless details of a permanent park and ride solution, or other permanent transport solution to the satisfaction of the Local Planning Authority, to replace the 650 space temporary car park, has been agreed in writing by the Local Planning Authority and until the permanent park and ride solution, or other permanent transport solution, has been implemented.” This application is still under consideration by the Council.
- 8.11 Despite the above conditions, the Club have used the stadium for full capacity games (30,750) at the end of the last season, specifically the final league home game on Saturday 4 May 2013 and the home leg of the play off semi-final on 13 May 2013.
- 8.12 As part of the increase in capacity application BH2011/03861, a Controlled Parking Zone (CPZ) within Moulsecoomb and Coldean has been required through the legal agreement accompanying the planning decision and this should be in place by the start of the 2013/14 football season.
- 8.13 Therefore, it is considered that the Racecourse park and ride site is needed in order for the Stadium to operate at a maximum capacity of 28,491 (2012/13 season), and is needed for the Stadium to operate at its future maximum capacity of 30,750 spectators (either during 2013/14 or 2014/15 season dependant on the outcome of application BH2013/01356) and is also needed to accommodate the potential additional vehicles as a result of displaced parking from the Moulsecoomb and Coldean CPZs (start of the 2013/14 season).
- 8.14 The Travel Management Plan (TMP) for the Stadium sets out the wider travel arrangements for the Stadium. The recorded demand and recorded modal split figures (Transport Statement, BH2013/01356) are included below:

<b>Travel Mode</b>	<b>2012/13 Demand (number of spectators)</b>	<b>Recorded of</b>	<b>2012/13 Modal Split</b>	<b>Recorded</b>
Bus	2390		8.6%	
Bus specials	3180		11.5%	

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Coach	2100	7.6%
Train	9800	35.4%
Park & Ride	3860	13.9%
Parking (includes parking in Moulsecoomb and Coldean)	5020	18.1%
Cycle/Walk	1370	4.9%
Total	27720	100%

8.15 Free travel on the Park and Ride buses is available for all home spectators with a valid match ticket. The transport levy is added onto the price of a match/season ticket. There is not a separate fee for parking.

8.16 The management plans for all of the park and ride sites is detailed as part of the Travel Management Plan, which includes information on stewarding, signage and the routes the buses will take. Operational arrangements are open to discussion with the bus company and through the Travel Management Group.

8.17 The number of outdoor events which can be held at the Stadium is controlled by condition to no more than 50 in any 12 month period, of which no more than two shall be music concerts. There was no demand for Park and Ride as a result of the Fatboy Slim concerts which were held in June 2012. In reality it is very unlikely that there would be more than 35 Brighton & Hove Albion home games in any season (including all cup competitions).

**8.18 Principle of development**

The application site at the racecourse is within the countryside/downland as designated by policy NC6 of the Local Plan. The site is also covered by policy SR22 which identifies the racecourse as a major sporting venue and prevents the redevelopment of the site for non-sporting uses. The area which is the subject of this application, is also used as a parking area in connection with race days and other larger scale events at the racecourse. The site is located between the racecourse stand and the garden centre, and is therefore viewed against the backdrop of these buildings along with the car park of the garden centre.

8.19 When permission was granted for the two year consent (BH2011/01152), it was considered that the use would not have a significant adverse impact on the countryside/downland, and that its location within the countryside was justified. The proposal was not considered to be contrary to policy NC6. As the park and ride use would not compromise the use of the overall racecourse site as a major sporting attraction, it was also considered that the proposal was not contrary to policy SR22. These considerations are still relevant and the principle of park and ride at the racecourse is considered to be acceptable and forms part of the overall package of transport measures needed for the successful operation of the Stadium.

**8.19 Sustainable Transport**

Traffic impact on road network

The impacts on the local highway network from both spectator traffic and from the park and ride buses must be assessed.

8.20 *Spectator traffic*

The park and ride at the racecourse has been underutilised in the last 2 years. The data is included within the below table:

	<b>Average Crowd</b>	<b>Average number of cars</b>	<b>Average number of spectators per car</b>
<b>2011/2012 Season</b>	20,028	259	2.7
<b>2012/13 season</b>	25,271	265	2.9
<b>Last two games of 2012/13 season</b>	29,761	327	2.8

8.21 Apart from the average of the last two games of the season, the average usage of the recourse for the 2012/13 season, did not significantly increase when compared to the average usage 2011/12 season. The full capacity at the Stadium (30,750 was utilised on the last 2 home games) and the average number of cars increased from 265 to 327 cars. 388 cars used the racecourse site for the weekday Crystal Palace play off semi final game. Parking for the weekend Wolves game was less at 267 cars.

8.22 It is considered that the average of 327 cars could be reflective of the situation either next season or the 2014/15 season (depending on the outcome of application BH2013/01356), when the full capacity of 30,750 could be in permanent use. However, the survey data does indicate that more people may use the racecourse for a midweek game. However, this data has to be treated with caution as there have only been two games with a maximum capacity crowd. In addition to the increase in spectators from 28,491 to 30,750, there could also be an increase in spectators wanting to use the racecourse site when the CPZs become operational at the start of the next season.

8.23 The applicant has estimated that with a full capacity crowd (30,750) operation of the CPZs could potentially displace an additional 654 cars (1700 spectators based on 2.6 per car). As the Highway Authority disagree with the calculation for the predicted increase in cars as a result of the increase in capacity, the Highway Authority consider that these figures should be 674 cars (1752 spectators). These are the numbers of cars and spectators which would need to be accommodated over all of the other different modes of transport including the racecourse park and ride site. The difference in the calculations would only result in an additional 2 cars at the racecourse site, so 94 instead of 92 so this is not considered to be material.

8.24 The applicant has used the existing modal split percentages in order to calculate what the increase in usage at the Park and Ride sites may be as a result of the displaced CPZ parking. So for example, all the park and ride sites

have an existing modal split percentage of 13.9% for a capacity crowd of 28,491. Of this 13.9%, Mill Road equates to 38.5%, Mithras House equates to 40.2% and the racecourse equates to 21.2%. Therefore the applicant has assumed that the increase in spectators will be spread evenly over all modes and evenly over the 3 park and ride sites and that the increase in demand at the racecourse will be for 19 spaces (out of a total 92 -94 spaces for all park and ride sites).

- 8.25 The Highway Authority disagrees with this approach as the other two park and ride sites (Mill Road and Mithras and Cockcroft) are at capacity in terms of usage, and also because those spectators which currently drive and park in Coldean and Moulsecomb are likely to continue to drive but park somewhere else rather than switch to another mode (bus/train/cycle/walk). Therefore, the Highway Authority considers that the worst case scenario for the displaced parking as a result of the CPZs would be the full 92 – 94 additional cars parking only at the racecourse site and not distributed over all 3 park and ride sites.
- 8.26 In addition, the Highway Authority consider that the overall park and ride modal split percentage may actually increase as a result of implementation of the CPZs, as spectators may still chose to drive but could park somewhere else. If a worst case scenario of 35% of the additional trips going to park and ride and is applied to the racecourse (rather than the applicant's predicted increase of 14%) this would equate to an additional 236 cars.
- 8.27 The two final games of last season when the full capacity was in use (30,750) showed that the number of cars parking at the racecourse increased over the average for the rest of the season by 2 cars (Wolves Saturday game) and by 123 cars (Palace mid week game). Therefore if the Palace game is used as a worst case scenario for a 30,750 capacity game (388 cars) and the worst case scenario added as a result of displaced parking from the CPZs (19 predicted by the applicant and up to 236 predicted by the Highway Authority), the worst case scenario is 624 cars parked at the racecourse. Given that the capacity is for 700 at the racecourse, there is still enough capacity to cater for a maximum capacity crowd of 30,750, to cater for any displaced parking as a result of the CPZ and to cater for any significant increase in the park and ride modal split.
- 8.28 It is important to note that it is impossible to predict exactly how spectators will change their travel modes as a result of implementation of the CPZs, and that the worst case scenarios are based on the assumption that the racecourse park and ride site is attractive to all spectators in terms of its location. However, the low usage of the racecourse would indicate that it is not as attractive as the other park and ride sites.
- 8.29 Despite the under usage of the racecourse, the impact of 700 spectator trips on the road network needs to assessed.
- 8.30 Analysis of postcode data from spectators using the racecourse park and ride site shows that 80% of spectators are travelling from the east. Clarification regarding the number of trips though Woodingdean traffic lights has been requested from the applicant and this will be reported via the late list of

supplementary information. The trips through Woodingdean traffic lights as a result of the racecourse park and ride site occur outside of peak times. Subject to the clarification regarding the Woodingdean traffic light flows, it is not considered that 700 spectator trips would cause an adverse impact on the local highway network.

8.31 *Bus traffic*

The Travel Management Plan outlines the routes the buses will take. They travel to and from the stadium on a circular route, leaving the racecourse by turning right onto Warren Road, travelling to the Woodingdean crossroads and turning left onto Falmer Road travelling to the Stadium. On leaving the Stadium they turn left out of Village Way to access the A27 travelling westwards onto the A2270 turning left onto Elm Grove. 8 double decker buses are normally in use (this number can be amended if necessary through the Travel Management Plan and Travel Management Group). It is anticipated that when the bus improvement works are complete on Lewes Road, the buses will use this route to and from the Stadium and won't use the route via Warren Road and the Woodingdean Traffic Lights.

8.32 The double decker buses can accommodate up to 90 people. There are currently approximately 12 bus journeys before and after each game. If these carry approximately 90 people, based on an average of 2.9 people per car, and a maximum of 700 cars, this would equate to 23 bus journeys to and from the Stadium (both before and after the game). So this would be 46 bus journeys in total. The bus journeys are spread over a maximum of 2 to 2.5 hours and travel along existing bus routes on main roads. Therefore, the bus journeys are not considered to adversely impact on the capacity of the road network nor jeopardise highway safety.

8.33 *Parking on surrounding residential streets*

When the previous planning application was under consideration concerns by neighbours were raised regarding the possibility of fans parking on surrounding neighbouring streets. As part of the previous application 11 letters of objection were received from residents, however as part of this current application only one letter of comment has been received. There have been no complaints made to the Council or to the Club regarding the operation of the racecourse as a park and ride site for the Stadium.

8.34 Since December 2012, the applicant has been undertaking on street parking surveys on the residential roads surrounding the racecourse. This has shown that on average there are an additional 47 cars parking on street in the immediate area on Manor Hill, Firlie Road, Pankhurst Road, Freshfield Road and Elm Grove/Warren Road when the park and ride is in operation. The parking survey averages equate to 111 cars parking on a match day and 64 on a non match day. The 47 cars parking on street equates to 18% of the average number of cars parking within the racecourse site. The parking capacity results indicate that there are between 147 and 174 spare spaces on street. If a worst case scenario of 18% of 700 cars is taken this could result in a total of 126 cars parking on street which is an increase of 79 cars. However, the number of spare parking spaces within the surrounding area is at least 147 spaces. It is hoped that



spectators can be discouraged from parking in surrounding streets. However, even if the worst case scenario is used, the parking results show that there is spare capacity on street to cope with the additional parking demand.

8.35 The management, stewarding and publicity arrangements for the park and ride site are detailed through the Transport Management Plan. There have not been any complaints to the Council or the Club regarding spectators parking in the surrounding streets. However, it is recognised that if the numbers of people parking on the surrounding streets does increase in the future then this situation may change. If a problem does arise, it can be tackled through the Transport Management Group, and through amended management of the park and ride site or increased publicity to fans.

8.36 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.

8.37 Possible impacts on neighbouring amenity are noise and disturbance and pollution from increased traffic.

8.38 To the west of the site is Brighton General Hospital, which is opposite parking areas 2 and 3. Opposite a section of parking area 1 is a block of relatively new flats on the corner of Pankhurst Avenue and Freshfield Road. The former reservoir site is opposite the rest of parking area 1.

8.39 Given the separation between the residential properties and the site and the presence of Freshfield Road in between, it is not considered that manoeuvring on the parking areas would give rise to a significant adverse impact in terms of noise and disturbance. In addition, there have been no complaints made to the Council regarding the park and ride operation.

8.40 It is recognised that the use of the racecourse has been below capacity. However, it is not considered that the maximum capacity use of the racecourse would have a significant detrimental impact on neighbouring amenity.

8.41 Visual Impact

The site is within open downland and is protected by policy NC6 of the Local Plan. The site has been used by the Stadium for the last two years as a park and ride site and is also used for parking when large events are held at the racecourse.

8.42 The site is open with timber railings on the perimeter. It is considered that the site is always viewed with buildings such as the racecourse stand, garden centre and parking to the garden centre in the backdrop. These existing buildings provide a break between the grassed parking areas and the openness of the countryside to the east. Given this, and the fact that the areas can currently be used for racecourse parking, it is not considered that a permanent park and ride proposal

would cause any more harm to the visual qualities and openness of the countryside to the east.

8.43 Over the last two years the use of the areas for park and ride has not resulted in a loss to the grassed areas. Concerns were raised originally regarding the possibility of cars ‘churning up’ the grassed areas particularly during the winter months. However, this has not happened in reality. It is recognised that the use of the racecourse has been under capacity. However, it is considered that the Management, Monitoring and Maintenance Strategy for the parking areas should ensure that they are maintained to an acceptable level and should address concerns that in winter months the area may become muddy which would harm the visual qualities of the immediate surrounding area.

**8.44 Other Considerations**

One of the reasons Planning Committee granted a temporary consent previously was related to the concerns over the impact of the proposal on air quality levels along Lewes Road.

8.45 The additional bus trips along Lewes Road would be minimal compared with the daily flows, and would also be outside of the daily peak times. At present usage, the proposal generates approximately 12 bus journeys before and after a game. The worst case scenario based on 700 cars and 2.9 spectators per car would be 23 bus journeys before and after a game. When the Lewes Road bus improvements works are complete the buses may travel to and from the Stadium via Lewes Road so this would equate to 46 additional trips along Lewes Road before and after a game. Whilst these bus journeys may contribute to very localised short term air quality levels along Lewes Road, they are not considered to contribute towards the National objectives for Nitrogen Dioxide or Particulate Matter (PM<sub>10s</sub>). Therefore the proposal is not considered to have a significant impact on air quality along Lewes Road.

**9 CONCLUSION**

9.1 Park and ride at the racecourse enables the Football Club to meet their obligations to provide park and ride sites in connection with the American Express Community Stadium. The principle for the need for this park and ride site has been established. It is considered that the park and ride at the racecourse has operated successfully over the last two years without causing an adverse impact on neighbouring amenity or the local highway network. Subject to a condition to prevent any clash of park and ride with major events at the racecourse, it is considered that the continued use of the park and ride would not cause an adverse impact on the local highway network nor would it jeopardise highway safety. The proposal would not significantly harm residential amenity, and subject to the management and maintenance of the area, the proposal would not be of detriment to the visual qualities of the area.

**10 EQUALITIES**

10.1 No disabled parking is to be provided, as this is provided within the car parks serving the Stadium (Sussex University, Bennett’s Field and the Bridge car parks).

**11 PLANNING CONDITIONS / INFORMATIVES**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Plan Number 5	N12034-03 Rev B	B	17 April 2013
Planning application boundary including marshalling area	N12034-05		

- 3) No other area at Brighton racecourse, apart from the 3 parking areas shown on Plan Number 5, referenced N12034-03 Rev B submitted on the 17 April 2013, shall be used as parking in connection with park and ride to the football stadium of Brighton & Hove Albion Football Club. The parking within these 3 areas referred to above, shall not exceed 50 days in any 12 month period. Of these 50 days in any 12 month period the number of vehicles within these 3 parking areas shall not exceed 700 vehicles for a maximum number of 35 days, and shall not exceed 500 vehicles for a maximum number of 15 days.  
**Reason:** To limit the capacity of parking and number of days in order to minimise disruption to the local highway network and to residents by reason of noise and disturbance and traffic pollution, and to comply with policies TR1, TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 4) Prior to the start of each football season, a Schedule of Events, which will include the dates and times of the days Brighton racecourse will be used as parking in connection with park and ride to the football stadium of Brighton & Hove Albion Football Club, along with the full details of any of events which are to be held at the racecourse on these days (including a description of the event, times of the day of the event, the anticipated likely capacity of people attending such an event, and number of parking spaces available for such an event), will be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority 7 days prior to any change, the parking for the park and ride to the football stadium shall only be permitted in accordance with the approved Schedule of Events.  
**Reason:** To ensure that there is no clash of large scale events with park and ride at the racecourse in connection with the Stadium, which may cause disruption to the local highway network and to residents by reason of noise and disturbance and traffic pollution, and to comply with policies TR1, TR7, SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 5) Unless otherwise agreed in writing with the Local Planning Authority, all spectator traffic shall access and egress the site via the site entrance on Freshfield Road.

**Reason:** In order to prevent spectator traffic using the site access located to the north of the site near to the junctions of Warren Road, Elm Grove, Tenantry Down Road and Freshfield Road, for highway safety reasons and to comply with policy TR7 of the Brighton & Hove Local Plan.

- 6) Before the parking areas are first brought into use as parking in connection with park and ride to the football stadium of Brighton & Hove Albion Football Club, a Management, Monitoring and Maintenance Plan for the parking areas shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details and timeframes for the porous surfacing work for the first 10 metres of each access point into each of the 3 parking areas, and shall include the timeframes for regular monitoring and maintenance of the condition of the grassed areas. Monitoring and maintenance information must be submitted to and agreed in writing by the Local Planning Authority on an annual basis by the end of each football season.

**Reason:** In order to maintain the grass in good condition for highway and visual appearance reasons and to comply with policies TR1, QD2, SR22 and NC6 of the Brighton & Hove Local Plan.

- 7) Prior to the start of the 2013-2014 football season, full details of the cycle parking to be provided at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details prior to the start of the 2013-2014 football season and retained as such thereafter.

**Reason:** To ensure satisfactory facilities for the parking of cycles and to encourage cycle and ride to the Stadium and to comply with policy TR14 of the Brighton & Hove Local Plan.

- 8) The maintenance work required by the Management, Monitoring and Maintenance Plan, required by condition 6, must be carried out in accordance with the agreed Plan and within the agreed timescales.

**Reason:** In order to maintain the grass in good condition for highway and visual appearance reasons and to comply with policies TR1, QD2, SR22 and NC6 of the Brighton & Hove Local Plan.

#### 11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 Development 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:-

## PLANS – LIST 17 JULY 2013

Park and ride at the racecourse enables the Football Club to meet their obligations to provide park and ride sites in connection with the American Express Community Stadium. The principle for the need for this park and ride site has been established. It is considered that the park and ride at the racecourse has operated successfully over the last two years without causing an adverse impact on neighbouring amenity or the local highway network. Subject to a condition to prevent any clash of park and ride with major events at the racecourse, it is considered that the continued use of the park and ride would not cause an adverse impact on the local highway network nor would it jeopardise highway safety. The proposal would not significantly harm residential amenity, and subject to the management and maintenance of the area, the proposal would not be of detriment to the visual qualities of the area.

3. The management of the park and ride site which includes stewarding and the routing of buses, is a requirement of the Travel Management Plan, which is a conditional obligation of the original planning permissions for the Stadium BH2001/02418/FP and BH2008/02732.



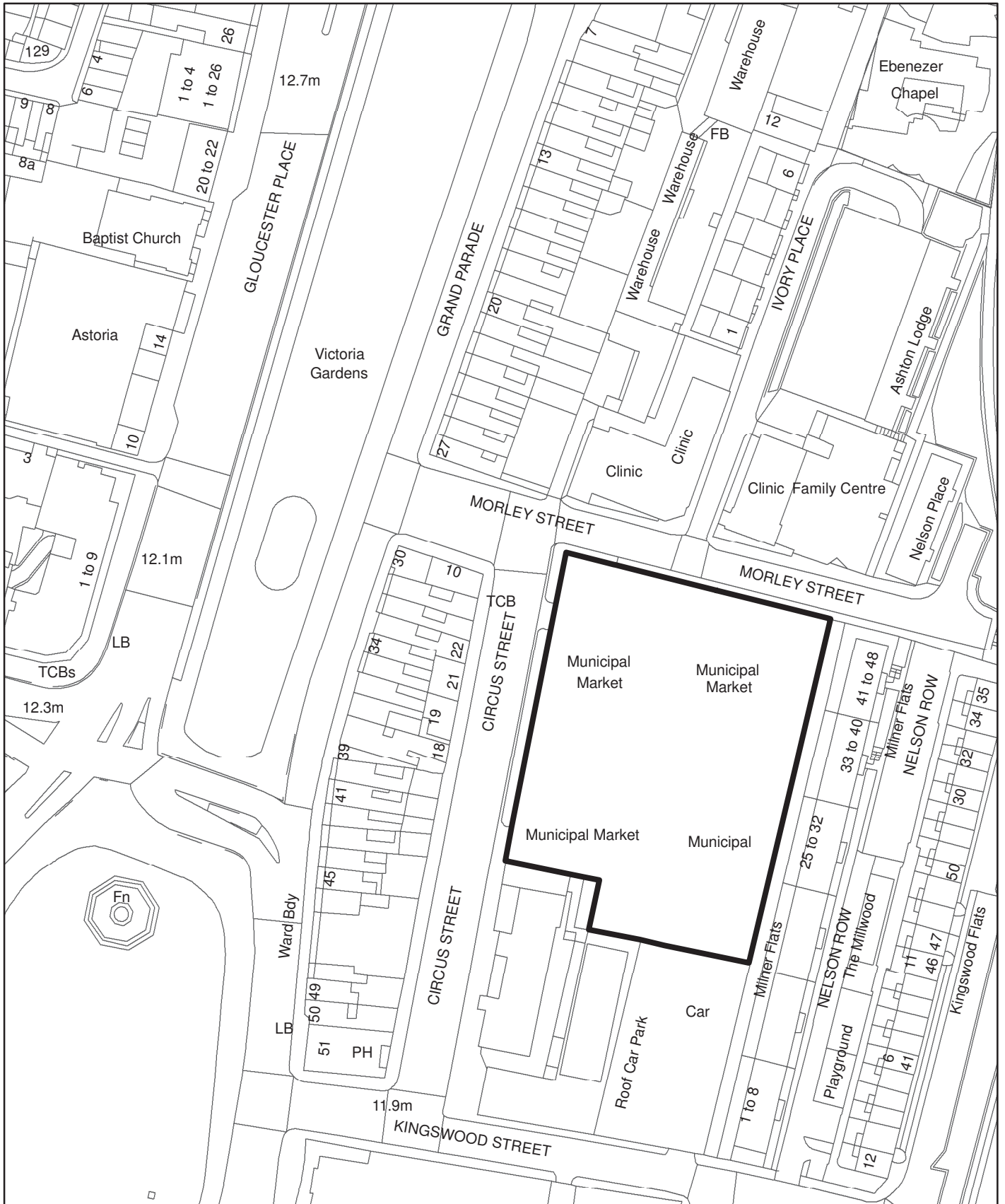
**PLANS LIST  
ITEM C**

**Wholesale Market, Circus Street, Brighton**

**BH2013/01110  
Full Planning**

**17 JULY 2013**

# BH2013/01110 Wholesale Market, Circus Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/01110</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Wholesale Market Circus Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use for temporary period of two years from wholesale market (sui generis) to mixed use scheme consisting of community garden (D2), arts, cultural and other community activities (D1 and D2), business enterprise pods (B1) for local start up firms, and ancillary café (A3), removal of part of roof structure to allow for provision of community garden.</b>		
<b><u>Officer:</u></b>	<b>Kathryn Boggiano Tel 292138</b>	<b><u>Valid Date:</u></b>	<b>17/05/2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>16/08/2013</b>
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	<b>Miss Sarah-Louise Chitty, Cathedral (Brighton) Ltd, St Thomas's Church, St Thomas's Street, London, SE1 9RY</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application relates to the former Circus Street Municipal Market. The site accommodates a 9m high large warehouse building which has a length of 79m on the Circus Street frontage and a length of 64m on the Morley Street frontage. There is a small first floor element fronting onto Circus Street and Morley Street, which was formerly in use by a glazier.
- 2.2 While the interior of the market is level, the site is situated on a steeply sloping hillside that rises up from the valley bottom that comprises Grand Parade and Valley Gardens. There is a sharp rise in ground levels between the western and eastern sides of the site.
- 2.3 The character of the surrounding area is mixed, with commercial, education and community medical uses neighbouring the site, and extensive residential development to the east of the site.
- 2.4 To the immediate south of the site is the part three, part four storey University of Brighton Circus Street Annexe building and a car parking area. An area between the building and car park is currently in use for wood recycling and storage, this does not form part of the application site.
- 2.5 The Valley Gardens Conservation Area borders the site to the west.
- 2.6 The application site, along with the adjoining University of Brighton annexe, wood recycling store and car park, is allocated as a strategic site under policy DA5 of

the Submission Brighton & Hove City Plan. Within this policy the wider site is identified for a mixed use scheme comprising a minimum 160 residential units, 400 student bed spaces, minimum of 3,200 m<sup>2</sup> office floorspace, a dance studio and 3,800m<sup>2</sup> of University floorspace.

- 2.7 The wider site is also allocated in the Brighton & Hove Local Plan for future housing development. A supplementary planning document, SPD05 Circus Street Municipal Market was adopted in 2006.

### 3 RELEVANT HISTORY

**BH2010/00143:** Change of use for temporary period of two years from wholesale market (sui generis) to mixed use scheme consisting of community garden (D2), arts and cultural activities (D1) and business enterprise pods (B1) for local start up firms, incorporating removal of part of roof structure to allow for provision of community garden. Approved 18/03/2010.

**BH2007/03589:** Change of Use of vacant market building for temporary (period of 2 years) to Class D1 and D2 cultural and community uses and small scale ancillary Class A1, A3 and B1 uses. Approved on 12/12/2007. This temporary permission expired on 12/12/2009.

**BH1998/01493/OA:** An outline application for the demolition of existing buildings and erection of 55 units of affordable housing (15 x 2/3 bed town houses, 25 x 2bed flats, 9x1bed flats, 6x studio flats) with 9 integral garages 60 decked spaces and 5 surface spaces. Approved 27/10/1998.

### 4 THE APPLICATION

- 4.1 Planning permission is sought to use the building for a temporary period of two years, for the following uses:

- Community garden (D2): Summer opening times 10:00 to 19:00 and winter opening times 11:00 to 15:00.
- Approximately ten business enterprise pods (B1): Hours of use 08:00 to 20:00 Monday to Friday;
- Cultural, arts and community one off events (D1 and D2) No more than 85 events in any calendar year. Hours of use 09:00 to 23:00.

- 4.2 It is also proposed to remove a section of the roof measuring 24 by 12 metres in order to facilitate the community garden.

### 5 PUBLICITY & CONSULTATIONS

#### 5.1 External

**Neighbours:** Four letters of representation have been received from **Flat 6, Nelson Place, Ashton Rise, 10 Morley Street and 44 and 47 Milner Flats** objecting the application for the following reasons:

- Objection to the cultural activities, particularly with regard to loud music;
- The building was used for Brighton Festival and resulted in loud music over a number of days until 6.30pm. This caused disturbance to neighbours.

- 5.2 **Environment Agency:** No comment.

5.3 **Southern Water:** No new soakaways should be located within 5 metres of a water mains and combine sewer. No development or new tree planting should be located within 3 metres either side of the centreline of the water mains. No new development or new tree planting should be located within 3 metres either side of the centreline of the foul sewer and surface water sewer respectively. All existing infrastructure including protective coatings and cathodic protection should be protected during the course of the construction works.

5.4 **Sussex Police:** No objection to the change of use. However recommend that a minimum standard of security for all of the business pods. Lighting which conforms to BS 5489:13 and secure fit to purpose entry gates to the development should be installed. If the 85 days for one off cultural events occur then the applicant should contact the local police in order to check the requirements for such openings. If A3 is granted then it should be conditioned that alcohol is ancillary to food.

**Internal:**

5.5 **Environmental Health:** This proposed temporary use differs from those previous temporary uses in that this is more community focused and that a large area of roof will be removed to allow a more community garden style feel with localised education, schemes and project work. The site will also accommodate a number of business pods for local start up firms.

5.6 It is worth noting that the site has hosted a number of events as part of the larger Brighton Festival which unfortunately, warranted four separate complaints from members of the public. It is therefore necessary that any future uses have appropriate safeguards in place to balance the needs of a community style area against those of adjacent residents. This will be especially important for any cultural events proposed at the site. Also comment that complaints were received with the structure relatively intact, yet the proposed use requires 288m<sup>2</sup> of roof being removed which will reduce further the ability for any localised containment of sound.

5.7 Note that the community garden use for hours is very ambitious for 10:00 to 19:00 hours all week. Strongly recommend that this be curtailed to 10:00 hours to 18:00 hours for Saturdays and 10:00 hours to 16:00 hours for Sunday uses.

5.8 The protections afforded by the proposed conditions requiring details prior to any noisy events, should provide sufficient safeguards with regards to local residents. Therefore approval is recommended subject to conditions to restrict activities, contain uses and control hours.

5.9 **Sustainable Transport:** No objection.  
No general parking is proposed. This is acceptable in a central area which is highly accessible by sustainable modes and is within the CPZ, which greatly limits the potential for displaced parking.

5.10 Standards for cycle and disabled parking are minima. SPG4 indicates that at least 28 cycle parking places should be provided compared to the 20 proposed. The

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submitted plans do not define the nature of cycle parking proposed. To address these points, it is recommended that revised plans should be required for approval by condition showing at least 28 places of an acceptable design.

- 5.11 Although no disabled parking (or other parking) is proposed on site, on street parking in bays or on waiting restrictions, is available in Circus Street and Morley Street. It would be disproportionate to require alternative provision to be made as specified in policy TR18 for a temporary consent.
- 5.12 Contributions would not be appropriate in this case as the proposed use is temporary and the site is centrally located and highly accessible.
- 5.13 Although no car parking spaces are indicated on the plans vehicular access would be physically possible and any use of the site for car parking should be prohibited by condition, to prevent potentially hazardous conflicts.
- 5.14 **Visit Brighton:** In principle welcome the application which has much merit and would positively enhance the City's facilities in this area of town, both for residents and tourists. The proposed development would enhance the arts and cultural offer in this area, encouraging tourists to explore hitherto undiscovered areas of the City. In the face of current economic uncertainty it is critical that we continually seek to innovate Brighton & Hove's facilities in order for our tourism offer to remain competitive.

## 6 MATERIAL CONSIDERATIONS

- 6.1 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."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to

which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR2 Public transport accessibility
- TR4 Travel plans
- TR7 Safe development
- TR14 Cycle access and parking
- TR18 Parking for people with a mobility related disability
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU9 Pollution and nuisance control
- SU10 Noise nuisance
- SU13 Minimisation and re-use of construction industry waste
- SU14 Waste management
- SU15 Infrastructure
- QD27 Protection of amenity
- HO1 Housing sites and mixed use sites with an element of housing
- HO19 New community facilities
- EM9 Mixed uses and key mixed use sites

#### Supplementary Planning Guidance

- SPG04 Parking Standards

#### Supplementary Planning Documents

- SPD03 Construction & Demolition Waste
- SPD05 Circus Street Municipal Market Site
- SPD08 Sustainable Building Design

#### Brighton & Hove City Plan Part One (submission document)

- DA5 Eastern Road and Edward Street
- SS1 Presumption in favour of sustainable development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to:
- The principle of the use and the impact on the longer term development aspirations of the site;
  - The impact on the amenity of surrounding residents;
  - The impact on the local highway network/parking;
  - Sustainability issues; and
  - Design issues.

**Principle of the use**

- 8.2 The application site, along with the adjoining University of Brighton annexe, wood recycling store and car park, is allocated as a strategic site under policy DA5 of the Submission Brighton & Hove City Plan. Within this policy the wider site is identified for a mixed use scheme comprising a minimum 160 residential units, 400 student bed spaces, minimum of 3,200 m<sup>2</sup> office floorspace, a dance studio and 3,800m<sup>2</sup> of University floorspace.
- 8.3 The wider site is also allocated in the Brighton & Hove Local Plan for future housing development. A supplementary planning document, SPD05 Circus Street Municipal Market was adopted in 2006.
- 8.4 The proposal seeks a temporary change of use for two years. The longer term scheme had been delayed for various reasons. However, it is now anticipated that a planning application for the wider site would be submitted in the next few months. Cathedral Brighton Ltd are the applicant of this current application and are also the developers for the wider site. If planning permission is granted and the wider scheme is ready for commencement within the next two years then the temporary use would cease. Therefore, it is not considered that this temporary use could jeopardise the longer term redevelopment of the site prejudice the delivery of City Plan Policy DA5 (Submission version).
- 8.5 There have been two previous approvals for the use of the building for a temporary period (two years) for Class D1 and D2 cultural and community uses (BH2007/03589 and BH2010/00143). Therefore, the principle of the use of the building for cultural and community uses has been considered to be acceptable in the past.
- 8.6 This current application is slightly different as it also proposes a community garden (D2) and start up business pods (B1). It is also hoped that an apprentice scheme could be offered through the community garden.
- 8.7 Policy HO19 of the Brighton & Hove Local Plan will only permit development for community facilities where it can be demonstrated that:
- a. the design and use of the facility will ensure its accessibility to all members of the community and include:
    - i. demonstrable benefits to people from socially excluded groups; and
    - ii. the provision of suitable childcare and toilet facilities;
  - b. there is no unacceptable impact on residential amenities or on the amenities of the surrounding area;
  - c. the location is readily accessible by walking, cycling and public transport; and
  - d. adequate car and cycle parking, including provision for people with disabilities, is provided.
- 8.8 The proposal would provide a temporary community use on a site that is currently vacant, while awaiting firm proposals for redevelopment. It is considered that provision of this use in the short term would be of benefit to the wider community, offering accommodation opportunities for a range of community uses such as the

community garden and art, cultural and other community activities (D1 and D2 Use Classes). Childcare is not proposed to be provided, due to the more informal nature of the proposed use of the building. It is recommended that the detail of toilet facilities within the building is addressed by condition.

- 8.9 The amenity impacts of the proposal are detailed later on in this report. A number of conditions are recommended to ensure that the proposal would not result in detriment to neighbouring amenity or working conditions.
- 8.10 The site is located in a highly accessible town centre location. No car parking is proposed. There is adequate opportunity for the provision of cycle parking on the site. Disabled car user parking is not provided on the site, and cannot be provided due to the constraints of the existing development. It is not considered that this deficiency would warrant refusal of the application.
- 8.11 Policy EM4 of the Local Plan is concerned with new business and industrial uses on unidentified sites provided that the criteria listed below can be met.
- a. There is a demonstrable need for such a use, given the availability of existing land or premises identified in the plan or on the market or with outstanding planning permission.
  - b. The site is readily accessible by public transport, walking and cycling;
  - c. The development would not result in the net loss of residential accommodation;
  - d. The development would not result in the loss of an important open space, an identified Greenway or nature conservation site as specified in the Plan;
  - e. The development would not have a demonstrably adverse environmental impact because of increased traffic and noise;
  - f. The development would not be detrimental to the amenities of occupiers of nearby properties or the general character of the area; and
  - g. There is adequate landscaped amenity open space.
- 8.12 Approximately 10 small B1 proposed units are proposed within the building. These haven't been shown on the floor plans so it is proposed to request details by condition. As the proposal is for a temporary period of two years, it is not considered that policy EM4 should be applied rigidly. However, it is considered that the proposal would broadly meet the criteria of the policy detailed above and would comply with the general thrust of the policy which is to encourage new or existing business to develop and expand.
- 8.13 A small café is shown on the plans, however, this is considered to be ancillary to the other D1, D2 and B1 proposed uses.
- 8.14 It is therefore considered that the proposed temporary use of the site is acceptable in principle.

**The impact on the amenity of surrounding residents/occupiers**

- 8.15 Policy SU9 states that development that may be liable to cause pollution and/or nuisance (including noise nuisance) will only be permitted where human health

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and safety and amenity is not put at risk and it does not negatively impact upon any existing pollution and nuisance situation.

- 8.16 Policy SU10 requires new development to minimise the impact of noise on the occupiers of neighbouring properties and the surrounding environment. Developments likely to generate significant levels of noise will be permitted only where appropriate noise attenuations measures are incorporated which would reduce the impact on the surrounding land uses.
- 8.17 Policy QD27 requires that new development respects the existing amenity of neighbouring properties.
- 8.18 Consistent with the town centre location of the site, development neighbouring the site is comprised of a mix of commercial, community and more sensitive residential uses. There is concern regarding the potential impact that the proposed uses may have on neighbouring residential living conditions, particularly with respect to noise and particularly when cultural events would be held at the site. The Milner Flats are directly to the east of the site, and due to the difference in ground levels the habitable windows on the western facing elevation look down onto the roof. Due to the nature of the roof material, it has limited soundproofing potential. However, a large section of the roof is proposed to be removed as part of this current application in order to facilitate the community garden.
- 8.19 The building was used by a third party as rehearsal space during the Brighton Festival and this resulted in four complaints from neighbours to Environmental Health. Since then the applicant has written to the neighbours to apologise and a telephone and email point of contact has been set up and distributed to neighbours.
- 8.20 Temporary cultural and community activities (two years) have been approved at the building previously through applications BH2010/00143 and BH2007/03589. Permission BH2010/00143 permitted opening hours to 18:00 daily and for 12 times in any month permitted opening hours to 23:00. An exception to these times was permitted to be made for an additional 12 times in any calendar year when it could be opened until 01:00 the next day. During one weekend on October (White Night) it was permitted to be in use from 09.00 on Saturday to 18.00 on Sunday.
- 8.21 The key differences between this current application and the previous applications is that now a community garden and B1 enterprise start up pods are also proposed and an area of roof measuring 24 by 12 metres is proposed to be removed to facilitate the community garden below. Although the roof has limited soundproofing qualities, its removal would increase the risk for noise and disturbance to arise from the building if events aren't properly managed. The nearest residential properties are the Milner Flats whose windows on the west elevation face down onto the roof area.
- 8.22 It is proposed to use the building for one off art, cultural and community events (Use Class D1 and D2) for a maximum number of 85 times in any calendar year. This would equate to significantly less late night events than approved previously



under application BH2010/00143, as it would equate to 85 events per year to 23:00 compared to 144 events per year to 23:00, 12 events per year to 01:00 with continuous opening over White Night. The type of events could include art exhibitions, lectures on sustainability, poetry readings, showcase of film and productions. A condition is also recommended to require a noise management scheme for any events which include the use of amplified sound and/or plant and machinery. This condition requires the detail of noise generating plant and speakers, acoustic plan assessment with predicted noise levels and monitoring proposals, noise mitigation measures, contact details of responsible personnel, and set up and clear up procedures. It would be necessary for such details to be submitted for assessment a minimum of 21 days prior to any event. It is considered that this condition will provide adequate control over any amplified noise and should prevent noise disturbance to neighbours.

- 8.25 The B1 enterprise pods would only be in use Monday to Friday between the hours of 08:00 and 20:00. A condition is recommended in order to require further details on the exact size and location of the units. However, B1 use is generally less noisy than B2 general industrial use and is normally suited for location within residential areas. Given this and the recommended condition to control hours of use, it is not considered that the proposal would harm neighbour amenity.
- 8.26 A condition is also recommended preventing any cooking from being undertaken on the site, to ensure that uncontrolled cooking odours do not cause detriment to neighbouring amenity.
- 8.27 Through the control of these conditions, it is considered that the impact of the proposal on neighbouring properties, and in particular the noise sensitive residential uses, could be adequately controlled. The proposal is therefore considered to meet the requirements of policies SU9, SU10 and QD27.

**The impact on the local highway network/parking**

- 8.28 Local Plan policy TR1 requires new development to address the related travel demand. Policy TR7 requires that development does not compromise highway safety, and policy TR19 requires development to accord with the Council's maximum car parking standards. Policy TR14 requires cycle parking to be provided in accordance with the Council's minimum standard.
- 8.29 The site is in an accessible location and is well served by public transport. Car parking exists on street and in the adjacent car park. The applicant has indicated that parking for 20 cycle spaces would be provided on site. The Sustainable Transport Team has commented that the minimum number should be 28. There is sufficient room on site to accommodate this number and a condition to this effect is proposed.
- 8.30 Given the previous use of the site as a wholesale market, it is considered that the proposal would not have an adverse impact on the local highway network nor would it jeopardise highway safety. Subject to the provision of cycle parking details, it is considered that the proposal meets the requirements of Local Plan policies TR1, TR4, TR7, TR14 and TR19.

**Sustainability issues**

8.31 The application is limited to the proposed change of use of an existing building, with limited external alterations proposed (apart from the roof removal). Given the limited alteration, and the temporary nature of the proposal, it is not considered reasonable to require sustainability measures as part of the change of use. However, it is recognised that the community garden will have sustainability benefits.

**Design Issues**

8.32 It is not considered that removal of part of the roof would have an adverse impact on the appearance of the existing building and this would only be visible in views from the footpath adjacent to the Milner Flats. A 12 metre high Elm tree is proposed which would protrude out of the roof. However, this tree does not need planning permission in its own right.

**9 CONCLUSION**

9.1 The proposal would allow for the temporary reuse of a currently vacant building and would not prejudice the future redevelopment of the site. The proposed B1, D1 and D2 uses would be beneficial to the wider community, and it is considered that the proposed use would not result in detriment to the living conditions of neighbouring properties, nor would it have an adverse impact on the local highway network or jeopardise highway safety. The proposal is considered to be in accordance with relevant development plan and emerging planning policies.

**10 EQUALITIES**

10.1 Level access would be provided to the building. There is no disabled parking proposed, however adequate on street parking exists in the immediate vicinity of the site.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Regulatory Conditions:**

- 1) The permission hereby granted shall be for a temporary period expiring on 17 July 2015 when the uses hereby approved shall be ceased in their entirety and the land reinstated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the expiry date.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Proposed Temporary Garden Roof Removal Area	546_SK_13		5 April 2013
Site Location Plan			5 April 2013
Proposed Temporary Garden Rotated Zoning	546_SK_06		17 May 2013

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Plan			
Proposed Temporary Garden Rotated	546_SK_10		17 May 2013
Section BB	544_SK_08		1 May 2013
Section AA	544_SK_07		1 May 2013
Roof Plan: Proposed Temporary Garden Roof Removal Area			2 May 2013
Circus Street Block Plan			1 May 2013

11.2 Pre-Occupation Conditions:

- 3) Where events include the use of amplified sound and/or plant and machinery a noise management scheme shall be submitted not less than 21 days in advance of the event to, and agreed in writing by, the Local Planning Authority. Unless otherwise agreed in writing the noise management scheme shall include the following:
- a. A brief description of the event, including any details of the different types of entertainment and a timetable of the dates and times of the event programme.
  - b. A layout plan showing the position of speakers, and plant/machinery (e.g. generators). Noise sensitive premises that are likely to be affected should also be identified on the plan.
  - c. A comprehensive acoustic plan assessment, including predicted noise levels and independent noise monitoring proposals.
  - d. A brief description of any sound systems, and details of which entertainment will be amplified. Where entertainment will only be permitted through an 'in house sound system' this should be indicated.
  - e. Contact details of designated competent personnel responsible for noise control during performance.
  - f. Set up and clear up procedures including times and vehicle movements.
  - g. Hours of operation for entertainment and plant/machinery, including sound checks.
  - h. Noise mitigation measures, e.g. screening, noise limiters and monitoring.
  - i. Where appropriate an advice letter to neighbouring residents and/or commercial premises.

The uses shall be implemented fully in accordance with the approved details.

**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

- 5) The community garden use hereby approved shall only be in use between the hours of 10.00 to 19:00 Monday to Friday, 10:00 to 18:00 on Saturdays and 10:00 to 16:00 Sundays and Bank Holidays.

**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

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- 6) Other than the community garden use, the leisure, art and cultural activities (Class D1 and D2) hereby approved shall only take place for a maximum number of 85 days in any calendar year and shall only be in use between the hours of 09:00 to 23:00.  
**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 7) The Class B1 start up units shall only be in use between the hours of 08:00 to 20:00 Monday to Friday and shall not be in use Saturdays, Sundays and Bank Holidays.  
**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 8) The building shall not be brought into Class B1 use until full details of the location and size of the Class B1 start up units have been submitted and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority the scheme shall be fully implemented in accordance with the approved details and retained as such thereafter.  
**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) The building shall not be brought into use 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 include a minimum of 28 spaces, and 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.
- 10) No part of the building shall be used for vehicular car parking.  
**Reason:** To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.
- 11) Before the development hereby approved is brought into use, details of toilet facilities within the building shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme of toilet facilities shall be implemented fully in accordance with the approved details and retained as such thereafter.  
**Reason:** To ensure adequate provision of toilet facilities for the D1 and D2 community uses hereby approved, in accordance with Brighton & Hove Local Plan policy HO19.
- 12) The building shall not be brought into use 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.

- 13) None of the food to be served in the A3 use hereby approved shall be cooked on the premises.

**Reason:** To safeguard the amenity of nearby residents/occupiers, particularly with regard to odours, and to accord with policy QD27 of the Brighton & Hove Local Plan.

- 14) Upon a written request by the Local Planning Authority, the applicant shall provide a written account of the number, date, time and details of D1 and D2 events which have been held at the property within a time period.

**Reason:** To safeguard the amenity and existing characteristics of the area for the benefit of neighbouring residents/occupiers particularly in regard to the effects of noise and to comply with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

### 11.3 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. 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 Development 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 allow for the temporary reuse of a currently vacant building and would not prejudice the future redevelopment of the site. The proposed B1, D1 and D2 uses would be beneficial to the wider community, and it is considered that the proposed use would not result in detriment to the living conditions of neighbouring properties, nor would it have an adverse impact on the local highway network or jeopardise highway safety. The proposal is considered to be in accordance with relevant development plan and emerging planning policies.



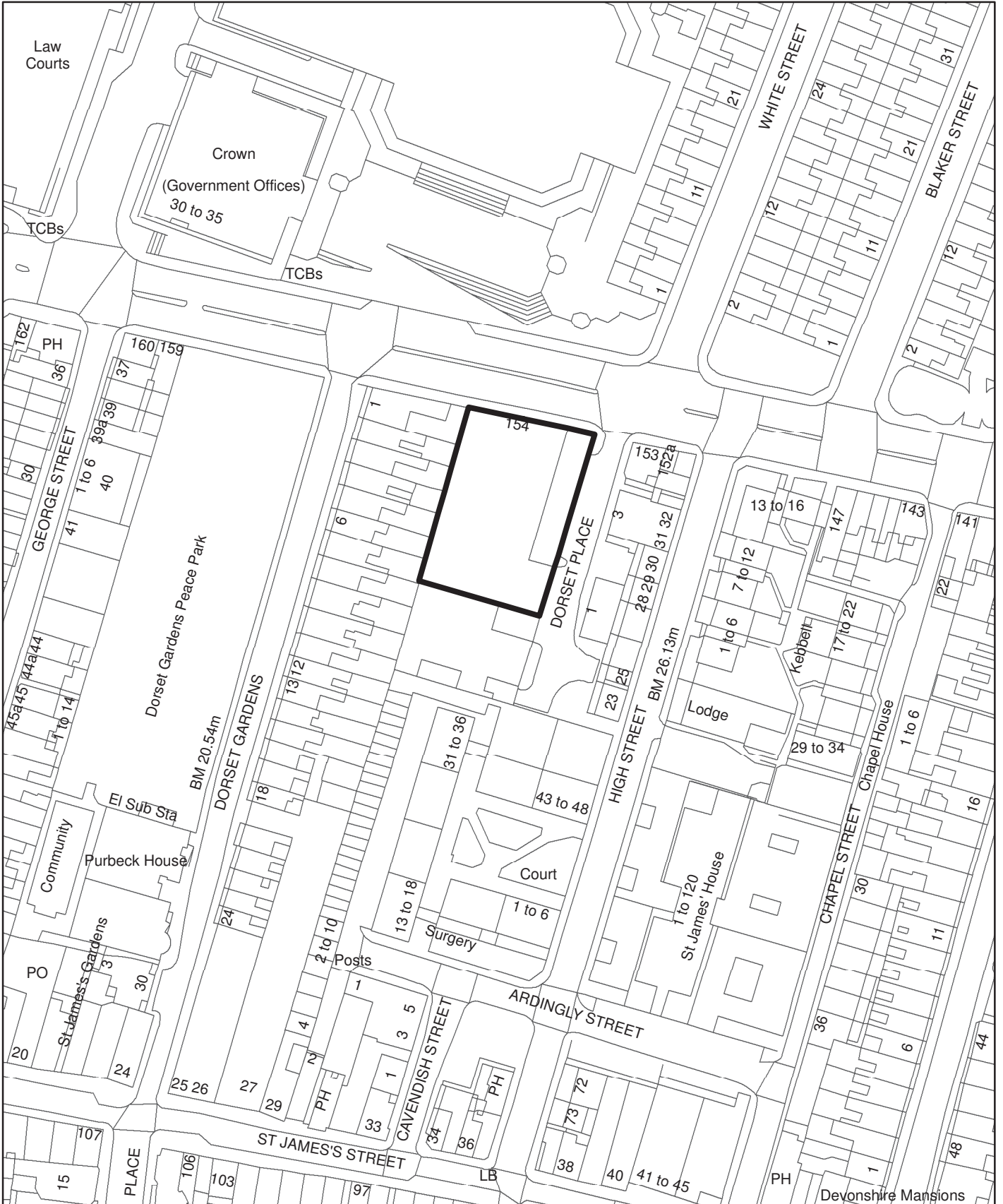
**PLANS LIST  
ITEM D**

**154-155 Edward Street, Brighton**

**BH2013/01318  
Full Planning**

**17 JULY 2013**

# BH2013/01318 154/155 Edward Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/01318</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>154 - 155 Edward Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from offices (B1) to education (D1).</b>		
<b><u>Officer:</u></b>	Jonathan Puplett Tel 292525	<b><u>Valid Date:</u></b>	26/04/2013
<b><u>Con Area:</u></b>	Adjoining East Cliff	<b><u>Expiry Date:</u></b>	26/07/2013
<b><u>Listed Building Grade:</u></b>	Adjoining Grade II		
<b><u>Agent:</u></b>	Lewis & Co Planning, 2 Port Hall Road Brighton		
<b><u>Applicant:</u></b>	University of Brighton, Mr Mike Clark Estate & Facilities Management c/o Lewis & Co Planning		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves that it is **MINDED TO GRANT** planning permission subject to the completion of a s106 planning legal agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a four storey office building with basement level situated on the southern side of Edward Street between Dorest Gardens to the West and the Dorset Place to the East. The application site is not within the East Cliff Conservation Area but shares a boundary with the conservation area to the western side of the site and is adjacent to the conservation area to the northern and eastern sides of the site. There are Grade II listed buildings in situ along Dorset Gardens to the West of the site and along High Street to the East of the site.
- 2.2 The building is a twentieth century construction, the planning history of the building suggests that its use has evolved over time since the 1960's and in the past may have included retail / showroom use. Large sections of tinted glazing to all side of the building are divided by bands of white painted render and a similar white painted render section / parapet tops the building. The building contrasts in scale and form with the largely traditional character of buildings in the immediate vicinity of the site, but is of a similar character to the large (American Express) office building sited on the northern side of Edward Street.
- 2.3 The basement level of the building contains a vehicular parking area accessed by a ramped entrance from Dorset Place, plant rooms and some office rooms. At ground floor level a covered outdoor area (undercroft) to the eastern side of the site provides vehicular parking spaces accessed from Dorset Place. Internally a lobby provides access to a reception area and office floorspace, the majority of which is open plan with some smaller rooms. To the western side of the building glazed doors provide access to a small outdoor area which shares its western boundary with the rear boundary of residential properties which front on to Dorset Gardens. The first second and third floors of the building have an 'L-shaped' footprint and, as at ground floor level, provide largely open plan

office accommodation with some small rooms. There is a large section of flat roof at first floor level upon which some items of external plant and machinery are sited.

### 3 RELEVANT HISTORY

**BH2008/01858:** Installation of mesh security fence and gate to parapet wall. Approved 15/10/2008.

**94/1070/FP:** Proposed fire exit doorway. Approved 01/12/1994.

**85/33 F:** Continues use of the rear ground floor as offices without complying with Condition 2 of planning permission 70/1641 which restricted the office user to American Express. Approved 25/02/1985.

**70/1641:** Change of use of existing 3081 sq. ft. showroom to office accommodation. Approved 17/09/1970.

**69/620:** Change of use of existing first floor and basement retail showrooms to: 1<sup>st</sup> floor – offices; basement – offices and storage. Approved 16/05/1969.

**68/1041:** Change of use of ground floor shop to offices. Approved 11/06/1968

**67/948:** Use of second floor as general offices. Approved 08/06/1967.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the building from office (Use Class B1(a) to an educational use (Use Class D1). No external alterations to the building are proposed and no consent is sought for internal alterations to the building.

### 5 PUBLICITY & CONSULTATIONS

#### 5.1 External

**Neighbours:** No comments received.

5.2 **Environment Agency:** No comment.

5.3 **UK Power Networks:** No comment.

5.4 **East Sussex Fire and Rescue Service:** No comment.

5.5 **Southern Water:** Requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

5.6 **English Heritage:** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

#### Internal:

5.7 **Planning Policy:** Subject to the comments of the Economic Development Officer, it is considered that the proposed development could meet the requirements of Local Plan policy EM5 and the Overall aims of Brighton & Hove City Plan Part One (submission document) policies CP2, CP3 and DA5. Suitable cycle parking provision should be secured.

5.8 **Economic Development:** The senior economic development officer has no adverse comments to make but requests a contribution through a S106

agreement for the payment of £35,680 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 refurbishment of the building.

- 5.9 **Sustainable Transport:** The proposed use, in comparison to the existing office use, would result in an increase in trip generation. Therefore to address the requirements of policies TR1 and QD28 of the Brighton and Hove Local Plan a financial contribution towards sustainable transport infrastructure is required (£48,500) which can be secured by s106 planning legal agreement. Insufficient information has been submitted regarding the proposed provision of vehicular parking, disabled parking and cycle parking. Further details of these proposed measures are therefore requested.
- 5.10 **Environmental Health:** No comment.
- 5.11 **Heritage:** The application includes no proposals for external alterations, changes in parking provision or landscaping, therefore it is considered that the proposal for change of use from office to educational use will not have a significant impact on heritage assets.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 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.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR5	Sustainable transport corridors and bus priority routes
TR8	Pedestrian routes
TR7	Safe development
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD27	Protection of Amenity
QD28	Planning Obligations
EM5	Release of redundant office floorspace and conversions to other uses

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
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#### Supplementary Planning Documents:

SPD01	Brighton Centre: Area Planning and Urban Design Framework
SPD03	Construction & Demolition Waste
SPD04	Edward Street Quarter
SPD05	Circus Street Municipal Market Site
SPD08	Sustainable Building Design

#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP2	Sustainable Economic Development
CP3	Employment Land
DA5	Eastern Road and Edward Street Area

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed change of use of the building, transport, neighbouring amenity and sustainability.

### 8.2 Principle of development:

The proposed development would result in a loss of a significant amount of office (Use Class B(1)a) and would introduce an education use (Use Class D1)

in association with The University of Brighton. The loss of office floorspace must be considered having regard to policy EM5 of the Brighton and Hove Local Plan which states that:

- 8.3 *Planning permission will not be granted for the change of use of offices 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.*

- 8.4 The documentation submitted in support of the application details that from June 2010, when it was confirmed that the occupiers of the building (American Express) would be vacating, a 'soft' marketing approach commenced whereby the property agent contacted likely interested parties. This resulted in two viewings of the premises by potential occupants but no offers were made. Approximately seven weeks later American Express confirmed that they would in fact renew their lease for a minimum period of two years. American Express subsequently confirmed that they would vacate the building by July 2013, and actually vacated on the 25<sup>th</sup> of March 2013 (one month before the application for a change of use was submitted).
- 8.5 The owners of the building instructed on the 2<sup>nd</sup> of August 2013 that the property be marketed for sale of freehold at a price of £4,000,000. Formal active marketing of the property commenced at this time.
- 8.6 The marketing which took place is detailed, and it is recorded that 8 parties visited the property and four offers were received, two for student accommodation, one for educational purposes and another which may have

been for religious / educational purpose. It is stated that an offer of £4,000,000 for the purchase of the building by The University of Brighton was accepted on the 30<sup>th</sup> of November 2012.

- 8.7 In conclusion, it is stated that the building was fully and actively marketed for a period of four months up to the point of an offer being accepted. In addition to this four month period some 'soft' marketing seeking a tenant to continue the office use of the building took place from June 2010 onwards (although it transpired that American Express continued to occupy the building up until the 25<sup>th</sup> of March 2013).
- 8.8 The lack of interest from potential occupants and purchasers of the building for office use is cited by the applicants as demonstration that the office use of the building / site is redundant. In addition to this evidence of marketing, a refurbishment feasibility study was carried out which identified the following problems areas associated with the building in its current condition:
- A lack of prominent entrance on to Edward Street
  - Existing entrances are concealed and unwelcoming
  - Existing undercroft parking creates a dark entrance and encourages anti-social behaviour.
  - Lifts and stairs are concealed from the main entrance and are not welcoming.
  - The amount of deep plan and basement accommodation provides poor quality floor space with lack of natural daylight.
  - The close proximity of the western boundary to the ground floor accommodation results in a facade which is difficult to maintain.
  - Outdated services and toilet facilities.
  - Poor thermal performance of building envelope.
  - Dated appearance.
- 8.9 It is stated that the mechanical and electrical installations of the building are past their useful life and will cost at least £2,000,000 to replace.
- 8.10 In assessing the evidence of marketing submitted, it is not considered that a full and robust case for redundancy has been demonstrated. In general a period of 12 months active marketing of the building for its lawful office use would be considered a substantial period, and had an active strategy been employed in that time, with records of parties interested in the building for office use and the reasons why the building was deemed unsuitable submitted, such evidence may be considered a demonstration of redundancy. In this case full and active marketing of the building took place for a period of four months and it appears none of the parties who viewed the property were interesting in utilising the building for its lawful office use.
- 8.11 The issues and financial implications associated with bringing the building up to modern standards are noted and it is clear that such matters would act as a deterrent to future occupiers who may also be considering alternative premises which are of a more modern standard. None of the issues detailed are however particularly unusual, rather they are characteristic of an office building of this

age which has not undergone significant recent modernisation. Furthermore, if the building, given all of the issues associated with modernisation, is not considered a viable concern as an office use, it is not clear why the building would be considered viable for educational purposes.

- 8.12 Notwithstanding these inadequacies in the case for redundancy put forward, it is the case that the building was marketed for office use seeking tenants for some periods when it was known that American Express would vacate the building earlier than their eventual departure date, and on a freehold sale basis for a period of four months, and that during these periods no parties progressed an interest as potential occupiers / purchasers of the building in these periods.
- 8.13 This marketing and the problems associated with the building which have been detailed provide some evidence that the office of the building may be redundant. It is noted that the site is not located within the city's prime central office area as defined by policy SA2 of the Brighton & Hove City Plan Part One (submission document). In the current economic climate, in such cases it is considered that a flexible approach is warranted, and that whilst redundancy of the office use has not been fully demonstrated, the principle of acceptability of the proposed change of use should be considered having regard to all relevant current factors, the nature of the applicant and the nature of the use which is proposed.
- 8.14 The proposed use is for educational purposes, it is stated that the building could provide accommodation for 75 – 130 staff and up to 800 students. The proposed use is therefore employment generating and accords with the preferred alternative uses set out in policy EM5. Under legislation which came in to force on the 30<sup>th</sup> of May this year, Government has sought to facilitate the conversion of office accommodation to residential use without planning permission. In such circumstances, the fact that an employment generating use is proposed is welcome. Furthermore it is acknowledged that educational providers such as The University of Brighton make a significant contribution to the city and its economy, as set out in paragraph 1.19 of the Brighton & Hove City Plan Part One (submission document):
- 8.15 *'The two growing universities within the city host around 34,000 students and with high graduate/ post-graduate retention they make a substantial contribution to the economic, social and cultural life of the city. A study in 2010 concluded that the Universities inject more than £1bn into the UK economy and most (£976m) is spent in the city and South East. The Universities support 12,000 jobs (the majority of them in city) and provide 4,231 full time equivalent (FTE) jobs.'*
- 8.16 With Strategic Objective SO21 including the objective to:
- 'Assist in the long term planning of higher and further education establishments, and ensure that they play a full part in the city's economic, social and environmental development.'*

- 8.17 It is considered that the proposed educational use would contribute towards delivering the strategic objectives set out in the Brighton & Hove City Plan Part One (submission document).
- 8.18 Whilst the permission sought, if granted, would relate to the application property which could be utilised by any party wishing to enact an educational use, some weight is given to the fact that the intended (and most likely) initial occupant is the University of Brighton, and that the occupation of the building forms part of a wider strategy. The University is seeking to consolidate its teaching accommodation into linked campus facilities and the occupation of the application building, would as part of a wider strategy, facilitate the University vacating some smaller sites across the city which could in turn be utilised for alternative employment generating uses.
- 8.19 Therefore, whilst the circumstances and objectives of the applicant can only be given limited weight, the strategy of the University which is set out in the application submission is considered to accord with the strategic objectives set out in the Brighton & Hove City Plan Part One (submission document). A proposal to consolidate rather than expand University campus facilities would not threaten the objectives of the City Plan or the objectives set out in relation to the Eastern Road and Edward Street Area (policy DA5). It may also be the case that a long term owner / occupant such as the University of Brighton may in the future chose to modernise / improve the accommodation within the building, and the external appearance of the building which it is considered would be to the benefit of the city by way of improved employment floorspace, and improvements to the appearance of the building to the benefit of the street scene and the wider area.
- 8.20 Overall, taking into account all of the above factors, whilst the loss of the existing office use of the building would not normally be supported as the redundancy of this use has not been fully demonstrated, the particular circumstances of the application proposal and the nature of the applicant are given weight. The University of Brighton is considered to play a significant strategic role in the city and the Local Planning Authority is committed to assisting the long term objectives and planning of higher and further educational establishments in the city. The University of Brighton have set out that the occupation of the application building would facilitate enacting their intention to vacate other teaching sites across the city as part of a wider strategic approach which is supported by the Council. For these reasons, subject to a planning condition restricting the use of the building for education purposes to the University of Brighton only, the principle of the proposed change of use is considered to be acceptable in this case.

**Sustainable Transport:**

- 8.21 The Transport Officer has commented in detail on the proposed change of use. It has been calculated that the proposed use, in comparison to the existing office use, would result in a significant uplift in trip generation. It is therefore considered that in order to ensure that the proposed development would be compliant with policies TR1 and QD28 Brighton and Hove Local Plan, a financial contribution towards sustainable transport infrastructure in the vicinity



of the application site is required. The figure calculated in this regard, using established data and formulae, and having regard to the Council's adopted Technical Guidance in relation to Developer Contributions and the Council's adopted short-term recession measures is £48,496. Such a contribution would be secured through s106 planning legal agreement were a decision to approve planning permission be taken by the Planning Committee.

- 8.22 At present vehicular parking is available in the form of a basement level car park and 8 spaces situated in the undercroft area to the eastern side of the building. There are a small number of brackets for cycle parking in the basement car park. It is stated that 8 car parking spaces are proposed in addition to 4 disabled parking spaces, and cycle parking for 15 cycles. The proposed provision is considered to be acceptable, although ideally a greater provision of cycle parking would be proposed. Detailed layouts of the parking spaces as existing have not been submitted and details of the proposed parking layout and cycle parking provision have not been provided. It appears that student / visitor cycle parking could be provided below in the undercroft area along with some disabled parking provision and that any additional disabled parking provision and cycle parking could be accommodated in the basement car park area. It is considered that full details in regard to these matters and the implementation and retention of appropriate provisions can be secured by planning condition.

**Impact on Amenity:**

- 8.23 In comparison to the existing office use, it is considered that the proposed educational use, in principle, would not be likely to cause significantly increased harm to neighbouring amenity. The proposed use would be likely to involve significantly increased coming and goings, the site is however accessed from Edward Street which is a busy pedestrian and vehicular route.
- 8.24 Due to the number of students which it is proposed could be taught within the building at any one time, it is considered that groups of students arriving or departing, or congregating outside of the entrances to the building or in the vicinity of the building, represent a level of activity which could potentially cause significant noise and disturbance to neighbouring occupiers. Such noise and disturbance would be more likely to cause significant harm late at night or early in the morning when activity and noise levels would generally be lower.
- 8.25 For these reasons, it is considered reasonable and necessary for the Local Planning Authority to restrict the hours of operation of the school to ensure that such late night disturbance does not result. The applicant has been asked to confirm the proposed hours of operation of the educational use; this information has not to date been provided. In the absence of any information regarding the likely hours of operation of use, the Local Planning Authority considers that the following hours would be appropriate in this case:
- 08.00 - 22.00 Mondays to Saturdays
  - 09.00 - 20.00 on Sundays, Bank or Public Holidays.

- 8.26 It is considered necessary to secure a management plan for the proposed use, to ensure that students are informed and educated in regard to minimising impact upon neighbouring residents.
- 8.27 There is an outdoor space to the western side of building at ground floor level, and a large flat roof at first floor level. Were these outdoor areas to be utilised by students or staff such use could cause significant harm to the amenity of occupiers of the residential properties which back on to this side of the site. It is considered that these outdoor areas should not be used by staff and students (unless in an emergency or for maintenance purposes), and that their use should be restricted by planning condition.
- 8.28 It is acknowledged that the proposed use of the building would result in some overlooking of the neighbouring properties; this would however be the case in relation to the existing office use. The proposed change of use would not significantly worsen this situation.
- 8.29 The use of the application property by a large number of students (stated as up to 800) does cause some concern as students can cause obstruction and disturbance by congregating in numbers around the entrances and exterior of such facilities and the noise and smoking associated with such congregation. If students block the pavement this could result in increased safety risk for pedestrians. It is considered that such issues can be controlled by the educational provider establishing a management plan and enacting this plan in educating students in relation to such matters, and enforcing the measures set out in the management plan if required. Such a management plan, its implementation and review can be secured by planning condition.
- 8.30 Overall subject to the application of suitable planning conditions it is considered that the proposed use would not cause significant harm to neighbouring amenity.

**Environmental Sustainability:**

- 8.31 Policy SU2 of the Brighton and Hove Local Plan details that any development must demonstrate efficient use of energy water and materials. Supplementary Planning Document 08 on Sustainable Building Design also requires major applications for non-residential conversions to indicate no additional net annual CO2 emissions from new development, a reduction in water consumption and a minimisation of surface water run-off. Whilst consent is not sought for internal or external works, it does appear that a general refurbishment of the building is proposed and as part of such a programme of works it is likely that measures will be proposed which will significantly improve the efficiency of the building. It is considered that further details of such measures and their implementation could be secured by planning condition were approval to be recommended.

**Brighton and Hove Local Employment Scheme:**

- 8.32 In order to accord with the approach set out in the Council's adopted Technical Guidance in relation to Developer Contributions and address the objectives of Chapter 5 of the Brighton and Hove Local Plan and the Infrastructure Delivery Plan (Annexe Document) of the Brighton & Hove City Plan Part One (submission

document), the Economic Development Officer has confirmed that a financial contribution towards the Council's Local Employment Scheme, and a commitment to employ a percentage of local labour in any construction works which may be carried out, is required. The figure calculated in this regard, using established data and formulae, and having regard to the Council's adopted Technical Guidance in relation to Developer Contributions and the Council's adopted short-term recession measures is £35,680.

## 9 CONCLUSION

- 9.1 The proposed change of use from office to educational purposes is considered to be acceptable in this case. Subject to compliance with appropriate planning condition and the securing of contributions towards sustainable transport infrastructure and the Council's Local Employment Scheme by s106 planning legal agreement, the proposed change of use would not cause significant harm to neighbouring amenity, would address transport considerations, and is considered acceptable in all other regards. Approval is therefore recommended.

## 10 EQUALITIES

- 10.1 No changes to the entrances of the premises are proposed. The main entrance to the side of the building provides level access and a clearance width suitable for wheelchair users. There are two lifts within the building. A condition is recommended to ensure that disabled car parking facilities would be provided.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 S106

A Section 106 obligation to secure the following;

- A contribution of £48,496 towards Sustainable Transport Strategy prior to commencement of the development.
- A contribution of £35,680 towards the Brighton and Hove Local Employment.
- A commitment to using 20% local employment during refurbishment works.

### 11.2 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 listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
LOCATION PLAN	GPGE-O-MP-SL-0001		26/04/2013
BLOCK PLAN	GPGE-O-MP-SL-0002		26/04/2013
EXISTING BASEMENT FLOOR PLAN	GPGE-A-GA-0B-9001		26/04/2013
EXISTING GROUND FLOOR	GPGE-A-GA-0G-9001		26/04/2013

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PLAN			
EXISTING FIRST FLOOR PLAN	GPGE-A-GA-01-9001		26/04/2013
EXISTING SECOND FLOOR PLAN	GPGE-A-GA-02-9001		26/04/2013
EXISTING THIRD FLOOR PLAN	GPGE-A-GA-03-9001		26/04/2013
PROPOSED BASEMENT FLOOR PLAN	GPGE-A-GA-0B-9002		26/04/2013
PROPOSED GROUND FLOOR PLAN	GPGE-A-GA-0G-9002		26/04/2013
PROPOSED FIRST FLOOR PLAN	GPGE-A-GA-01-9002		26/04/2013
PROPOSED SECOND FLOOR PLAN	GPGE-A-GA-02-9002		26/04/2013
PROPOSED THIRD FLOOR PLAN	GPGE-A-GA-03-9002		26/04/2013

- 3) The D1 use hereby approved shall be for educational purposes only and for no other purpose including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the 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 the use of the premises in order to protect the amenities of the area in accordance with policy QD27 in the Brighton & Hove Local Plan.
- 4) The educational use (Use Class D1) hereby approved development shall only be operated by the University of Brighton and by no other party. Should the occupation of the property by the University of Brighton for educational use cease, the use hereby permitted shall cease and the property shall be returned to its former office use (Use Class B1(a)).  
**Reason:** To enable the Local Planning Authority to retain control of the use; the development hereby approved is considered to be acceptable on the basis that significant weight is given to the particular circumstances of the application proposal and the nature of the applicant.
- 5) The use hereby permitted shall not be open except between the hours of 08.00 and 21.00 on Mondays to Saturdays and 09.00 and 20.00 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.
- 6) Access to the he outdoor space at ground floor level to the western side of the property and the flat roofs of the building shall be for maintenance or emergency purposes only.

**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.

- 7) 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.

### 11.3 Pre-Commencement Conditions:

- 1) Prior to the commencement of the use hereby approved a site management plan is to be submitted to and approved in writing by the Local Planning Authority. The management plan should include details for dealing with the arrival and departure of students for classes, congregation of students directly outside the building, the use of the accesses to the building. The management plan shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

- 2) 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 policies TR1 and TR14 of the Brighton & Hove Local Plan.

- 3) The development hereby permitted shall not be commenced until details of disabled car parking provision for the staff and students of, and visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. This provision 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 a sufficient provision of disabled car parking provision and to comply with policies TR1 and TR18 of the Brighton & Hove Local Plan.

- 4) The development hereby permitted shall not be commenced until details of sustainability measures to ensure efficient use of energy, water and materials 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 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.

11.4 Post-Occupation Conditions:

- 1) Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management) for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:-
  - (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use
  - (ii) A commitment to reduce carbon emissions associated with business and commuter travel
  - (iii) Increase awareness of and improve road safety and personal security
  - (iv) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses
  - (v) Identify targets focussed on reductions in the level of business and commuter car use
  - (vi) Identify a monitoring framework, which shall include a commitment to undertake an annual staff travel survey utilising iTrace Travel Plan monitoring software, for at least five years, or until such time as the targets identified in section (v) above are met, to enable the Travel Plan to be reviewed and updated as appropriate.
  - (vii) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets
  - (viii) Identify a nominated member of staff or post to act as Travel Plan Coordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

**Reason:** To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 Development 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:-

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The proposed change of use from office to educational purposes is considered to be acceptable in this case. Subject to compliance with appropriate planning conditions and the securing of contributions towards sustainable transport infrastructure and the Brighton and Hove Local Employment Scheme by s106 planning legal agreement, the proposed change of use would not cause significant harm to neighbouring amenity, would address transport considerations, and is considered acceptable in all other regards.

3. The permission hereby granted relates to change of use only and does not permit any external alterations or installation of external plant and machinery which may require separate planning permission.
4. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service any new connections to the public sewerage system, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk)





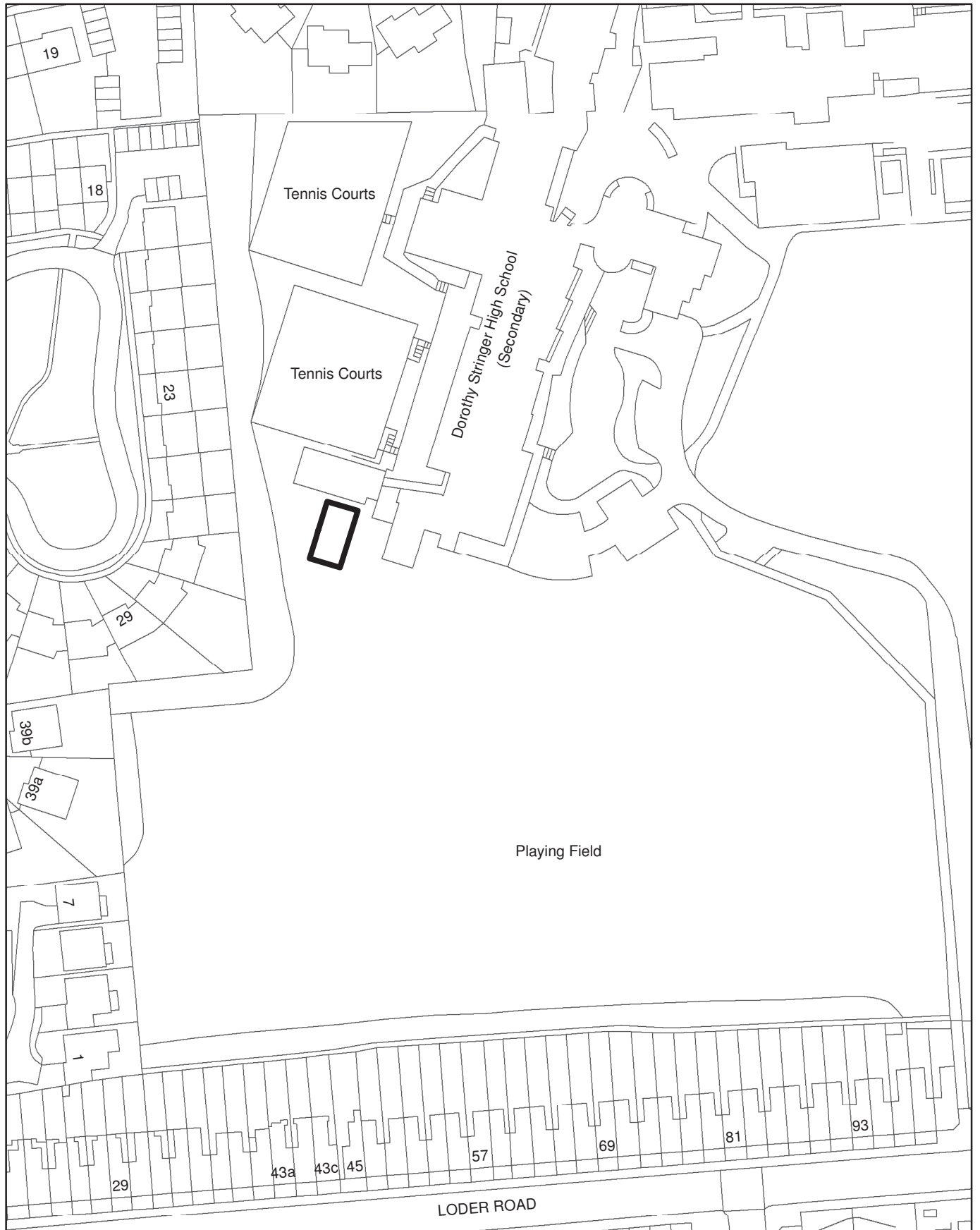
**PLANS LIST  
ITEM E**

**Dorothy Stringer School, Loder Road,  
Brighton**

**BH2012/03335  
Full Planning**

**17 JULY 2013**

# BH2012/03335 Dorothy Stringer School, Loder Road, Brighton



**Brighton & Hove  
City Council**



<b><u>No:</u></b>	<b>BH2012/03335</b>	<b><u>Ward:</u></b>	<b>WITHDEAN</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Dorothy Stringer School Loder Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey modular classroom.(Revised Proposal)</b>		
<b><u>Officer:</u></b>	Robert McNicol Tel 292322	<b><u>Valid Date:</u></b>	14/11/2012
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	09/01/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Applicant:</u></b>	Dorothy Stringer School, Ms Ros Stephen, Loder Road, Brighton, BN1 6PZ		

## 1. RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **MINDED TO GRANT** planning permission subject to no objection from Sport England the Conditions and Informatives set out in section 11.

## 2. SITE LOCATION & DESCRIPTION

- 2.1 The main access to Dorothy Stringer School is from Loder Road, which leads up to the school complex. The school complex is roughly L-shaped and comprises a mix of two and three storey buildings. The site slopes downwards from Stringer Way to Loder Road with playing fields in the southern part. The application relates to a piece of sloping land behind an existing three storey building (containing the main reception and classrooms) and adjacent to a two storey classroom building, close to the western boundary.
- 2.2 Adjacent to this area, are the backs of two storey residential dwellinghouses fronting Whittingehame Gardens. There are predominately two storey dwellinghouses backing onto the rest of the western boundary and southern boundary of the school.

## 3. RELEVANT HISTORY

On 19 March 2008 planning permission was granted for a proposed drama studio on first floor over roof of caretakers office (ref: **BH2007/04621**).

On 14 August 2008 planning permission was refused for additional car parking on site of demolished canteen (ref: **BH2007/01685**).

On 21 March 2006 planning permission was refused for additional car parking on site of demolished canteen (ref: **BH2005/96283**).

On 17 October 2003 planning permission was granted for the construction of fire engine access road (retrospective) (ref: **BH2003/02831**).

On 20 February 2002 planning permission was granted for the construction of single storey nursery school (ref: **BH2001/02115**).

On 8 February 2002 planning permission was granted for the construction of new sports block changing facility art block & 3 storey classroom block (ref: **BH2001/02112**).

On 26 November 2001 planning permission was granted for the erection of a temporary classroom (ref: **BH2001/01755**).

On 6 December 2000 an outline application was approved for the erection of a new sports hall comprising 6 badminton courts (920 sq.m.) and a dance and gym area) 150 sq.m.) with ancillary changing facilities and stores and provision of a grasscrete access road (ref: **BH2000/02397**).

On 16 August 2000 planning permission was granted for the installation of relocatable classroom building (ref: **BH2000/01682**).

On 10 December 1996 no objection was raised to an amendment to library extension on previously approved scheme (ref: **96/0493**).

On 9 August 1999 planning permission was granted for the installation of double mobile classroom unit (ref: **BH1999/01527**).

On 30 June 1995 no objection was raised to the provision of 2 mobile classroom units (ref: **95/0695**).

On 25 June 1996 no objection was raised to the erection of new school extensions comprising classrooms, library and dining/kitchen (gross floor area 1950 sq. m.) and alteration to road access and 57 parking bays (ref: **96/0493**).

On 14 June 1996 no objection was raised to the provision of two double mobile classrooms and relocation of a single science mobile classroom (ref: **96/0480**).

On 20 November 1992 no objection was raised to the erection of single mobile classroom unit (ref: **92/0808**).

On 30 June 1992 objection was raised to a two storey extension to northern part of school to provide 6 additional classrooms, staff facilities and reception area, provision of 22 car parking spaces (ref: **92/0587**).

#### **4. THE APPLICATION**

- 4.1 Planning permission is sought for the provision of a modular building that would contain two general classrooms. Since the initial submission, the proposal has been moved further away from the rear of the houses fronting Whittingehame Gardens.
- 4.2 The proposed unit would be 15m by 8.5m with a maximum height of 3.5m above ground level. It would have four external air-conditioning units, set at a low level on the sides and rear of the building. The classrooms would be used mainly during term time between the hours of 8.30am and 3.30pm.

#### **5. PUBLICITY & CONSULTATIONS**

##### **5.1 External**

Initial submission: Seven letters of representation have been received **from the occupiers of 22, 23, 25, 26, 27, 28 and 29 Whittingehame Gardens** objecting to the application for the following reasons:

- loss of green space around the existing school buildings
- too close to the properties in Whittingehame Gardens
- noise and disturbance both from the classrooms and the comings and goings
- the proposed flat roof could facilitate more burglaries
- an alternative location should be considered
- damage to the boundary hedge
- query whether the building could be moved further away from the boundary and partly buried
- loss of sunlight to gardens

- loss of property value
- loss of view and adverse impact on health

5.2 Revised submission: Two letters of objection have been received **from the occupiers of 26 and 27 Whittingehame Gardens** objecting on the following grounds: still would create noise and disturbance

- it is not clear how high the unit would be in relation to the existing school wing
- closer to neighbouring houses than any other part of the campus
- increased vulnerability to intruders
- loss of privacy

**Internal:**

5.3 **Highway Authority**: No objection subject to a recommended condition requiring the submission of a travel plan.

5.4 **Environmental Health**: No objection.

5.5 **Sport England**: comments awaited.

**6. MATERIAL CONSIDERATIONS**

6.1 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.”

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

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

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7. RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR4 Travel Plans
- 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
- QD3 Design – efficient and effective use of sites
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of Amenity

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

- SPD06 Trees & Development Sites

#### Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in favour of sustainable development
- CP12 Urban Design

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to property values are not material planning considerations. The main considerations in the determination of this application relate to the impact on the amenity of neighbouring residential occupiers, the design and appearance of the proposal and any increase in demand for parking.

### **Impact on Amenity**

- 8.2 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. Policy SU10 requires new development to minimise the impact of noise on occupiers of proposed buildings, neighbouring properties and the surrounding environment.
- 8.3 Neighbouring residential occupiers have expressed concern that the proposal would result in increased noise and disturbance emanating directly from the classrooms and from the comings and goings. Concerns have also been raised that the proposal would result in the provision of two classrooms that would be

positioned closer to the boundaries with properties in Whittingehame Gardens than any other part of the school complex. Since the initial submission, the position has been amended so that the proposal would be further away from these neighbouring properties (a minimum distance of 15 metres from the rear boundaries of these houses). The proposed classrooms would be in close proximity to a two storey block and a three storey block both containing a number of classrooms, so the additional activity generated in this context would be at an acceptable level, particularly as the proposed hours of operation are in line with those of the main school. The proposal involves the provision of air conditioning units. Environmental Health have not raised any concerns about the scheme, and the open area between the classrooms and the nearby houses mean that any noise these produce would dissipate.

- 8.4 Neighbouring residential occupiers have also expressed concern that the proposal is close to the boundary with their properties and would result in a loss of view and sunlight to their gardens. The revised proposal would be set further from the rear gardens of the nearest affected properties in Whittingehame Gardens. The classrooms would be single storey and set into the existing slope, with the building being a maximum of 2.3 metres high above the ground at the rear. Given the position and level of the classroom in relation to the neighbouring gardens, there would be no significant loss of light or sense of enclosure.
- 8.5 It has been queried whether there is another position for the proposed classrooms and concern has been expressed at the loss of a grassed area. The school has advised that although the campus is reasonably large, there is no alternative location involving a hardstanding and the proposed location would not involve building on a sports field or the ecology area.

### **Design**

- 8.6 Policy QD1 requires 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 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 the height, scale, bulk and design of existing buildings and topography and impact on skyline.
- 8.7 The proposal would be constructed with green/grey external cladding and white UPVC windows and doors. Overall, it would have a utilitarian appearance with materials that do not particularly complement the appearance of the main school buildings. The Design and Access Statement submitted in support of this application states that the classrooms are needed because the school pupil numbers have increased over the past two years. On the basis that the proposal would meet pressing educational requirements the proposal is acceptable on a temporary basis, giving the school time to consider a better designed scheme to meet its overall accommodation requirements.

### **Sustainable Transport**

- 8.8 Policy TR1 states that development proposals should provide for demand for travel they create and maximise the use of public transport, walking and cycling. Policy TR4 requires travel plans for expanded education proposals. A travel plan (dated October 2012) has been submitted in support of this application. The Highway Authority has raised no objection to the proposed classrooms on the basis that a condition is imposed to secure an updated Travel Plan to mitigate any highway impact.

#### **Other Considerations**

- 8.9 Neighbouring residential occupiers have expressed concerns in respect of increased security risks. Given the position of the proposed classrooms away from their boundaries, it is considered that the proposal does not raise significant security issues.

### **9 CONCLUSION**

- 9.1 The proposal involves the provision of a modular building containing two classrooms. Since the initial submission, the proposed classrooms have been moved away from the rear boundary of properties fronting Whittinghame Gardens. Given that the proposed structure would be single storey and partially set into the existing slope, it would not cause a significant loss of light or harmful sense of enclosure to the detriment of the amenity of neighbouring residential occupiers. The proposal would generate activity, however this would not be to an unacceptable level given the close proximity to and existing activity around the main school buildings.
- 9.2 The utilitarian design is not ideal but the accommodation would meet a pressing educational need. On this basis, a temporary condition is recommended to enable the school to achieve a better long-term solution.
- 9.3 A condition is recommended requiring the submission of an updated travel plan to mitigate any highway impact.

### **10 EQUALITIES**

- 10.1 No issues identified.

### **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

#### **11.1 Regulatory Conditions:**

1. The permission hereby granted shall be for a temporary period only, expiry five years from the date of this consent.  
**Reason:** The structure hereby approved is not considered suitable as a permanent form of development.
2. The building hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before 18<sup>th</sup> July 2018 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.  
**Reason:** The building hereby approved is not considered suitable as a permanent form of development, to safeguard the visual amenities of the



PLANS LIST - 17 JULY 2013

area and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

3. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan			19 October 2013
Block plan	72/9002934 -109	A	1 February 2013
Plan layout and elevations	72/9002934 -101	C	1 February 2013
In situ elevations	72/9002934 -301	D	7 May 2013

4. Within 3 months of occupation of the development hereby approved, the Developer or Owner shall submit to the Local Planning Authority a reviewed and updated School Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by pupils, staff, deliveries and parking management) for the development. The updated Travel Plan shall be approved in writing by the Local Planning Authority and shall be implemented as approved thereafter.

**Reason:** To seek to reduce traffic generation by encouraging alternative means of transport to private motor vehicles and to comply with policy TR4 of the Brighton & Hove Local Plan.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 Development 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 have an acceptable impact on the amenity of neighbouring residents. The proposed building is considered acceptable on a temporary basis whilst the school considers a better solution to meet its long term accommodation needs.



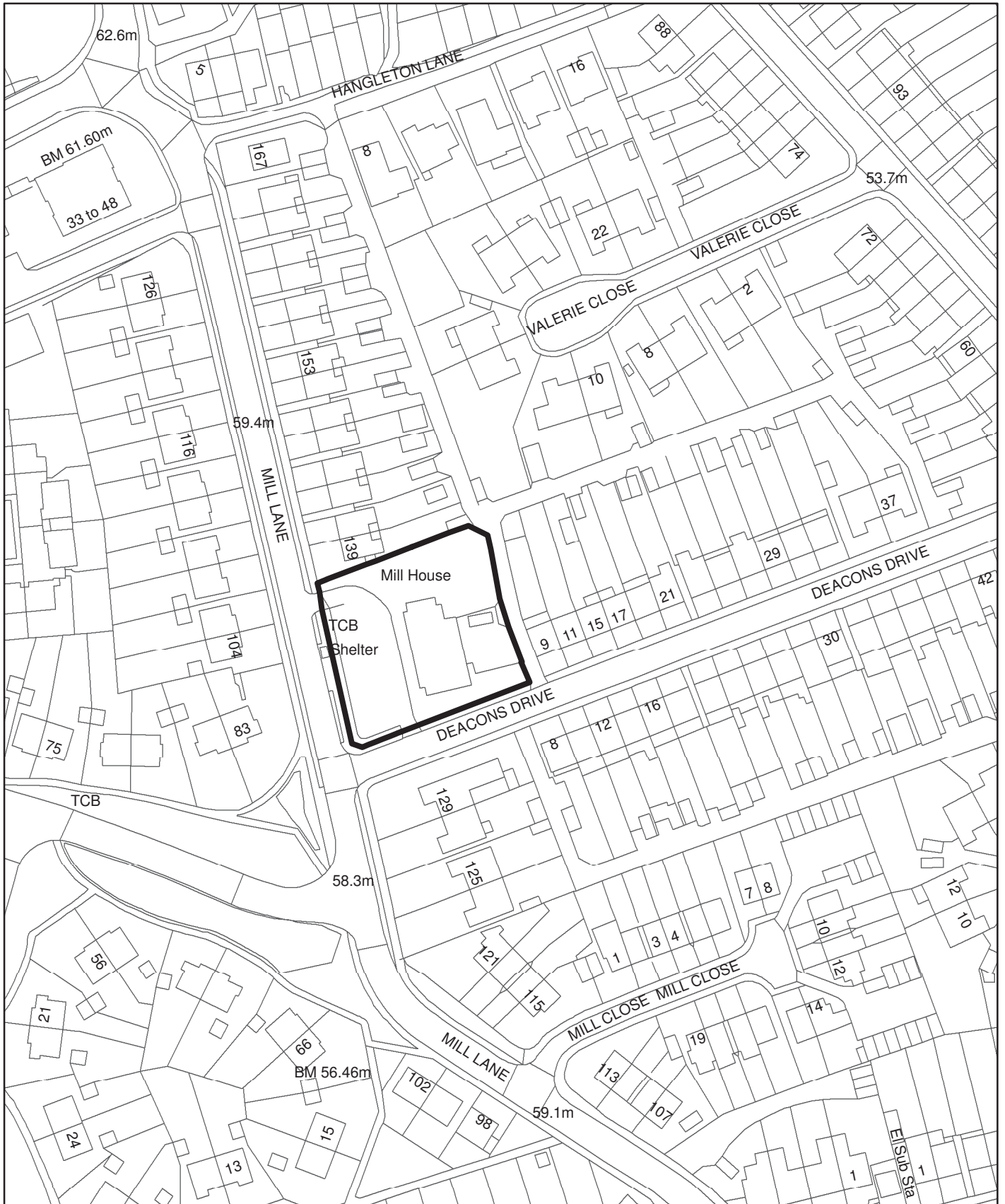
**PLANS LIST  
ITEM F**

**The Mill House Public House, 131 Mill Lane,  
Portslade**

**BH2013/01223  
Full Planning**

**17 JULY 2013**

# BH2013/01223 131 Mill Lane, Portslade



**Brighton & Hove  
City Council**

N



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/01223</b>	<b><u>Ward:</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>The Mill House Public House, 131 Mill Lane, Portslade</b>		
<b><u>Proposal:</u></b>	<b>Erection of single storey rear extension with associated external alterations.</b>		
<b><u>Officer:</u></b>	Christopher Wright Tel 292097	<b><u>Valid Date:</u></b>	22/04/2013
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	17/06/2013
<b><u>Listed Building Grade:</u></b>			
<b>Agent:</b>	PLC Architects, Brankesmere House, Queens Crescent Southsea, Portsmouth, PO5 3HT		
<b>Applicant:</b>	TFRE2, c/o PLC Architects, Brankesmere House, Queens Crescent, Southsea, Portsmouth, PO5 3HT, Havant		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is occupied by a two storey detached building forming a Public House on the ground floor with ancillary residential accommodation over. The building is situated on a corner plot at the junction between Mill Lane and Deacon's Drive. The front of the pub is set back from Mill Lane some 17 metres and there is surface car parking in front of the building. The side elevation of the building lines up with the building line established by the terrace houses in Deacon's Drive. The Public House has side and rear garden areas.
- 2.2 The pub building has a traditional appearance finished using brick and tiles. The roof is dual pitched with hipped ends and incorporates features including dormers and half dormers, and steeply sloping front and rear roof slopes with sprocketed eaves and decorative brick piers and brackets. The building has bay window features with tile hung waists and the fenestration is predominantly of timber sliding sash windows with a Georgian style glazing configuration featuring 6 over 6 and 8 over 8 pane subdivision.
- 2.3 The local area is predominantly residential. The public house is open and trading.

## 3 RELEVANT HISTORY

**BH2013/00103** – Erection of single storey rear extension with associated external alterations. Refused 11 March 2013 for the following reason:-

The proposed development would, by reason of the scale, footprint, siting and design detailing, relate poorly and unsympathetically with the design and appearance of the recipient building, and would appear unduly dominant and prominent within the street scene, breaching the established building line in Deacon's Drive, having a detrimental impact on the character and setting of the

recipient building, the street scene and the visual amenities of the locality. As such the proposal is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005.

**BH2012/03129** – Erection of single storey rear extension with associated external alterations. Refused on 6 December 2012. The two reasons for refusal were:- The proposed development would, by reason of the scale, footprint, form, siting and design, relate poorly and unsympathetically to the design and detailing of the recipient building, and would appear unduly dominant and incongruous within the site context, having a detrimental impact on the character and setting of the recipient building, the street scene and the visual amenities of the locality. As such the proposal is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005. The proposed extension would increase the capacity and intensify the use of the land as a public house, likely to result in nuisance and increased disturbance to nearby residents, contrary to the requirements and objectives of policies QD27 and SR12 of the Brighton & Hove Local Plan 2005.

**BH2007/01695** – Proposed fixed umbrella and barbecue stand. Approved 9 July 2007.

#### **4 THE APPLICATION**

- 4.1 The application seeks full planning permission for a single storey extension to the rear of the public house.
- 4.2 The extension would be connected to the main building by a 2m wide flat roofed link and the main part of the extension would have a pitched and hipped roof. The extension would provide an additional 117 square metres of floorspace, resulting in a total floor area of 342 square metres.
- 4.3 The extension is proposed to be used by seated customers having meals on the premises.
- 4.4 The extension would measure 15.1m in length and 6.4m in width (excluding the flat roof link) and would have a pitched and hipped roof 2.9m in height to the eaves and 5.2m in height to the ridge.
- 4.5 The extension would be set back from the road (Deacon's Drive) between 8.5m and 9.5m and the front elevation would line up with the side elevation of the main two storey part of the existing pub.
- 4.6 The extension would be constructed using similar and matching exterior finishes to those used in the construction of the existing building and would have three windows on the front elevation, two windows on the rear elevation, and no windows along the flank elevation.
- 4.7 A 1.8m high close boarded timber fence is proposed to fill the gap between the side of the extension and the boundary of the site with the garage access road along the side of 9 Deacon's Drive.

## 5 PUBLICITY & CONSULTATIONS

### 5.1 External:

**Neighbours:** Seven (7) letters have been received from **14 Valerie Close; 14 and 27 Deacon's Drive; 32 Dean Close; 67 Coastal Place; 23 Dean Gardens; and 6 Badger Close**, objecting to the application for the reasons summarised as follows:-

- Not enough customers to make extension necessary.
- Building looks fine as it is.
- Noise from karaoke and football supporters.
- Noise and disturbance.
- Applicant has previously removed a protected tree.
- Loss of public house, which is a community facility.
- Increased parking, traffic and people.
- Not viable as a restaurant.
- The pub is for drinking, not for eating.

### 5.2 Brighton & Hove Archaeological Society: No objection

The proposed development may possibly reveal some vestige of the Saxon or medieval period.

### 5.3 County Archaeologist: No objection

Although this application is situated within an Archaeological Notification Area, any archaeological remains are not likely to be affected by these proposals.

### 5.4 Sussex Police Crime Prevention Design Adviser: No objection.

It is recommended the doors or windows in the new extension conform to LPSII75 SR2 with laminated glazing to a minimum thickness of 6.8mm. Consideration should also be given to any existing doors and windows ensuring they are fit for purpose and would not compromise the overall security of the building.

## 6 MATERIAL CONSIDERATIONS

6.1 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."

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

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

- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF) March 2012

#### Brighton & Hove Local Plan 2005:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD4 Design – strategic impact
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- SR12 Large Use Class A3 (restaurants and cafes) and Use Class A4 (pubs and bars)

#### Supplementary Planning Guidance:

- SPGBH4 Parking Standards

#### Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD06 Trees & Development Sites
- SPD08 Sustainable Building Design
- SPD11 Nature Conservation & Development

#### Brighton & Hove City Plan Part One (submission document)

- SS1 – Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the design and appearance of the proposed extension; the impact on neighbour amenity; and transport considerations.
- 8.2 The concerns of residents in respect of the future use of the building as extended are noted. The application is for an extension to the pub to form additional seating and tables for customers taking meals on the premises. No change of



use of the land is proposed. As such the application must be considered on this basis.

**Planning Policy:**

- 8.3 Policy SR12 of the Local Plan relates to extensions to public houses with a total resultant public floorspace in excess of 150 square metres. For such development to be considered favourably in principle the following criteria must be met:
- a. the premises would not be within 400m of another establishment falling into the above category;
  - b. the premises do not, or will not, operate within, or abutting, premises containing residential accommodation except that occupied by staff of the premises;
  - c. that having regard to the location of the premises and the type of building in which it is accommodated, the use will not, in the opinion of the local planning authority, be likely to cause nuisance or an increase in disturbance to nearby residents by reason of noise from within the premises;
  - d. that having regard to the location of the premises in relation to other similar establishments; the customer capacity of on or off-site parking facilities; and public transport facilities, in the opinion of the local planning authority, the use is unlikely to result in increased level of public disorder or nuisance and disturbance to nearby residents as a result of people leaving the premises late at night and dispersing to transport and other destinations.
- 8.4 Policy QD2 of the Brighton & Hove Local Plan 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.
- 8.5 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.

8.6 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:**

8.7 Policy SR12 of the Local Plan is applicable to the proposal because the extension would result in a Class A4 pub use with public floorspace in excess of 150 square metres. There are four criteria which are required to be met in order to comply with this policy.

8.8 However, exceptions to this policy may be permitted provided that any customer floorspace in excess of 150 square metres (as shown on approved plans) is for service to seated customers only, in the manner of a restaurant or café. The applicant proposes the extension to be used for seated customers having meals on the premises. As such a condition is recommended to ensure that no alcohol is sold or supplied except to persons who are taking meals within the proposed extension, and who are seated at tables.

**Design and appearance:**

8.9 In comparison with the previous application, the current proposal introduces improvements to the design including a pitched and hipped roof with additional space between the extension and the neighbouring house, 9 Deacon's Drive.

8.10 The scale of the extension has also been reduced and it would be set further back from the highway and in line with the two storey part of the original pub building. As a result, the extension would have a more subservient and less dominant appearance in relation to the existing building. The recessed link connecting the proposed extension with the existing pub building would serve to separate the extension from the main building visually.

8.11 The applicant proposes aluminium windows on the front and rear elevations with a design and glazing bar configuration that would be sympathetic to the character of the existing building. The predominant exterior finishes are proposed to be clay roof tiles and facing brickwork to match existing and this is considered acceptable.

8.12 The height, bulk, massing and design detailing of the extension is considered acceptable and would not have an adverse impact on the street scene or the character of the existing building.

**Neighbour amenity:**

8.13 The proposed extension would not be positioned near to any windows or other openings on neighbouring properties and the single storey height would not result in overshadowing of neighbours. The siting of the proposed extension as amended has been moved back from the boundary of the site with the shared track/drive and neighbouring houses in Deacon's Drive.

- 8.14 Previous concerns relating to the increased capacity and intensified use of the land as a public house may be overcome by imposing a planning condition requiring alcohol to be served only to seated customers taking meals within the proposed extension. Such a measure would meet the exception set out in policy SR12 and should help reduce potential increased nuisance and disturbance to nearby residents.
- 8.15 In these respects the proposal is considered to be compliant with the requirements of policies QD27 and SR12 of the Local Plan.

**Transport:**

- 8.16 There is surface car parking in front of the pub for 17 cars. The existing number of parking spaces falls below the maximum level of car parking set out in SPGBH4: Parking Standards, which could be up to 84 car parking spaces (total net bar areas would be approximately 210 square metres, 1 space maximum per 2.5 square metres).
- 8.17 To meet the minimum cycle parking standards set out in SPGBH4, the proposal should provide for a minimum of 2 cycle parking spaces. There is adequate space within the site to provide acceptable cycle parking spaces and these could be secured by condition in the event approval is granted.

**9 CONCLUSION**

- 9.1 To conclude, the proposal is considered to have overcome the reasons for the refusal of the previous application and the extension would be appropriately sited, designed and detailed in relation to the building to be extended, and would not have an adverse impact on visual amenity. Subject to conditions, the proposed development would not have a significant adverse impact on neighbour amenity. Accordingly approval is recommended.

**10 EQUALITIES**

N/A

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Survey	1639/01		16 Apr 2013
Existing Survey	1639/02		16 Apr 2013
Proposed Site Layout	12-1870-130	P2	16 Apr 2013
Proposed Ground Floor Layout	12-1870-131	P2	16 Apr 2013

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Proposed First Floor Layout	12-1870-132	P2	16 Apr 2013
Proposed Elevations	12-1870-133	P2	16 Apr 2013
Proposed Elevations	12-1870-134	P2	16 Apr 2013
Location and Block Plan	12-1870-135	P1	16 Apr 2013

- 3) The extension hereby permitted shall not be open to customers except between the hours of 9.00am and 11.00pm from Mondays to Saturdays inclusive, and from 10.00am until 10.00pm 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.

- 4) No alcohol shall be sold or supplied to persons accommodated within the extension hereby permitted unless those persons are taking meals on the premises and are seated at tables.

**Reason:** To safeguard the amenities of the locality and to comply with policies SU10, SR12 and QD27 of the Brighton & Hove Local Plan.

- 5) No machinery or plant (e.g. extraction and odour control equipment, air conditioning) shall be used in association with the use of the extension hereby permitted except between the hours of 9.00am and 11.00pm from Mondays to Saturday inclusive, and from 10.00am until 10.00pm on Sundays, Bank or Public Holidays.

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

11.2 Pre-Commencement Conditions

- 6) 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 have been submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved level details.

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

- 7) 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 the extension being brought into use 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.

- 8) No development shall commence until details of secure cycle parking facilities for the customers, staff and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

- 9) 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. The development shall be carried out in accordance with the approved materials samples.

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

### 11.3 Informatives:

- 1) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- 2) 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 Development 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 is considered to have overcome the reasons for the refusal of the previous application and the extension would be appropriately sited, designed and detailed in relation to the building to be extended, and would not have an adverse impact on visual amenity. Subject to conditions, the proposed development would not have a significant adverse impact on neighbour amenity.



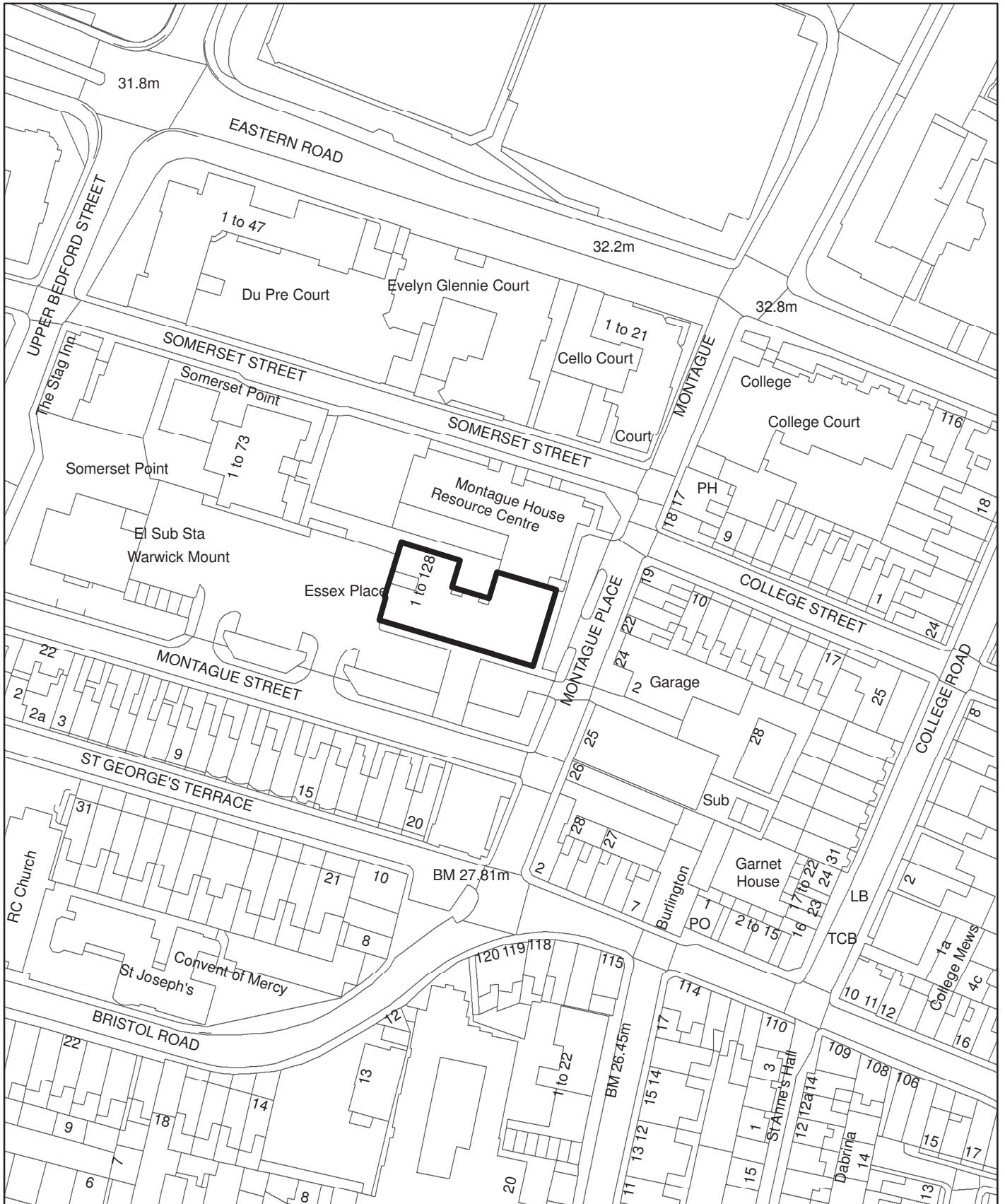
**PLANS LIST  
ITEM G**

**Essex Place, Montague Street, Brighton**

**BH2013/01447  
Full Planning**

**17 JULY 2013**

# BH2013/01447 Essex Place, Montague Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2013/01447</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Essex Place Montague Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Removal of brick balconies and enclosure with UPVC double glazed windows. Replacement of existing windows with UPVC double glazed windows to North and East elevations. Installation of insulated render cladding, new rising gas mains pipe work and associated external alterations.</b>		
<b><u>Officer:</u></b>	<b>Chris Swain Tel 292178</b>	<b><u>Valid Date:</u></b>	<b>23/05/2013</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>18/07/2013</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>David Clarke Associates, 6 Moorfield Road, Orpington, BR6 0HQ</b>		
<b><u>Applicant:</u></b>	<b>Mears Group Plc, Mr Jason Paine, 7 Twisleton Court, West Hill, Dartford, DA1 2EN</b>		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application site relates to a 16 storey residential tower block located on the north west corner of the junction of Montague Street with Montague Place. The existing building is brick built with uPVC windows. The residential units with a southerly aspect have recessed balconies whilst the units to the remaining aspects have projecting balconies.
- 2.2 The building is the largest of 3 tower blocks which are located in close vicinity of each other. Somerset Point has recently been externally overclad whilst Warwick Mount is brick built. Other tower blocks within the local vicinity including Wiltshire House and Hereford Court, to the west have either been overclad or have received permission to be overclad.
- 2.3 The character of the area is mixed with residential dwellings to the north and south and commercial properties to the east.
- 2.4 The East Cliff Conservation Area is sited to the south and east of the site.

## **3 RELEVANT HISTORY**

**BH2012/04083** - Installation of gas risers and gas meters to all external elevations. Withdrawn by the applicant on 1 February 2013.

**BH2012/02652** - Installation of insulated render cladding to all elevations, removal of brick balconies, and replacement with UPVC window system, replacement windows to the northern and eastern elevation, and associated external alterations. Approved on 26 October 2012.

**BH1999/02639/FP** Replace existing PVCu Windows with PVCu casement windows to all floor levels on the west, south and east elevations. Removal of brick slips to be replaced with continuous band of aggregate faced concrete panels to west, south and east elevations. Approved 23/12/1999

Wiltshire House

**BH2008/03779** Application of render to exterior of building. Approved 3 March 2009.

Hereford Court

**BH2012/02426** Installation of insulated render cladding to all elevations, renewal of roof and replacement of windows to East and North elevations. Associated renewal of vents, flues and services and other associated alterations. Approved 12/10/2012

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the removal of brick balconies and the enclosure with UPVC double glazed windows, the replacement of existing windows with UPVC double glazed windows to the North and East elevations and the installation of insulated render cladding, new rising gas mains pipe work and associated external alterations.

#### **5 PUBLICITY & CONSULTATIONS**

5.1 **External**

**Neighbours: Five (5)** letters of representation have been received from Nos. **80, 88, 99** and **127 Essex Place** and from **No.2 Rowan House** objecting to the application for the following reasons:

- The proposal would result in a loss of valuable amenity space for each property,
- The existing units have spacious internal dimensions and the enclosing of the balconies is unnecessary,
- The individual flats were not adequately consulted,
- Three surveys that were carried out on the building stated it was not losing significant heat and as such the works are unnecessary,
- The works will incur additional costs to leaseholders,
- Inadequate consultation by the freeholder with leaseholders to discuss proposed works.

#### **6 MATERIAL CONSIDERATIONS**

- 6.1 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."

- 6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);

- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

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
QD14	Extensions and alterations
QD27	Protection of Amenity
HO5	Provision of private amenity space in residential development
HE6	Development within or affecting the setting of conservation areas

#### Brighton & Hove City Plan Part One (submission document)

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Issues relating to increased costs to leaseholders and also to the inadequate consultation of occupiers by the freeholder are not material planning considerations.
- 8.2 The main considerations relate to the impact of the development upon the character and appearance of the property and surrounding area and the impact upon existing residential and neighbouring amenity.

### **Design and Visual Amenity**

- 8.3 The current proposal follows a previous application for the installation of insulated render cladding to external elevations, the removal of brick balconies and

## PLANS LIST - 17 JULY 2013

replacement with enclosed UPVC window system, and replacement windows to the northern and eastern elevation, approved in October 2012.

- 8.4 The current application combines all these works in a single application.
- 8.5 Essex Place is one of a group of three multi storey residential blocks which are highly visible in the immediate surrounding townscape to the south of Eastern Road and north of Bristol Road. The site is located to the north and west of the East Cliff Conservation Area and due to its height visible from within.
- 8.6 The surrounding blocks are a mix of styles in terms of their elevational treatment, including brick, and rendered finish. Other blocks of flats within the vicinity including Somerset Point, Hereford Court and Wiltshire House have been granted permission for the installation of a rendered overclad system.
- 8.7 Whilst the loss of the brick exterior is regrettable the elevations would retain a coherent finish and would not significantly harm the appearance or character of the building or the character of the adjoining East Cliff Conservation Area.
- 8.8 The applicant has stated that the cladding would be an off white to match the adjoining building to the west, Somerset Point which has also been overclad. The exact colour can be secured by a suitably worded condition.
- 8.9 The application proposes the enclosure of the existing balconies to the property by way of the removal of the existing brick work finish and replacement with a uPVC panel system. The treatment to the balconies is consistent with the existing windows and as such is considered acceptable in design terms. It is prudent to ensure that if the works are commenced that all the balconies are enclosed to ensure the uniform appearance of the building.
- 8.10 The existing white uPVC windows are to be replaced on the east and north elevations with similar white uPVC windows. The uPVC windows to the south and west elevations have previously been replaced and the uniform appearance of the fenestration would be retained and would not harm the visual amenity of the building or the wider surrounding area.
- 8.11 Four external gas risers are proposed to the external elevations (two each on the northern and southern elevations). Whilst these pipes would result in additional clutter to the external elevations of the building they would be painted to match the external cladding and are not considered to result in any significant harm to the appearance or character of the building.
- 8.12 A number of further alterations are proposed; replacement rainwater goods, vent grilles a new insulated roof finish and new roof top hatches. These refurbishment works are considered to be minor in scope and are not considered to significantly harm the appearance or character of the building, subject to appropriate conditions in relation to details of the rainwater goods.
- 8.13 Overall, the proposed development is not considered to detract significantly from the appearance or character of the property or the wider surrounding area.

### **Impact on Residential Amenity**

- 8.14 The application proposes the loss of a small area of external amenity space which is to be incorporated into the internal floorspace of the units. The existing balconies are small in size and provide circa 2sqm of floorspace. The external floorspace provided is small in size providing restricted use and are of a poor quality. As such the enclosure of these balconies and provision of additional internal space is considered appropriate. In addition to this the existing balconies are minor in scale, are shaded by the balconies above and the loss of these amenity areas are considered to be offset by the improved thermal performance of the building and the additional internal space.
- 8.15 The residential amenity of neighbouring properties will not be affected by the change of fenestration or doors as the window and door openings themselves would remain unchanged. The applicant has confirmed that the method of opening is to remain the same. This may be controlled by a suitably worded condition.

### **Sustainability**

- 8.16 The proposal would result in increased insulation to the external elevations and would reduce the energy needs of the building. It is in accordance with policy SU2 which states that proposals should demonstrate, "the use of materials and methods to minimise overall energy and / or raw material inputs" and this is welcomed.

## **9 CONCLUSION**

- 9.1 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**

None

## **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

### **11.1 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) No development shall take place until samples of the materials (including the joints between the render panels, the colour of render, paintwork and colourwash) to be used in external surfaces of the development and the proposed rainwater goods have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 & QD14 of the Brighton & Hove Local Plan.

## PLANS LIST - 17 JULY 2013

- 3) The hereby permitted external gas pipes will be painted to match the external cladding and shall be retained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 & QD14 of the Brighton & Hove Local Plan.
- 4) No cables, wires, aerials, pipework, meter boxes or flues, except those as existing, shall be fixed to the elevations of the building. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, HE6 and QD27 of the Brighton & Hove Local Plan.
- 5) The proposed replacement windows to the north and eastern elevations shall have the same method of opening as the existing windows. The windows to the eastern elevation shall be side hung and open outwards. The windows to the northern elevation shall be bottom hung and open inwards. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, HE6 and QD27 of the Brighton & Hove Local Plan.
- 6) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and Site Plan	01		8 May 2013
Existing North Elevations & Returns	10		8 May 2013
Existing East & West Elevations	11		8 May 2013
Existing South Elevation	12		8 May 2013
Existing Roof Plan	13		8 May 2013
Proposed North Elevation & Returns	20	C	8 May 2013
Proposed East & West Elevations	21	B	8 May 2013
Proposed South Elevation	22	B	17 May 2013
Proposed Roof Plan	23		
Window system	12-91 866W-O	C	17 May 2013
Window system	12-91 866W-Ox2	A	17 May 2013

### 11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:(Please see section 7 of the report for the full list); and

PLANS LIST - 17 JULY 2013

(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.





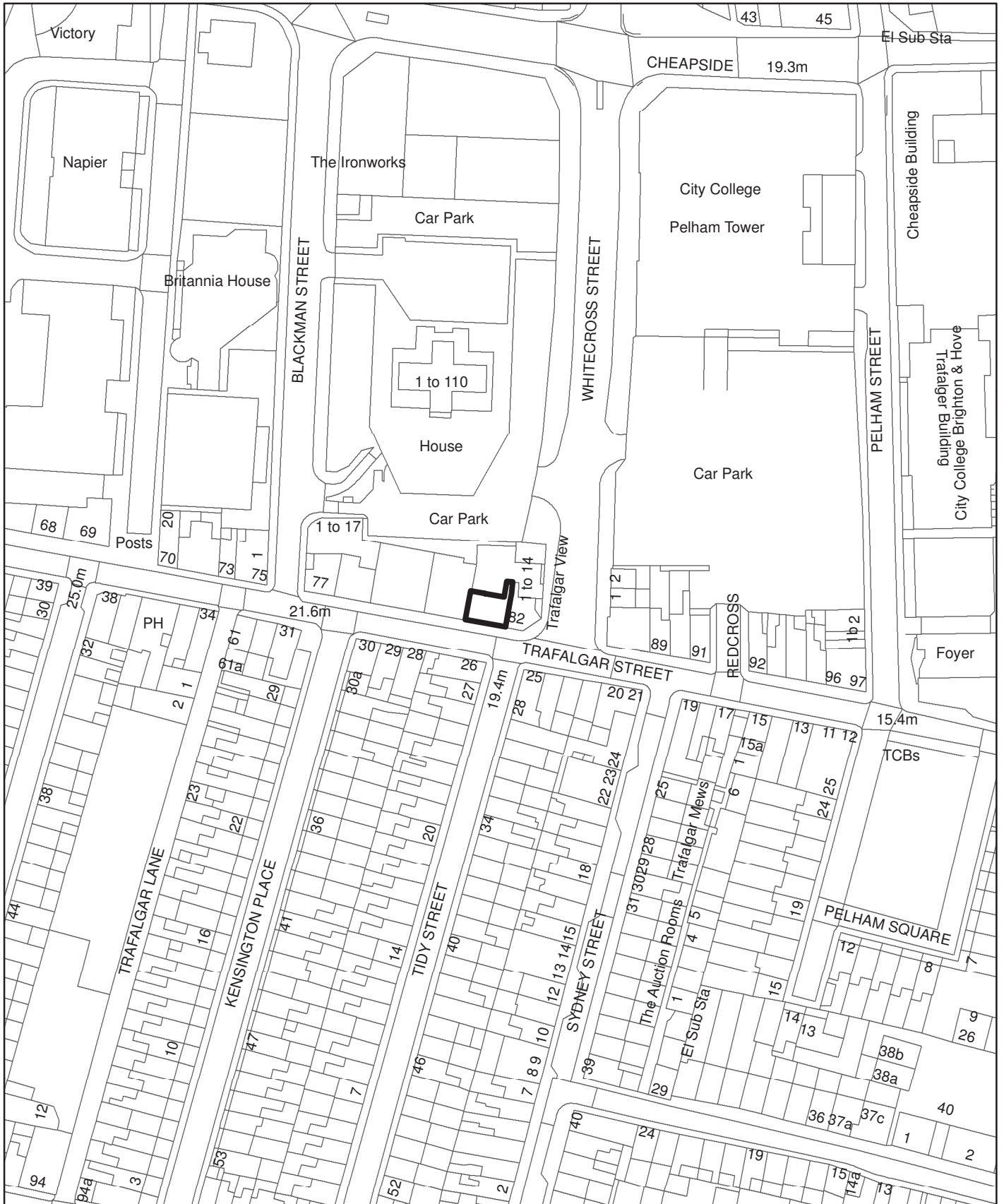
**PLANS LIST  
ITEM H**

**81 Trafalgar Street, Brighton**

**BH2013/00307  
Full Planning**

**17 JULY 2013**

# BH2013/00307 81 Trafalgar Street, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/00307</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>81 Trafalgar Street Brighton</b>		
<b><u>Proposal:</u></b>	<b>Installation of extraction flue with roof mounted cowl. (Retrospective).</b>		
<b><u>Officer:</u></b>	Andrew Huntley Tel 292321	<b><u>Valid Date:</u></b>	21/05/2013
<b><u>Con Area:</u></b>	North Laine Conservation Area	<b><u>Expiry Date:</u></b>	16/07/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Respectable Outfit, 50 Coleman Street, Brighton, BN2 9SQ		
<b><u>Applicant:</u></b>	Mange Tout, Mr Vincent Lebon, 81 Trafalgar Street, Brighton, BN1 4EQ		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a mixed use (part retail (A1), Café (A3) and hot food takeaway (A5)) unit called Mange Tout on the north side of Trafalgar Street. The unit forms part of a ground floor shopping parade within a recently constructed mixed use development.
- 2.2 The site is located within the North Laine Conservation Area and outside of the prime frontage of the defined regional shopping centre.

## 3 RELEVANT HISTORY

**BH2007/03947** - Proposed variation to planning condition 6 of permission BH2005/06589, to extend opening hours to 0700-2300 Monday to Saturday and 0900-2300 on Sunday. Approved 30/01/2008.

**BH2005/06589** - Change of use of retail unit (class A1) as approved under planning permission BH2000/02906/FP to mixed use comprising retail (A1), Cafe (A3) and hot food takeaway (A5). Approved 24/02/2006.

**BH2000/02906/FP** - Construction of four storey building with car parking to basement level, retail to ground floor and 33 no. flats to first, second and third floors. Approved 11/12/2001.

### 77 Trafalgar Street

**BH2004/03023/FP** - Change of use from A1 retail to A3 restaurant. Approved 25/11/2004.

## 4 THE APPLICATION

- 4.1 Retrospective planning permission is sought for the installation of extraction flue with roof mounted cowl.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** 12 letters of representation have been received from Flats 1, 2, 3, 6, 7, 8, 9, 12, 13, 15 and 16 **Trafalgar View** objecting to the application for the following reasons:

- Noise from the extraction equipment.
- Food smells from the extraction equipment.
- Not consulted about the application.
- Did not ask or get permission from owners/management to install the equipment.

### **Internal:**

### **5.2 Environmental Health: Support**

Following complaints work has been carried out to reduce noise from the fan in the kitchen. Works are about to be carried out to fit odour control equipment. Approve with suggested conditions to restrict the operating times of the machinery/plant and installation of odour control equipment.

## **6 MATERIAL CONSIDERATIONS**

6.1 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.”

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

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

6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 RELEVANT POLICIES & GUIDANCE

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

SU10 Noise nuisance

QD27 Protection of Amenity

HE6 Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance:

SPGBH1 Roof Alterations & Extensions

### Brighton & Hove City Plan Part One (submission document)

## 8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application are the impact of the extraction equipment upon the amenity of adjacent residential occupiers and the character and appearance of the site and wider conservation area.

#### **Amenity:**

- 8.2 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.
- 8.3 While there is a history of noise or odour complaints relating to the installed extraction the Council's Environmental Health Team has raised no objections to the application. This is because work has been undertaken to overcome the noise problems (new brackets fitted) and the applicant has agreed on a new carbon filter with Environmental Health, which should overcome the odour problems.
- 8.4 Environmental Health has recommended that two conditions be attached in regard to the hours of operation of the equipment and that a scheme of odour control be agreed and implemented.
- 8.5 Notwithstanding the objections from residents within the development, as Environmental Health have no objections, it is considered that a refusal on amenity grounds is not warranted and that the remaining issues in regard to hours of use and odour control can be satisfactorily achieved with appropriately worded conditions.
- 8.6 Due to the number of complaints citing odour as a problem, the condition on odour equipment should be agreed and implemented in the shortest reasonable time period. An email on the 4<sup>th</sup> June 2013 from Environmental Health states that they have agreed on a carbon filter. Therefore a period of two months to submit full details of the filter and have the details agreed in writing is considered reasonable. A period of two months from the approval of these details is considered reasonable to have the system installed.

**Design:**

- 8.7 Policy HE6 states that development within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area. Proposals that would have an adverse impact on the character or appearance of the area will not be permitted.
- 8.8 The extraction flue at the top of the building is of a modern functional design. The flue is not visible from public viewpoint and so does not harm the character or appearance of the North Laine Conservation Area. In any case, this is a modern mixed-use building and extraction and other plant is to be expected in such discreet locations.
- 8.9 Overall, the extraction equipment on the roof of 81 Trafalgar Street is acceptable in design terms and preserves the character and appearance of the North Laine Conservation Area.

**9 CONCLUSION**

- 9.1 The extraction equipment subject to the above mentioned conditions being complied with would not harm neighbouring amenity and overcome the existing problems at the site. The extraction equipment is not publicly visible and preserves the character and appearance of the North Laine Conservation Area. Therefore the extraction equipment is in accordance with Policies QD27 and HE6 of the Local Plan.

**10 EQUALITIES**

None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Regulatory Conditions:**

- 1) No machinery and/or plant shall be used at the premises except between the hours of 9am and 5pm on Sundays to Wednesdays and 9am and 11pm on Thursdays to Saturdays.  
**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.
- 2) Within 2 months from the date of this permission, a scheme for the fitting of odour control equipment 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 and completed within 2 months following the approval of details. The approved odour control equipment 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.

**11.2 Informatives:**

- 1. The application has been determined in accordance with the drawings listed below.

Plan Type	Reference	Version	Date Received
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PLANS LIST - 17 JULY 2013

Location Plan	105 – 05		30.01.2013
Site Plan	106 - 06		30.01.2013
Proposed Ground and First Floor Plans	106 - 01		30.01.2013
Existing Ground and First Floor Plans	106 – 01A		30.01.2013
Proposed Second and Third Floor Plans	106 - 02		30.01.2013
Existing Second and Third Floor Plans	106 – 02A		30.01.2013
Proposed Roof Plan	106 - 03		30.01.2013
Existing Roof Plan	106 – 03A		30.01.2013
Proposed Elevation and Section	106 – 04		30.01.2013
Existing Elevation and Section	106 – 04A		30.01.2013
Extraction Specification			21.05.2013

2. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
3. 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 Development 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 extraction equipment subject to the above mentioned conditions being complied with would not harm neighbouring amenity and overcome the existing problems at the site. The extraction equipment is not publicly visible and preserves the character and appearance of the North Laine Conservation Area. Therefore the extraction equipment is in accordance with Policies QD27 and HE6 of the Local Plan.





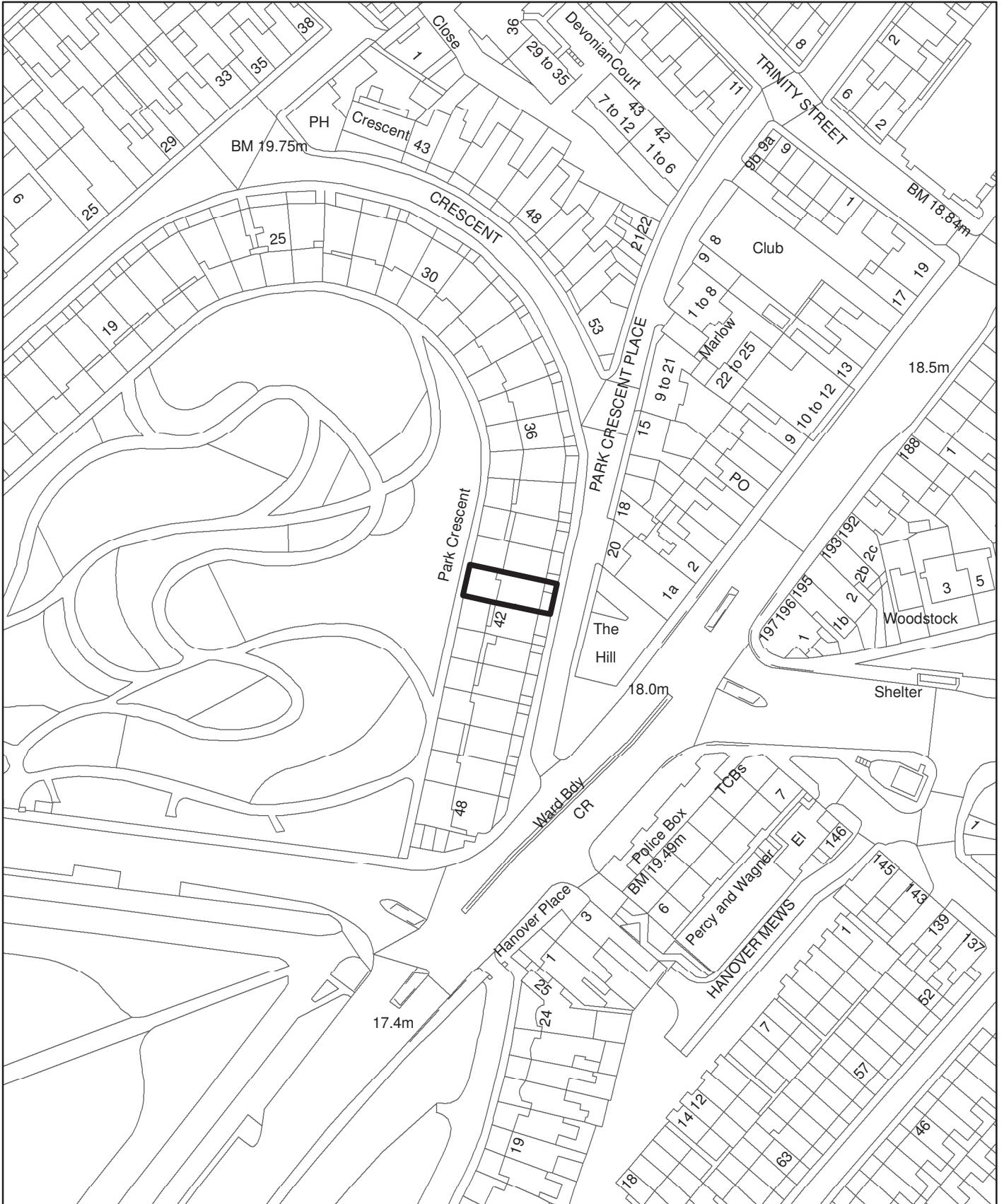
**PLANS LIST  
ITEM I**

**41 Park Crescent, Brighton**

**BH2013/01470  
Householder Planning Consent**

**17 JULY 2013**

# BH2013/01470 41 Park Crescent, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/01470</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Householder Planning Consent</b>		
<b><u>Address:</u></b>	<b>41 Park Crescent Brighton</b>		
<b><u>Proposal:</u></b>	<b>External alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation and alterations to fenestration.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	21/05/2013
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	16/07/2013
<b><u>Listed Building Grade:</u></b>	Grade II*		
<b><u>Agent:</u></b>	Hunter Davidson Design, 125 Freshfield Road, Brighton, BN2 0BR		
<b><u>Applicant:</u></b>	Mrs Sue Graham, 2 Park Crescent, Brighton, BN2 3HA		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a property located on the western side of Park Crescent, between the junctions with Lewes Road and Park Crescent Place. The property is located within the Valley Gardens Conservation Area and is a Grade II\* Listed Building.
- 2.2 The two storey property with basement and attic accommodation, forms part of a terrace of 48 houses built in a horseshoe shape around private landscaped gardens from 849 onwards in an Italianate style with typical Victorian details and materials. The Grade II\* Listing is partly for group value. The street elevations are comparatively simple but with the roofscape enlivened by projecting 'towers'. The garden elevations are much busier and have also been subject to incremental loss and alteration over a long period of time so that the original consistency of composition has been eroded.
- 2.3 The property is currently subdivided into a basement flat and an upper floor maisonette however the proposal would reinstate the property back into a single dwelling.

## 3 RELEVANT HISTORY

**BH2013/01469** - Internal and external alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation, alterations to fenestration and reinstatement of internal stairs between ground and basement levels. Concurrent Application.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for external alterations to the property including the installation of a rear dormer window, the replacement of front rooflights, the

erection of a part glazed canopy to the rear elevation and alterations to fenestration.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** No responses received.

- 5.2 **CAG:** Recommends refusal. Specified concerns in three areas, namely; the development would include the only rooflights in this area of Park Crescent; the inappropriate French windows to the rear and the installation of the dormer windows to the rear not being in keeping. Noted the lack of information in the proposals regarding the type of materials to be used and the detailing of aspects of the design, including the canopy. The group believed that any approval be subject to detailed approval by the Conservation Officer and that the application be submitted to the Planning Committee if the Officer's recommendation is for approval.

### **Internal:**

### **5.3 Heritage:**

(Original comments 11/06/2013)

#### **External**

The reinstatement of a canopy to the garden elevation is welcome in principle, but such a reinstatement should be part of a wider scheme of restoration works. However, the proposal is to retain the unsightly flat roofed rear extension and to extend the canopy over this and also to remove the original ground floor windows in favour of full height French doors. Consequently there would be an awkward relationship between the canopy and extension and overall this would not be a faithful restoration scheme. The existing sash windows are the original pattern with margin glazing bars and such windows are increasingly rare. Reinstatement of the canopy would only be appropriate if the extension was to be demolished and the sash windows retained. In such a case the canopy roof should have glazed panels only over the windows.

- 5.4 There is no objection to the proposed folding glazed doors to the basement on the garden elevation. The proposed rear dormer is also considered acceptable given the number of other dormers on the garden elevation in the Crescent, including to the other half of this pair. The design and siting of the dormer accords with SPGBH1. On the street elevation the replacement of the existing roof lights with traditional roof lights is welcome, as is the removal of the waste pipe over the entrance.
- 5.5 The proposals also include for slimline double glazing throughout. SPD09 states that double-glazing is inappropriate for multi-paned windows and in this case it is considered that the margin bar windows, which have some very small panes of glass and very slender glazing bars, are unsuited to double glazing without harming their character.
- 5.6 New paving to the rear patio and steps should be York Stone, rather than necessarily matching the balcony slab (which is likely to be Portland Stone).

## PLANS LIST - 17 JULY 2013

- 5.7 Finally, any scheme for this building should include the reinstatement of a traditional four panel door to the basement entrance, in accordance with policy HE4.
- 5.8 If an acceptable revised scheme were submitted conditions would be necessary requiring full details of the proposals to restore and reinstate skirtings, cornices, doors and fireplaces, as referred to in the Heritage Statement and on the drawings, as well as large scale details of the new staircase and the canopy and samples of the stone paving.
- 5.9 (Additional comments 24/06/2013 following receipt of amendments)
- 5.10 The revised plans satisfactorily address original concerns overall. The modern rear extension would still remain but the canopy roof would extend over it in a more fitting manner and the new door would match the existing margin light sash windows, which are not to be retained with openable timber panels beneath. This is an acceptable solution.
- 5.11 The additional drawings with large scale details are very welcome and should avoid the need for pre-commencement conditions, provided that an additional drawing is submitted at 1:20 and 1:5 scale showing the new front basement door (which should have recessed panels and bolection mouldings externally).
- 5.12 Some amendments however will be required to the detail drawings submitted.
- 5.13 (Final comments 26/06/2013 following receipt of further amendments)
- 5.14 The revised drawings satisfactorily address outstanding concerns.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 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."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

QD14	Extensions and alterations
QD27	Protection of amenity
HE1	Listed buildings
HE3	Development affecting the setting of a Listed Building
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of conservation areas

#### Supplementary Planning Guidance:

SPGBH1	Roof Alterations & Extensions
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#### Supplementary Planning Documents:

SPD09	Architectural Features
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### Brighton & Hove City Plan Part One (submission document)

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the impacts of the proposal upon the visual amenities of the parent Grade II\* Listed Building, the other Listed Buildings within the vicinity of the site, the Park Crescent streetscene and the wider area, especially the surrounding Valley Gardens Conservation Area. The impacts upon the amenities of neighbouring properties must also be assessed.

#### **Planning Policy:**

- 8.2 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:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
  - 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
  - uses materials sympathetic to the parent building.

- 8.3 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.
- 8.4 As set out above the site is located within the Valley Gardens Conservation Area. Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a) a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
  - b) the use of building materials and finishes which are sympathetic to the area;
  - c) no harmful impact on the townscape and roofscape of the conservation area;
  - d) the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
  - e) where appropriate, the removal of unsightly and inappropriate features or details; and
  - f) the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.
- 8.5 Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.
- 8.6 The property is a Grade II\* Listed Building. Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
  - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.

**Visual Amenities**

- 8.7 The proposal comprises of the following external works;
- windows across all floor levels being eased and overhauled,
  - the replacement of the entrance door with a traditional solid panel door,
  - the removal of the exiting garden facing windows and doors, the enlargement of the opening and the insertion of bi-folding glazed doors and side windows,

## PLANS LIST - 17 JULY 2013

- the replacement of the rear entrance door with a part glazed door and side light,
- the reduction of the external basement ground level and the insertion of a new hardstanding patio formed and finished with York Stone,
- the replacement of existing steel beams with new beams,
- the enlargement of the existing external basement retaining wall, and
- the formation of new stepped approach to the ground floor garden level, finished with York Stone.
- existing rear entrance door removed and new part glazed timber single door installed,
- the infilling of a side entrance opening,
- existing garden facing sash windows at ground floor level retained, eased and overhauled and new timber panelled inward opening door sections installed at low level, with existing pilaster extended down to balcony level,
- the replacement of the existing rear external pavement lights with new pavement lights, and
- the insertion of a new external canopy to rear elevation (lead lined and partial glazing)
- the replacement of existing front rooflights with conservation style rooflights, and
- the insertion of a new dormer within rear roofslope (to match existing rear dormer at no. 42 Park Crescent).

8.8 The proposed dormer window would be located on the southern side of the rear roofslope, in alignment with the sash window within the rear elevation at first floor level. The proposed dormer window would comprise lead and slate clad cheeks and would be constructed to match that seen within the rear roofslope of no. 42 Park Crescent. The proposed dormer would measure approximately 1.35m wide, approximately 1.4m high and would extend from the rear roofslope by approximately 2.3m.

8.9 Despite third party objections the insertion of the proposed rear dormer window is considered acceptable given that a number of other dormers are evident on the garden elevation of neighbouring properties, for example nos. 39, 40, 42 and 43 Park Crescent.

8.10 Since submission of the application the proposed rear canopy has been altered so that it would extend over the whole of the existing modern rear flat roof extension, so that this element of the proposal relates better to the existing property.

8.11 Following amendments to the proposal as a result of concerns raised by the Council's Heritage Officer, and subject to the compliance with the attached conditions it is considered that the proposed works, which would allow the property to be reinstated to a single dwelling, would not have a detrimental impact on the character, architectural setting and significance of the Grade II\* Listed Building, the other Listed Buildings within the vicinity of the site, the Park



Crescent streetscene and the wider area, especially the surrounding Valley Gardens Conservation Area.

**Impact on Amenity:**

- 8.12 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.
- 8.13 The proposed rooflights would replace existing rooflights within the front roofslope of the property. Due to their nature and sitting it is not considered that the replacement rooflights would have a significant adverse impact upon the amenities of the neighbouring properties.
- 8.14 The proposed rear dormer window would face westwards towards the communal garden area of Park Crescent. It is not considered that the installation of the dormer window would have a significant adverse impact upon the amenities of the neighbouring properties given the views that the window would provide are already achievable from the other rear facing windows in the property.
- 8.15 Although the proposed canopy would be located along the shared boundary with no. 42 Park Crescent, it is not considered that its installation would have a significant adverse impact upon the amenities of this southern neighbouring property given its limited projection (approximately 1.3m from the rear elevation of the property) and its design, which includes sections of glazing.
- 8.16 It is not considered that the other proposed external alterations to the property would have significant adverse impacts upon the amenities due to their scale, nature and positioning.

**9 CONCLUSION**

- 9.1 Subject to the compliance with the attached conditions it is considered that the proposal would not have a detrimental impact upon the visual amenities of the parent Grade II\* Listed Building, the other Listed Buildings within the vicinity of the site, the Park Crescent streetscene and the wider area, especially the surrounding Valley Gardens Conservation Area. Furthermore it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties. The proposal accords with policies of the Brighton and Hove Local Plan, approval is therefore recommended.

**10 EQUALITIES**

None identified.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 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.

PLANS LIST - 17 JULY 2013

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing Basement, Ground and First Floor Plans	188.101	-	10 <sup>th</sup> May 2013
Existing Second Floor & Roof Plans & Block & Site Plan	188.102	A	21 <sup>st</sup> May 2013
Existing Sections	188.103	-	10 <sup>th</sup> May 2013
Existing Elevations	188.104	-	10 <sup>th</sup> May 2013
Sketch Scheme 1 – Proposed Basement, Ground & First Floor Plans	188.105	C	18 <sup>th</sup> June 2013
Sketch Scheme 1 – Proposed Second Floor & Roof Plans & Block & Site Plans	188.106	D	18 <sup>th</sup> June 2013
Sketch Scheme 1 – Proposed Elevations	188.108	C	18 <sup>th</sup> June 2013
Proposed Details No. 1	188.109	A	18 <sup>th</sup> June 2013
Sketch Scheme 1 – Proposed Sections	188.107	D	25 <sup>th</sup> June 2013
Proposed Details No. 2	188.110	A	25 <sup>th</sup> June 2013
Proposed Details No. 3	188.111	A	25 <sup>th</sup> June 2013

- 3) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

- 4) 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

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

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

- 6) The slate covering to the rear dormer window hereby approved shall match in size, colour 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.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 Development 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:-

Subject to the compliance with the attached conditions it is considered that the proposal would not have a detrimental impact upon the visual amenities of the parent Grade II\* Listed Building, the other Listed Buildings within the vicinity of the site, the Park Crescent streetscene and the wider area, especially the surrounding Valley Gardens Conservation Area. Furthermore it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties.



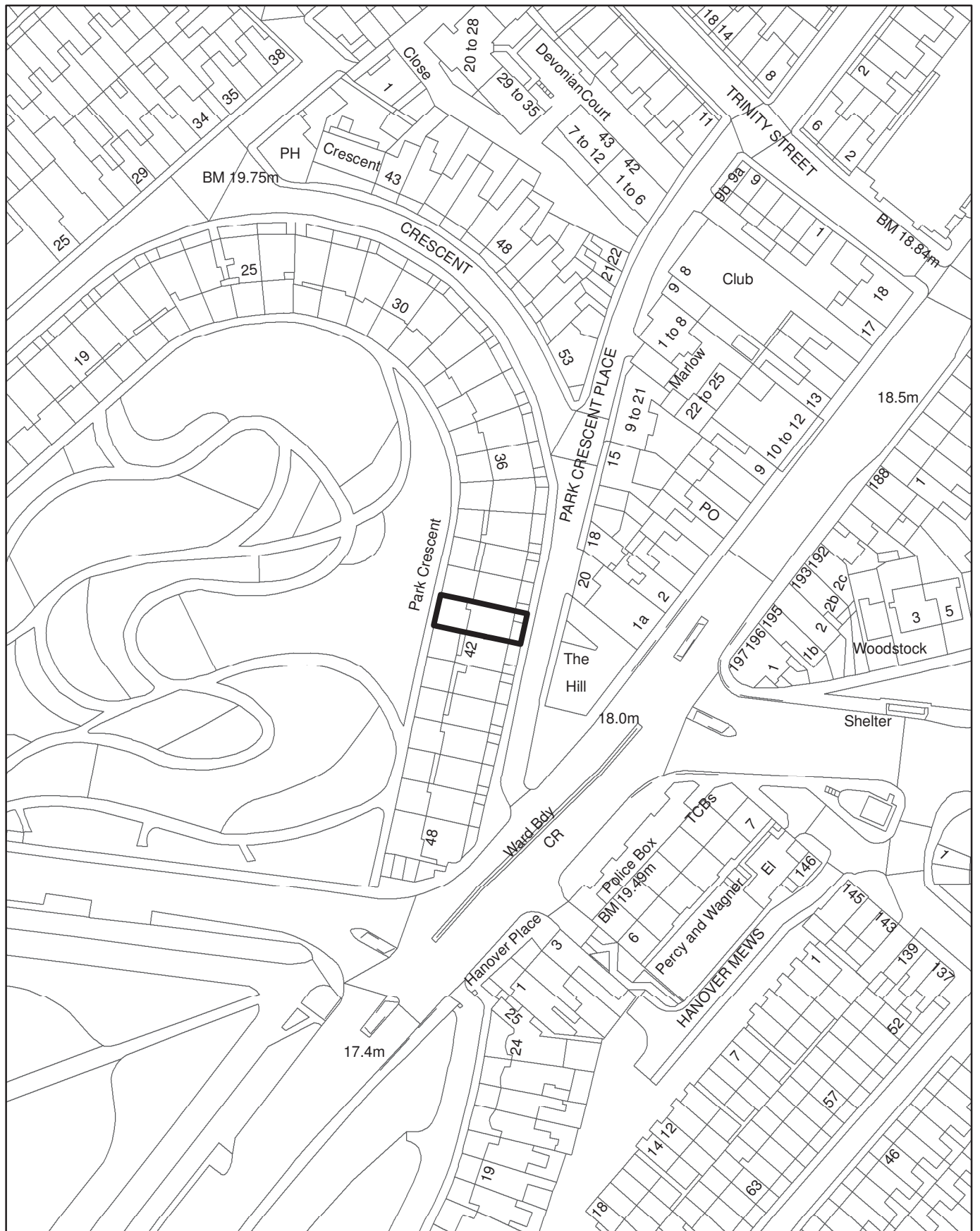
**PLANS LIST  
ITEM J**

**41 Park Crescent, Brighton**

**BH2013/01469  
Listed Building**

**17 JULY 2013**

# BH2013/01469 41 Park Crescent, Brighton



**Brighton & Hove  
City Council**



<b><u>No:</u></b>	<b>BH2013/01469</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>41 Park Crescent Brighton</b>		
<b><u>Proposal:</u></b>	<b>Internal and external alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation, alterations to fenestration and reinstatement of internal stairs between ground and basement levels.</b>		
<b><u>Officer:</u></b>	Liz Arnold Tel 291709	<b><u>Valid Date:</u></b>	21/05/2013
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	16/07/2013
<b><u>Listed Building Grade:</u></b>	Grade II*		
<b><u>Agent:</u></b>	Hunter Davidson Design, 125 Freshfield Road, Brighton, BN2 0BR		
<b><u>Applicant:</u></b>	Mrs Sue Graham, 2 Park Crescent, Brighton, BN2 3HA		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a property located on the western side of Park Crescent, between the junctions with Lewes Road and Park Crescent Place. The property is located within the Valley Gardens Conservation Area and is a Grade II\* Listed Building.
- 2.2 The two storey property with basement and attic accommodation, forms part of a terrace of 48 houses built in a horseshoe shape around private landscaped gardens from 849 onwards in an Italianate style with typical Victorian details and materials. The Grade II\* Listing is partly for group value. The street elevations are comparatively simple but with the roofscape enlivened by projecting 'towers'. The garden elevations are much busier and have also been subject to incremental loss and alteration over a long period of time so that the original consistency of composition has been eroded.
- 2.3 The property is currently subdivided into a basement flat and an upper floor maisonette however the proposal would reinstate the property back into a single dwelling.

## 3 RELEVANT HISTORY

**BH2013/01470** - External alterations including installation of rear dormer, replacement rooflights to front roofslope, erection of part glazed canopy to rear elevation and alterations to fenestration. Concurrent Full Planning Application

## 4 THE APPLICATION

- 4.1 Listed Building Consent is sought for internal and external alteration to the property including the installation of a rear dormer window, the replacement of

the existing front rooflights, the erection of a part glazed canopy to the rear elevation, alterations to fenestration and the reinstatement of an internal staircase between the ground floor and basement.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

**Neighbours:** No responses received.

### **5.2 English Heritage:**

(Original comments 17/06/2013) The application should be determined in accordance with national and local policy guidance and on the basis of expert conservation advice.

5.3 (Additional verbal comments 21/06/2013 following receipt of amendments) As submitted amendments are to address the Council's Heritage Officer comments, English Heritage do not wish to view amendments. The application should be determined in accordance with national and local policy guidance and on the basis of expert conservation advice.

5.4 **CAG:** Recommends refusal. Specified concerns in three areas, namely; the development would include the only rooflights in this area of Park Crescent; the inappropriate French windows to the rear and the installation of the dormer windows to the rear not being in keeping. Noted the lack of information in the proposals regarding the type of materials to be used and the detailing of aspects of the design, including the canopy. The group believed that any approval be subject to detailed approval by the Conservation Office and that the application be submitted to the Planning Committee if the Officer's recommendation is for approval.

### **Internal:**

### **5.5 Heritage:**

(Original comments 11/06/2013)

#### Internal

The proposed reinstatement of the ground to basement staircase is very welcome in principle. Details of the proposed design would be needed. There is no objection to the other works at this level, but the new acoustic walling would need to have the cornice and skirting reinstated.

5.6 At ground floor level there is no objection to the proposed new opening between the front and rear room. But it would be inappropriate to introduce glazing into the original panelled screen to the stair enclosure. The other proposed alterations are acceptable.

5.7 At first floor level the sliding door to the proposed office would be inappropriate in this sensitive location. The other alterations are acceptable in principle but the new doors should be traditional panelled doors.

5.8 At second floor level the proposed sliding door would again be inappropriate. The new door to bedroom 4 should be a traditional 4 panel door.



- 5.9 Consideration should be given to whether original panelled doors remain beneath later over-boarding and if so these should be restored.
- 5.10 External  
The reinstatement of a canopy to the garden elevation is welcome in principle, but such a reinstatement should be part of a wider scheme of restoration works. However, the proposal is to retain the unsightly flat roofed rear extension and to extend the canopy over this and also to remove the original ground floor windows in favour of full height French doors. Consequently there would be an awkward relationship between the canopy and extension and overall this would not be a faithful restoration scheme. The existing sash windows are the original pattern with margin glazing bars and such windows are increasingly rare. Reinstatement of the canopy would only be appropriate if the extension was to be demolished and the sash windows retained. In such a case the canopy roof should have glazed panels only over the windows.
- 5.11 There is no objection to the proposed folding glazed doors to the basement on the garden elevation. The proposed rear dormer is also considered acceptable given the number of other dormers on the garden elevation in the Crescent, including to the other half of this pair. The design and siting of the dormer accords with SPGBH1. On the street elevation the replacement of the existing roof lights with traditional roof lights is welcome, as is the removal of the waste pipe over the entrance.
- 5.12 The proposals also include for slimline double glazing throughout. SPD09 states that double-glazing is inappropriate for multi-paned windows and in this case it is considered that the margin bar windows, which have some very small panes of glass and very slender glazing bars, are unsuited to double glazing without harming their character.
- 5.13 New paving to the rear patio and steps should be York Stone, rather than necessarily matching the balcony slab (which is likely to be Portland Stone).
- 5.14 Finally, any scheme for this building should include the reinstatement of a traditional four panel door to the basement entrance, in accordance with policy HE4.
- 5.15 If an acceptable revised scheme were submitted conditions would be necessary requiring full details of the proposals to restore and reinstate skirtings, cornices, doors and fireplaces, as referred to in the Heritage Statement and on the drawings, as well as large scale details of the new staircase and the canopy and samples of the stone paving.
- 5.16 (Additional comments 24/06/2013 following receipt of amendments) The revised plans satisfactorily address original concerns overall. The modern rear extension would still remain but the canopy roof would extend over it in a more fitting manner and the new door would match the existing margin light sash windows, which are not to be retained with openable timber panels beneath. This is an acceptable solution.

- 5.17 The additional drawings with large scale details are very welcome and should avoid the need for pre-commencement conditions, provided that an additional drawing is submitted at 1:20 and 1:5 scale showing the new front basement door (which should have recessed panels and bolection mouldings externally).
- 5.18 Some amendments however will be required to the detail drawings submitted. (Final comments 26/06/2013 following receipt of further amendments) The revised drawings satisfactorily address outstanding concerns.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 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."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
  - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
  - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
  - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the "Considerations and Assessment" section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

#### Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors  
SPGBH13 Listed Building – General Advice

Brighton & Hove City Plan Part One (submission document)

**8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade II\* Listed Building.
- 8.2 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
  - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.3 The proposed works are in association with the conversion and refurbishment of the existing basement flat and upper floor maisonette into a single dwelling house. The proposed works would result in alterations to the internal layout of the property.
- 8.4 In accordance with policy HE4 requires the Local Planning Authority will seek the reinstatement of original features of a Listed Building, such as mouldings, traditional doors and windows, as part of applications such as this which relate to the refurbishment of a Listed Building.
- 8.5 The proposed layout of the dwelling would comprise the following;  
Basement – utility room, guest room, games room, boot room, shower room and wine store,  
Ground Floor – living room, kitchen/dining room, entrance hall and WC,  
First Floor – office, bathroom and bedrooms 1 and 2,  
Second Floor – Bathroom and bedrooms 3 and 4.
- 8.6 The proposed works are set out as follows;
- 8.7 *Basement Level*  
The proposed works at basement level include the following;
- the replacement of the entrance door with a traditional solid panel door,
  - front windows eased and overhauled,
  - the insertion of a new internal soil vent pipe,
  - the removal of the bathroom and the reinstatement of a staircase between the basement and ground floor level (in order to convert the property back into a single dwellinghouse),
  - the creation of a new shower room and WC,
  - the installation of sound deadening treatment to party wall with existing cornice and skirting reinstated,

## PLANS LIST - 17 JULY 2013

- the raising of the rear room floor to match the floor level in the rest of the basement level,
- the removal of the existing garden facing windows and doors, the enlargement of the opening and the insertion of bi-folding glazed doors and side windows,
- the replacement of the rear entrance door with a part glazed door and side light,
- the reduction of the external basement ground level and the insertion of a new hardstanding patio formed and finished with York Stone,
- the replacement of existing steel beams with new beams,
- the enlargement of the existing external basement retaining wall, and
- the formation of new stepped approach to the ground floor garden level, finished with York Stone.

### 8.8 *Ground Floor*

The proposed works at this level include the following;

- the insertion of a new soil vent pipe by the main entrance door,
- front windows eased and overhauled,
- the existing door opening in the bedroom 1 (proposed living room) in filled with existing architraves retained in position,
- the creation of a new opening between the proposed living room and kitchen/dining room (existing bedroom 1 and 2), the height of which would match the front window heads,
- removal of waste pipe over entrance,
- the repositioning of a door to allow an inward swing, in association with the reinstatement of the basement to ground floor staircase,
- the opening of the existing chimney breast in back room (proposed kitchen) to accommodate range cooker,
- existing shower room removed and new WC created,
- existing rear entrance door removed and new part glazed timber single door installed,
- the infilling of a side entrance opening,
- new external step approach from basement level created,
- existing garden facing sash windows retained, eased and overhauled and new timber panelled inward opening door sections installed at low level, with existing pilaster extended down to balcony level,
- the replacement of the existing rear external pavement lights with new pavement lights, and
- the insertion of a new external canopy to rear elevation (lead lined and partial glazing)

### 8.9 *First Floor*

The proposed works at this level include the following;

- the reinstatement of a fireplace and surround in proposed bedroom 2,
- front and rear windows eased and overhauled,
- the insertion of a new internal soil vent pipe, and
- the remodelling of the existing understairs cupboard including a reduction in depth.

#### 8.10 *Second Floor Level*

The proposed works at second floor level include the following;

- the remodelling of the existing bathroom to allow for installation of a new WC,
- windows eased and overhauled,
- the infilling of the existing opening between bedrooms 3 and 4,
- the creation of a new entrance to bedroom 4 from landing,
- the insertion of a second wall between bedrooms 3 and 4 for acoustic insulation,
- the replacement of existing front rooflights with conservation style rooflights,
- the insertion of sound deadening treatment to party wall, and
- the insertion of a new lead face and slate cheek clad dormer within rear roofslope (to match existing rear dormer at no. 42 Park Crescent).

8.11 The reinstatement of a staircase between the ground and basement level, the provision of a canopy to the rear elevation, the replacement of the existing rooflights with traditional rooflights and the removal of the waste pipe over the ground floor main entrance are welcomed improvements.

8.12 The insertion of the proposed rear dormer window is considered acceptable given that a number of other dormers are evident on the garden elevation of neighbouring properties, for example nos. 39, 40, 42 and 43 Park Crescent, all of which are located within the Listed terrace of Park Crescent.

8.13 Following amendments to the proposal as a result of concerns raised by the Council's Heritage Officer, and subject to the compliance with the attached conditions it is considered that the proposed works, which would allow the property to be reinstated to a single dwelling, would not have a detrimental impact on the character, architectural setting and significance of the Grade II\* Listed Building.

### **9 CONCLUSION**

9.1 In conclusion, subject to compliance with the attached conditions it is considered that the proposed works, which would reinstated the property back into a single dwellinghouse, would not have a detrimental impact on the character, architectural setting and significance of the Grade II\* Listed Building. The proposal accords with policies of the Brighton and Hove Local Plan, approval is therefore recommended.

### **10 EQUALITIES**

None identified.

### **11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

#### 11.1 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.

PLANS LIST - 17 JULY 2013

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing Basement, Ground and First Floor Plans	188.101	-	10 <sup>th</sup> May 2013
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Proposed Details No. 2	188.110	A	25 <sup>th</sup> June 2013
Proposed Details No. 3	188.111	A	25 <sup>th</sup> June 2013

- 3) All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

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

- 4) No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

- 5) 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

- 6) 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.

## PLANS LIST - 17 JULY 2013

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

- 7) The slate covering to the rear dormer window hereby approved shall match in size, colour 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.

### 11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
  
2. 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 Development 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:-  
Subject to the compliance with the attached conditions the proposed works, to reinstate the dwelling back to a single dwellinghouse, would not have a detrimental impact on the character, architectural setting and significance of the Grade II\* Listed Building.





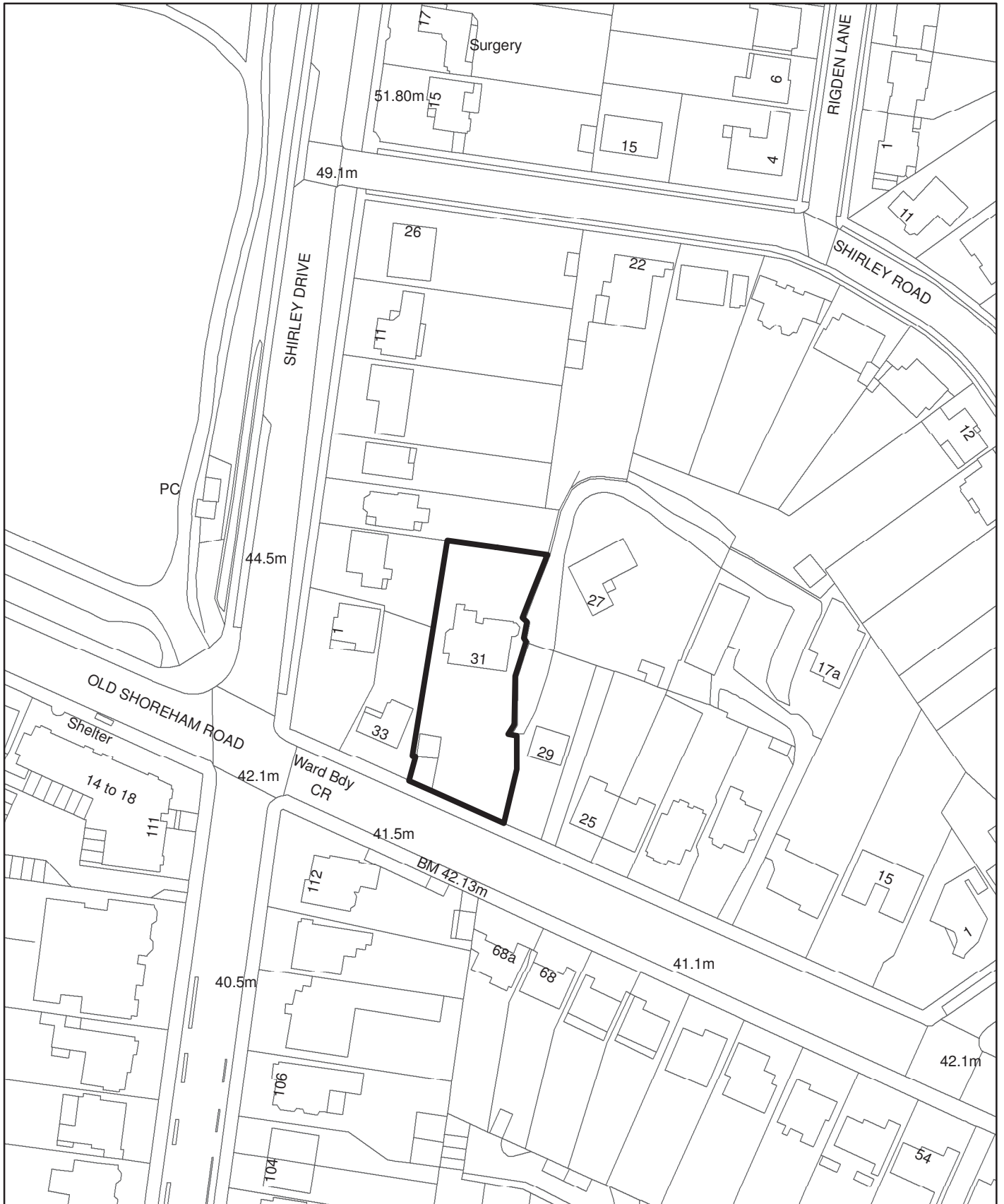
**PLANS LIST  
ITEM K**

**31 Old Shoreham Road, Hove**

**BH2013/00588  
Full Planning**

**17 JULY 2013**

# BH2013/00588 31 Old Shoreham Road Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2013/00588</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>31 Old Shoreham Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing house and erection of 6no bedroom detached dwelling.</b>		
<b><u>Officer:</u></b>	Christopher Wright Tel 292097	<b><u>Valid Date:</u></b>	01/03/2013
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	26/04/2013
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Alan Phillips Architects, 31 Montefiore Road, Hove, BN3 1RD		
<b><u>Applicant:</u></b>	Mr J Heath, 31 Old Shoreham Road, Hove, BN3 6NR		

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reason set out in section 11.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The application refers to a plot of land presently occupied by a detached bungalow with accommodation in the roof space. The plot is situated on the northern side of Old Shoreham Road near to the junction with Shirley Drive. The plot measures 57m in length and has a street frontage of 25m. At its narrowest point the plot is 21m wide. The bungalow is set back 30m from the street and is obscured by mature and established trees. Due to rising ground level, the property sits on land approximately one storey above street level and is accessed via steps up from the pavement. There is a single garage at street level which has been cut into the hillside.
- 2.2 The street scene is characterised by two storey residential development in the form of detached properties which are generally set back 5m to 6m from the highway, although there is a more clearly established building line for the properties on the southern side of the street opposite the application site.
- 2.3 The eastern boundary of the plot is steeply banked because it is adjacent to a former chalk pit.
- 2.4 The application site differs from adjoining residential development because the existing property is set considerably farther back from the street than neighbouring houses.

## **3 RELEVANT HISTORY**

- 3.1 There is no planning history for the site.

## **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing dwelling and the erection of a detached, two storey plus lower ground level, dwellinghouse, with 6 bedrooms, in a contemporary style.

4.2 The lower ground floor would have a greater floor area than the ground and first floor levels, and would project in front of the upper floors, but at garden level.

- The property would be positioned 2.5m in from the east and west boundaries of the side, the same distance as the existing dwelling.
- The property would have a footprint of 16m across and 17m in depth, similar to the existing dwelling which measures 16m in width and 14m in depth.
- The new dwelling would be positioned between 2m and 5m in front of the position of the existing dwelling.
- The stepped roof form of the proposed dwelling would be partly 300mm below the ridge height of the existing dwelling, and partly 400mm above, but would not exceed the height of the chimney stacks of the existing dwelling.
- The proposed dwelling would have a modern, cubic form incorporating two raised tower features and asymmetrical yet balanced front and rear elevations featuring angled walls.
- Large areas of fenestration are proposed at ground level whilst first floor windows would have a slotted design with a horizontal emphasis.
- The proposed external materials and finishes include white render and timber walls; red glazing features; and timber windows with a powder coated aluminium facing.
- The proposed dwelling would achieve Code Level 4 of the Code for Sustainable Homes.
- Two off-street car parking spaces are proposed, as existing.
- Four cycle parking spaces are proposed.

The proposed layout of the dwelling would be as follows:-

Lower Ground Floor-

- Ramped driveway from ground level down to main entrance at lower ground floor level
- Staircase atrium
- Bedrooms 5 and 6
- Granny annex (kitchen/living area)
- Boot room

Ground Floor-

- Open plan lounge, kitchen and dining room to rear and side
- Library room at front
- Staircase atrium at front

First Floor-

- Four double bedrooms, two with en-suites and two with a shared en-suite, dressing room.
- Staircase atrium.

Roof Plan-

- Solar photovoltaics on flat roof.
- Solar thermal equipment on flat roof.
- Centred 2m high belvedere set back between 1.5m and 2.7m from front façade.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

**Neighbours: Three (3)** letters of representation have been received from **112 The Drive; 13 Clarendon House; and 33 Old Shoreham Road**, objecting to the application for the following reasons:

- Height out of keeping with existing rooflines and window lines.
- Modern and out of place design.
- High front boundary wall.
- Inappropriate appearance, size and colouring.
- Public and private eyesore.
- Out of keeping with the surrounding area.
- Jarring roofline.
- Loss of privacy due to large first floor windows.
- Overlooking.
- Overshadowing.
- Intrusive.
- Increased noise and disturbance from proposed driveway.
- Potential damage and loss of established mature pine trees in front garden.
- Loss of greenery should be replaced to soften the impact of the development.

5.2 **Nine (9)** letters of representation have been received from **102 Havelock Road; 5 Shirley Drive; 19 Quebec Street; 74 Westbourne Gardens; 25, 27, 29 and 68A Old Shoreham Road (x2)**, in support of the application for the following reasons:

- Stunning, cutting edge architecture.
- Will enhance the area.
- Much needed style in Old Shoreham Road.
- Modern build that the city needs.
- Great addition to Hove's tradition of interesting and quality architecture.
- Applicant has engaged neighbours and made modification to help where possible.
- Considerate of neighbours' views and feelings.

**Internal:**

5.3 **Sustainable Transport: No objection.**

The applicant is proposing to retain the existing vehicular access from Old Shoreham Road. This is deemed acceptable.

5.4 The forecast level of trip generation is not expected to increase as a result of the development proposal.

5.5 The level of car parking proposed is deemed acceptable and in line with SPGBH4.

5.6 The applicant is providing a cycle store adjacent to the garage. This level of provision is welcomed. The applicant also provides the minimum cycle parking standards required. Further details of the nature of the cycling parking facilities can be requested by condition.

**5.7 Council Arboriculturalist: No objection.**

Three trees on this site and one tree adjacent to the site are covered by Tree Preservation Order (No 9 ) 2003 (three Pines and one Elm). All of these trees will be protected and retained post-development. Further trees on this site will be lost to facilitate the development (two Hollies, a Cypress hedge, and a group of Apples). They are all of minimal arboricultural value and unworthy of Preservation Order, therefore the Arboricultural Section would not object to their loss. All trees to remain on site and encompassed within the Arboricultural report must be protected during the course of the development as outlined in the Arboricultural report. The development involves encroachment into the root protection area of the Pines, however, this is within the 20% allowed under BS 5837 (2012) Trees in Relation to Demolition, Design and Construction. The Arboricultural Section expects on site monitoring of these trees by the project arborist. A diary of when visits will be made should be submitted to the Arboricultural Section prior to any works commencing on site. Overall, the Arboricultural Section has no objection to the proposals in this application subject to suitable conditions being attached to any consent granted.

**5.8 Accessibility Officer:**

The vehicle route to the entrance is noted as being at a gradient of 1:8. Confirmation that a level parking space will be provided near the entrance and that a level or gently sloping route will be provided from the parking to the entrance should be sought.

5.9 Three doors at entrance level do not have the required 300mm clearance at the leading edge.

5.10 Confirmation should be obtained for the future lift position.

**5.11 Environmental Health: No objection.**

The proposed development is on land that is adjacent to an old chalk pit which also once contained several structures and also some tanks. Such chalk pits may have been subjected to some infilling and/or the tanks may have caused localised pollution. Whilst problems on the proposed site are not expected, a contaminated land discovery condition is recommended for this development.

**6 MATERIAL CONSIDERATIONS**

6.1 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."

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF) March 2012

#### Brighton & Hove Local Plan 2005:

TR1 Development and the demand for travel  
TR7 Safe development  
TR14 Cycle access and parking  
TR19 Parking standards  
SU2 Efficiency of development in the use of energy, water and materials  
SU13 Minimisation and re-use of construction industry waste  
QD1 Design – quality of development and design statements  
QD2 Design – key principles for neighbourhoods  
QD15 Landscape design  
QD16 Trees and hedgerows  
QD27 Protection of Amenity  
HO3 Dwelling type and size  
HO4 Dwelling densities  
HO5 Provision of private amenity space in residential development  
HO13 Accessible housing and lifetime homes

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards

#### Supplementary Planning Documents:

SPD03 Construction & Demolition Waste  
SPD06 Trees & Development Sites  
SPD08 Sustainable Building Design  
SPD11 Nature Conservation & Development

#### Brighton & Hove City Plan Part One (submission document)

SS1 – Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development; design and appearance; impact on amenity; sustainability; and sustainable transport.

### **Principle of development:**

- 8.2 The application site is in residential use and occupied by a single detached dwellinghouse. The proposal is to demolish the existing house and build a new dwelling to a modern design. The proposal would neither result in the loss of a dwelling unit, nor a net gain in the number of units on the site.
- 8.3 As the proposal is for a single dwelling there is limited scope to provide a mixture of unit sizes in accordance with policy HO3 of the Local Plan, and in terms of policy HO4, the proposal would not result in an increase in the density of residential development in the locality.
- 8.4 A replacement dwelling is considered to be acceptable in principle.

### **Design and appearance:**

- 8.5 The proposal incorporates a modern design which in principle, and subject to compliance with other relevant policies of the Local Plan, is an acceptable approach to development. However, there are concerns that the proposed development would not enhance or relate sympathetically with the characteristics of adjoining buildings and the site context.
- 8.6 Policy QD2 of the Local Plan 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.
- 8.7 The character of the area includes a traditional form of development, generally comprising of two storeys and pitched roofs with spaces between buildings. Plots on the northern side of Old Shoreham Road are open and there is an overall green setting. Whilst it is accepted that the footprint of the proposed dwelling would be similar to that of the existing bungalow on the site and that the proposed building would be set in from the boundaries of the site and set back from the street behind established trees. The lower ground floor level would project out in front of the principal elevation of the new dwelling and together with



the hard surfacing and retaining walls to the access route to the dwelling, would erode the green setting of the building, contrary to the characteristics of the surrounding area. In addition, the scale and height of the new dwelling along with the form, particularly at second floor level, would result in an excessive massing and bulky appearance to the development which would be out of context with the appearance of adjoining properties and thereby detrimental to visual amenity. Policy QD2 states developments should be designed to enhance and emphasise the positive qualities of the surrounding area. The development, however, by reason of excessive bulk and scale would represent an incongruous feature, out of character with the scale of development evident in the immediate surroundings and these reasons the scheme is not considered to accord with policy QD2 of the Brighton & Hove Local Plan.

**Trees:**

- 8.8 In terms of landscaping, the proposal seeks to retain the tall and well established mature coniferous trees within the front garden and as such complies with policies QD15 and QD16 of the Local Plan. A planning condition would be imposed if permission was recommended in order to assess precise details of a landscaping scheme, which should also include hard surfacing materials, together with details of protection measures in respect of trees to be retained on the site.
- 8.9 The applicant has submitted an Arboricultural Report. There are three pine trees subject to a Preservation Order within the front garden of the application site. This is TPO No. 9 of 2003. The proposed development would retain all three of the protected trees and the construction would only encroach into 20% of the root protection area. This complies with best practice and the Council Arboriculturalist raises no objection. Other trees within the site include two Hollies, a Cypress hedge and a group of Apple trees. These are of minimal arboricultural value and the Council Arboriculturalist raises no objection to their removal.

**Impact on amenity:**

- 8.10 The immediate neighbours to the application site 33 Old Shoreham Road have raised an objection to the application. Nos. 27 and 29 Old Shoreham Road and 5 Shirley Drive have submitted representations in support of the application.
- 8.11 Intensity of the use:  
The existing dwelling is a family residence with 4 bedrooms and the proposed dwelling would also be a family dwelling but with two additional bedrooms. The proposed intensity of the use of the land is not considered to be significant in relation to the current use and would not be detrimental to neighbour amenity.
- 8.12 Overlooking:  
The existing dwelling overlooks neighbouring properties by reason of side windows, a dormer to the east roof slope and because it is set back from neighbouring properties. The proposed dwelling would improve the present situation by removing existing incidents of overlooking. For example, the front and rear elevations would be partly angled to face into the site and as such the windows on those elevations would not have a line of sight into neighbouring properties, such as 3 Shirley Drive and 33 Old Shoreham Road. The front

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balcony proposed would have timber slatted screening to the western end and an overhanging cantilevered wall feature. The flank elevations of the proposed dwelling have been designed with tall and narrow windows with obscure glazing on the west elevation, and high level slot windows on the east elevation at first floor level, with lower sill heights a minimum of 1.6m in height above internal finished floor level. Overlooking from proposed ground floor level windows would not be possible due to the established hedges along the boundaries of the site, which are proposed to be retained.

- 8.13 Similarly, overlooking from the proposed room at second floor level would be precluded due to its siting set well within the outer walls of the building, in the centre part of the roof top, with proposed solar photovoltaic and solar thermals situated on either side.
- 8.14 The proposed dwelling has been designed to prevent overlooking of neighbouring properties and as such it is considered no loss of privacy would occur as a result of the development.
- 8.15 Overshadowing:  
The proposed dwelling would be situated behind 29 and 33 Old Shoreham Road and at a distance of 9.3m and 8.4m from the rear elevations of those properties respectively. The proposed dwelling would be situated 15m from the rear elevation of 1 Shirley Drive. The proposed dwelling would be higher and more bulky than the existing dwelling due to the extra bulk and massing of the two storey flank walls and flat roof in comparison with the roof of the existing dwelling which is pitched and has hipped ends.
- 8.16 It is considered that the position of the proposed dwelling in relation to neighbouring properties and the separation distances in between, are sufficient to preclude any harmful overshadowing of neighbouring properties.
- 8.17 In addition, 29 Old Shoreham Road is constructed on ground level 4m below the application site and is to a large extent screened and enclosed by the banking around the edge of the former chalk pit.
- 8.18 On the rear wall of 33 Old Shoreham Road nearest the position of the proposed dwelling, there are no windows or other openings at first floor level and at ground floor level this is a solid door and a small larder-style window.
- 8.19 For the above reasons the proposed development is not considered likely to a significant adverse impact on neighbouring residents by way of overshadowing.
- 8.20 Noise and disturbance:  
In terms of additional noise and disturbance, neighbours have cited the position of the proposed driveway alongside the boundary with 33 Old Shoreham Road and the potential increase in noise and disturbance from motor vehicles using the access.
- 8.21 The proposed driveway would be at lower level to the neighbouring property, and would gradually ramp upwards from street level at a 1 in 8 gradient. A retaining

wall is proposed alongside the outer edge of the driveway and this would help to screen and mitigate any harmful impact that vehicles using the driveway might otherwise have on neighbour amenity. The driveway would also be set in from the boundary of the site with 33 Old Shoreham Road and the existing hedge would be retained along with a 1.2m wide planted buffer zone.

- 8.22 These design factors are considered to be sufficient to preclude a significant harmful impact on neighbour amenity by way of noise and disturbance from motor vehicles using the proposed driveway.

**Sustainability:**

- 8.23 Policy SU2 of the Local Plan requires development to be efficient in the use of energy, water and materials. For new residential development of 2 or fewer units, SPD08: Sustainable Building Design, requires level 3 of the Code for Sustainable Homes if the site is previously development, or level 5 if the site is Greenfield, and not previously developed.
- 8.24 The greater proportion of the proposed development is within the footprint of the existing dwelling. However, the new dwelling would be positioned slightly in front of the existing dwelling and this, together with the construction of the front parking area and lower ground floor annex, would involve development of parts of the existing front garden, which constitutes Greenfield land.
- 8.25 The applicant has submitted a Sustainability Checklist which states the development would achieve Level 4 of the Code for Sustainable Homes. This is acceptable and represents an appropriate balance between the part Greenfield and part previously developed status of the application site.
- 8.26 In addition the applicant has submitted an embodied carbon emissions estimator which claims the development would comprise 13 tonnes less embodied carbon than a typical construction, a reduction by 15 per cent.
- 8.27 Amenity space and Lifetime Homes:  
In order to be sustainable and comply with policies HO5 and HO13 of the Local Plan, private useable amenity space should be provided within the development appropriate to the nature and scale of the proposal, and the dwelling should be accessible and built to meet Lifetime Home standards.
- 8.28 As well as the front garden the proposed dwelling would benefit from a rear garden 15.4m long and 19m wide (292 square metres) and this would be bounded on all three sides by existing evergreen hedges which provide screening and privacy. This level of private, useable amenity space is considered to be compliant with policy HO5 of the Local Plan.
- 8.29 Policy HO13 of the Local Plan requires new residential dwelling to be built to Lifetime Home standards whereby they can be adapted to meet the needs of people with disabilities without major structural alterations.
- 8.30 The Council's Accessibility team raised concerns in respect of level parking near to the entrance to the proposed dwelling, satisfactory 300mm clearance to the

leading edges of three entrance level doors and the location of a future lift position.

8.31 These concerns were addressed by way of amended drawings which include:-

- Details of a level, surface car parking space next to the entrance to the dwelling.
- Plans annotated to show all leading edges to entrance level doors.
- A future lift position indicated on the amended drawings by way of a potential through floor lift within the areas of circulation space at the back of the dwelling (shown by a red dotted line).

8.32 The proposal is considered to meet the requirements of policy HO13.

#### **Sustainable Transport-**

8.33 Policies TR1 and TR19 of the Local Plan require development proposals to provide for the transport demand generated in line with maximum car parking standards and minimum cycle parking standards as set out in SPGBH4: Parking Standards. Policy TR14 of the Local Plan requires cycle storage facilities to be secure and convenient to use and preferably sheltered.

8.34 The existing dwelling has two off-street car parking spaces in the form of a garage at street level and cut into the hillside at the foot of the front garden. The proposed development would have a garage for one car and a flat area for potentially disabled parking in front of the property, thereby making two off-street parking spaces.

8.35 The property is not situated in a controlled parking zone but there are no waiting lines painted along Old Shoreham Road and the recently constructed segregated cycle lane running east-west along Old Shoreham Road runs past the front of the property. As such there is no on-street parking in front of the application site.

8.36 For a dwelling of 3 bedrooms or more, SPGBH4 sets the maximum level of off-street car parking provision at 1 space per dwelling plus 1 space per 2 dwellings for visitors.

8.37 It should be acknowledged that the existing dwelling has 2 off-street parking spaces and as such there would be no net increase in comparison with the existing situation. Furthermore, Sustainable Transport has not raised an objection based on the levels of proposed off-street car parking.

8.38 There is a bus stop immediately in front of the application site. The applicant proposes to construct a seat on the front boundary wall for the Public to use.

8.39 In view of the above the proposal is considered acceptable in highway grounds

8.40 The applicant proposes 4 off-street cycle parking spaces within the development in a secure and covered storage facility in front of the proposed garage. The levels set out in SPGBH4 would require a minimum of 1 cycle parking space for the proposed scale of development and these requirements are met and

exceeded in the application. No objection has been received from Sustainable Transport in respect of the proposal, subject to the precise details of the nature of the cycle storage facility. These details can be requested by imposing a condition in the event approval is granted.

## 9 CONCLUSION

- 9.1 The lower ground floor level would project forward of the principal elevation of the new dwelling and together with the hard surfacing and retaining walls to the access route to the dwelling, would erode the green setting of the building, contrary to the characteristics of the surrounding area. In addition, the scale and height of the new dwelling along with the form, particularly at second floor level, would result in an excessive massing and bulky appearance to the development which would be out of context with the appearance and character of adjoining properties and thereby detrimental to visual amenity, contrary to the requirements of policy QD2 of the Local Plan.

## 10 EQUALITIES

- 10.1 The proposed dwelling has been designed to meet Lifetime Home standards.

## 11 REASON FOR REFUSAL / INFORMATIVES

### 11.1 Reasons for Refusal:

- 1) The proposed development would, by reason of the developed footprint, scale, height, bulk and massing, have an incongruous appearance in relation to adjoining properties and would not emphasise or enhance the positive qualities of the neighbourhood. As such the proposal is considered out of keeping with site context and would have a detrimental impact on visual amenity, contrary to the requirements of policies QD1 and QD2 of the Brighton & Hove Local Plan 2005.

### 11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location Plan	VZ.01		22 Feb 2013
Block Plan	VZ.02		22 Feb 2013
Aerial Views	VZ.03		22 Feb 2013
Aerial Views and Contextual Elevation	VZ.04		22 Feb 2013
Survey	VZ.05		22 Feb 2013
Site Plan Existing & Proposed	VZ.06		22 Feb 2013
Existing Plans	VZ.07		22 Feb 2013
Existing North/South Elevations	VZ.08		22 Feb 2013

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Existing East/West Elevations	VZ.09		22 Feb 2013
Site Plan Proposed at Ground Level	VZ.11		22 Feb 2013
Proposed First Floor Plans	VZ.15		22 Feb 2013
Section AA Proposed	VZ.16		22 Feb 2013
Section BB	VZ.17		22 Feb 2013
Existing Sections BB	VZ.22		22 Feb 2013
Existing/Proposed Sections BB	VZ.23		22 Feb 2013
Existing Sections CC	VZ.24		22 Feb 2013
Existing/Proposed Sections CC	VZ.25		22 Feb 2013
Existing Sections DD	VZ.26		22 Feb 2013
Existing/Proposed Sections DD	VZ.27		22 Feb 2013
Existing Boundary/Building & Proposed Building	VZ.30		22 Feb 2013
Proposed Boundary/Seat	VZ.31		22 Feb 2013
Sun Path Chart	VZ.32		4 Apr 2013
Lower Ground Site Proposed	VZ.10	A	23 Apr 2013
Proposed Lower Ground Floor Plans	VZ.12	A	23 Apr 2013
Proposed Ground Floor Plans	VZ.13	A	23 Apr 2013
Proposed First Floor Plans	VZ.14	A	23 Apr 2013
Proposed East/West Elevations	VZ.18		23 Apr 2013
Proposed North/South Elevations	VZ.19		23 Apr 2013
Existing Sections AA	VZ.20	A	18 Apr 2013
Existing/Proposed Sections AA	VZ.21	A	18 Apr 2013
Existing Sections EE	VZ.28	A	18 Apr 2013
Existing/Proposed Sections EE	VZ.29	A	18 Apr 2013
Boundary Wall and Relative Drive Height	VZ.38		23 Apr 2013

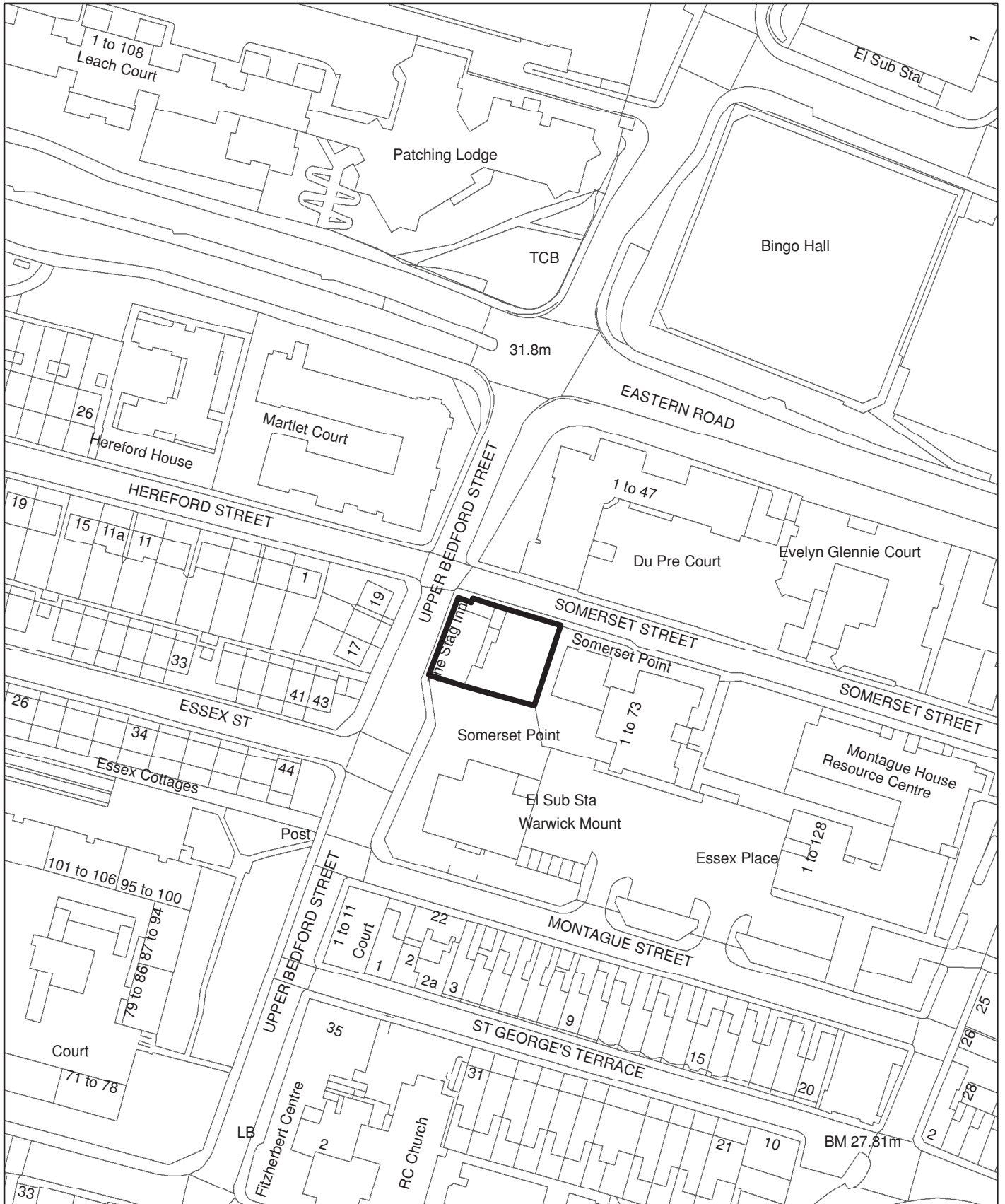
**PLANS LIST  
ITEM L**

**Stag Inn, 33 Upper Bedford Street, Brighton**

**BH2013/01403  
Full Planning**

**17 JULY 2013**

# BH2013/01403 Stag Inn 33 Upper Bedford Street, Brighton



**Brighton & Hove  
City Council**

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**Scale: 1:1,250**



<b>No:</b>	<b>BH2013/01403</b>	<b>Ward:</b>	<b>QUEEN'S PARK</b>
<b>App Type:</b>	<b>Full Planning</b>		
<b>Address:</b>	<b>Stag Inn 33 Upper Bedford Street Brighton</b>		
<b>Proposal:</b>	<b>Demolition of existing public house (A4) and construction of a new 3 storey building comprising 9 one, two and three bedroom residential units with office space (A2) on the ground floor.</b>		
<b>Officer:</b>	Jonathan Puplett, tel: 292525	<b>Valid Date:</b>	14/05/2013
<b>Con Area:</b>	N/A	<b>Expiry Date:</b>	09/07/2013
<b>Listed Building Grade:</b>	N/A		
<b>Agent:</b>	Mohsin Cooper Limited, 7 Hove Manor Parade, Hove Street, Hove, BN3 2DF		
<b>Applicant:</b>	Godfrey Investments, 72A St Georges Road, Brighton, BN2 1EF		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application property is situated on the southern corner of the junction of Upper Bedford Street. The site at present comprises a two-storey building fronting on to Upper Bedford Street which was most recently in use as a public house with residential unit above. The rear curtilage of the building was used as a garden area for patrons of the public house.
- 2.2 The site effectively forms the corner section of a large site which contains large blocks of flats set in open curtilage with a car parking area in the centre of the site accessed from its southern side. In the immediate vicinity of the site the northern elevation of the Warick Mount block and the western elevation of the Somerset Point block face towards the site. Immediately to the south of the site there is a communal garden area which appears to serve the residents of Somerset Point. Immediately to the east of the site there is a single storey a community building / day centre. To the north of the site Martlet Court and Jacqueline Du Pre Court are low-rise (3 to 4-storey) residential developments. To the west of the site nos. 17, 18 and 19 Upper Bedford Street are two storey dwellings. To the eastern end of Essex Street the properties on the northern side of this road are low-rise three storey blocks, with two-storey dwellings to the southern side of the road.
- 2.3 The area surrounding the site is therefore of mixed character. The residential developments which front on to the street in the immediate vicinity of the site are of 2 to 4 storeys in height, with taller blocks set back from the street with an open curtilage to the south and east of the site.

### 3 RELEVANT HISTORY

None.

### 4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing public house building and the erection of a three-storey building and associated landscaping. The building would contain:

4.2 At ground floor:

- A commercial unit (Use Class A2), which could be sub-divided in to two smaller units.
- Refuse and recycling storage
- Cycle storage
- A self-contained one-bedroom flat.

4.3 At first floor:

- 1 one-bedroom flat
- 2 two bedroom-flats
- 1 three-bedroom flat

4.4 At second floor:

- 1 one-bedroom flat
- 2 two bedroom-flats
- 1 three-bedroom flat

4.5 The 8 upper floor flats would have access to balcony areas. At ground floor level the building would be set in from the boundaries of the site on three sides with hard landscaping and raised planters in front of the building.

### 5 PUBLICITY & CONSULTATIONS

#### 5.1 External

**Neighbours: 10 (ten)** letters have been received from **nos. 14, 29 (as Chairman of the Warwick Mount Residents Association), 34, 35, 54 Warwick Mount Montague Street, Flat 4 Jacqueline Du Pre Court, no. 21 Somerset Point Somerset Street, no 18 Wyndham Street, a letter from 'Sue Pearson' (address not provided) objecting** to the application for the following reasons:

- The proposed development would result in an excessive site coverage. The development involves garden grabbing.
- The proposed flats would have no outdoor space.
- The proposed development would result in increased overlooking of neighbouring properties.
- The proposed development would result in increased overshadowing of neighbouring properties. The proposed building design is bulky and would have an overbearing impact upon neighbouring occupiers.
- The proposed development would result in increased noise

disturbance for neighbouring occupiers.

- If air conditioning units are installed they would cause noise disturbance to neighbouring occupiers.
- The proposed development would result in the loss of the public house which is a community facility. The proposed development does not include alternative community facilities.
- The proposed internal accommodation is not accessible as it includes steps within the units, and no lifts are proposed.
- There has not been any consultation/ sufficient consultation of neighbouring occupiers.
- No social housing is proposed.
- No car parking is proposed.
- The proposed development is of an excessive density which the surrounding area does not have the capacity to contain.
- The proposed building could cause increased wind turbulence.
- The proposal for office space in a residential area is not appropriate.
- The existing building is of historic interest and should be preserved.

5.2

A letter has been received written '**on behalf of Somerset Point residents**' raising the following comments:

- A three storey development on the Stag Inn site is welcome.
- The initial consultation the applicant carried out with residents is appreciated.
- It is of concern that the building is proposed to be built up to the boundary of the site on the eastern side.
- We would ask that the existing block work boundary wall is demolished and replaced with metal railings.
- Is it possible that the flat roof could be finished in an attractive fashion with perhaps a roof garden as many windows would look down on to this roof?
- The proposed palette of materials is of dark colours which would contrast with the materials typical of surrounding development. It is suggested that lighter materials be proposed.

5.3 **Internal**

**Transport:** In regard to transport impact the proposed development would not be likely to result in an increased level of trip generation in comparison to the existing use of the site. A contribution towards sustainable transport infrastructure is therefore not sought in this case.

5.4

No on-site car parking is proposed; the residential development is therefore 'car-free' and should be secured as such by condition. The proposed internal cycle store is considered acceptable, it also appears that 3 spaces are proposed on Upper Bedford Street. It is not clear that these spaces could be accommodated without causing obstruction of the highway and therefore further details of a more appropriate solution should be secured

by planning condition.

There are two vehicular crossovers in situ at present, these should be reinstated as pavement and raised kerbs as no vehicular access is proposed, it is recommended that such details be secured by planning condition. Further details of hard landscaping measures are required in the form of constructional details and details of how the application site will be delineated from the public highway. It is recommended that such details be secured by condition.

5.5

**Environmental Health:** The Ground Investigation Report submitted has been examined. The report raises a number of questions and further information is requested to enable an informed judgement.

5.6

**Access Consultant:** The handrails of the common stair should project 300mm beyond the top and bottom stall risers in each flight. It is not clear that the balconies would be accessible. Each unit should have floor drainage for a shower.

5.7

**Economic Development:** No comments received.

5.8

**Private Sector Housing:** No comments received.

## 6 MATERIAL CONSIDERATIONS

6.1

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."

6.2

The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3

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

6.4

6.5

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

- 6.6 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.

All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## 7 **RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD27	Protection of Amenity
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
HO20	Retention of community facilities

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards

#### Supplementary Planning Documents:

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

#### Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the demolition of the public house and residential unit to be replaced by a mixed use development, visual impact, the standard of accommodation which the proposed development would provide, impact upon neighbouring amenity, transport, environmental sustainability, landscaping and nature conservation measures.
- 8.2 **Principle of development**  
A proposal involving the loss of a public house use, which is defined as a community use by the NPPF, must be considered having regard to policy HO20 of the Brighton and Hove Local Plan which states that:
- 8.3 *'Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities, including: hospitals, health centres, surgeries/clinics, museums, art galleries, exhibition halls, places of worship, day care centres, libraries, schools, crèches, public toilets, church and community halls, theatres and cinemas.*
- 8.5 *Exceptions may apply when:*  
*a. the community use is incorporated, or replaced within a new development; or*  
*b. the community use is relocated to a location which improves its accessibility to its users; or*  
*c. existing nearby facilities are to be improved to accommodate the loss; or*  
*d. it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.*
- 8.6 *Where an exception (a-d) applies, a priority will be attached to residential and mixed use schemes which may provide 'live work' and, or starter business units to meet identified local needs.'*
- 8.7 In some cases, such as in rural / suburban areas, a public house can serve an important community function and the loss of such a facility could be to the detriment of the community as a whole. In the case of the application property, the public house is one of many in the locality (the applicant has identified 6 other public houses within a five minute walk of the application site) and the community is also well connected to the community facilities of the wider city. Therefore it is considered in this particular case that the loss of the public house would not be contrary to the objectives of policy HO20 or the objectives set out in the NPPF in this case.
- 8.8 As a replacement use, the proposed mix of employment and residential uses is considered to be in compliance with the preferred alternative uses set out in policy HO20. The proposed commercial ground floor use (Use Class A2) would generate employment and would provide an active

frontage at ground floor level, the proposed residential units would contribute to meeting the housing needs of the city and would be in keeping with the prevailing residential character of the immediate area surrounding the site.

- 8.9 The principle of the proposed development is considered to be acceptable; detailed considerations relating to the proposed use are addressed below.

**Visual Impact**

- 8.10 The proposed building is a three-storey flat roofed structure. External materials consists of a dark grey glazed brick / light grey buff brick faced walls, zinc clad projecting bays at first and second floor levels, railed balcony balustrades and grey powder coated window and door frames. At ground floor level the building would be set back from the highway boundary with paved areas and raised planted areas. This would provide an attractive break between the highway and the built form, and would effectively increase the width of the walkway alongside to the benefit of pedestrians.
- 8.11 Overall it is considered that the design is well conceived. The form and scale of the proposed building pays respect to the low rise development to the north and west of the site. The detailing and materials proposed are of a contemporary nature. The building does not seek to match or replicate surrounding buildings; instead a high quality design is proposed of a contemporary nature. It is considered that the building would make a positive contribution to the street scene.
- 8.12 The proposed development would be visible from the East Cliff Conservation Area to the south and east of the application site, it is considered that the development would not harm the setting of the conservation area or views from the conservation area.
- 8.13 Full details of materials and landscaping can be secured by planning condition.
- Standard of accommodation**
- 8.14 The proposed commercial space (Use Class A2) would provide a high quality commercial space would has the possibility of being subdivided into two units and could also offer the flexibility to be occupied for other uses such as B1(a) office space should such a use be proposed under a formal planning application in the future. Kitchen and W.C. facilities are proposed and the cycle and refuse/recycling storage proposed could serve both the commercial and residential uses proposed.
- 8.15 The proposed residential units would provide an acceptable standard of accommodation. Each unit at first and second floor level would have access to a balcony space. The ground floor unit proposed would not have an outdoor area, it is however acknowledged that it be difficult to provide a

space with a degree of privacy in association with this unit as it fronts on to Somerset Street. The proposed units would comply with Lifetime Homes Standards and could be secured by condition as such. It is noted that a lift is not proposed. This is not ideal as without a lift the upper floor units would not be suitable for some people of limited mobility and would not be accessible for wheelchair users. Lifetime Homes Standards do not require that a communal lift be provided, the good practice recommendations set out in Lifetime Homes do however advise that in addition to the requirements set out in the standards, it is good practice to provide lift access to all dwellings above entrance level as far as is practical. Given the scale of the development proposed, it would not however be reasonable to insist upon the provision of a lift to comply with this recommendation of good practice.

- 8.16 Overall the proposed standard of accommodation is considered to be acceptable.

**Neighbouring amenity**

- 8.17 The proposed building is of a greater footprint heights and scale than the building which is currently in situ. The proposed building will therefore result in some increased overshadowing of some neighbouring properties and will enclose the outlook from some neighbouring properties to some extent. The proposed windows and balconies will cause some increased overlooking of neighbouring properties. It is however the case that significant spacing would remain between the proposed building and the neighbouring residential buildings as follows:

- 15 metres spacing from the Somerset Point building to the East.
- 15 metres spacing from the Warwick Mount building to the South.
- 11 metre spacing from the Jacqueline Du Pre Court building to the North.
- 15 metre spacing from nos. 17-19 Upper Bedford Street to the West.

- 8.18 Having regard to these distances, and the scale of the building proposed, whilst it is acknowledged that some negative impact upon neighbouring amenity would be caused, it is considered that significant harm of a magnitude which would warrant the refusal of planning permission would not result.

- 8.19 The proposed building would be constructed adjacent to the eastern boundary of the site and would be set away from the single storey community / day centre to the east of the site by 2.3 – 2.5 metres. There are two side windows to this building which face towards the boundary wall between the two sites, the building also has windows and glazed doors to its northern, southern and western sides. The proposed building would have some impact upon outlook from this property and would cause some increased overshadowing, overall however it is considered that the standard of accommodation for users of the centre would not be significantly diminished.



- 8.20 In regard to the proposed uses, the residential units would result in comings and goings and some noise emanating from the building. Such noise and activity would be in keeping with the residential character of the surrounding area and would not cause harm to neighbouring amenity. The proposed ground floor commercial use (Use Class A2) would result in comings and goings of staff and visitors / customers, and again some noise would emanate from the building, A2 uses do not however in general create significant levels of noise and disturbance; subject to securing appropriate hours of use by planning condition it is considered that such a use would be unlikely to cause significant harm to neighbouring amenity.
- 8.21 In regard to hours of use, Question 20 of the planning application form has been answered as 'not known'. In the absence of any information regarding the likely hours of operation of use, the Local Planning Authority considers that the following hours would be appropriate in this case:
- 08.00 - 21.00 Mondays to Saturdays
  - 09.00 - 20.00 on Sundays, Bank or Public Holidays
- 8.22 It is noted that the existing public house use, if bought back in to active use, has the potential to have a negative impact upon amenity by way of noise and disturbance, and that the proposed development would remove this potential harm.
- 8.23 Overall it is considered that the proposed development would not cause significant harm to neighbouring amenity.

**Transport**

- 8.24 The Transport Officer has commented in detail upon the application. In regard to transport impact, having considered the likely trip generation associated with the existing public house use, it has been determined that the proposed use is unlikely to result in a significantly increased level of trip generation. A contribution towards sustainable transport infrastructure in the vicinity of the site is therefore not sought in this case.
- 8.25 No on-site car parking is proposed; this is in compliance with local plan policy and guidance which sets out maximum parking standards rather than minimum. As no off-street parking provision is proposed, the residential development proposed is considered as 'car-free'. Policy HO7 of the Brighton and Hove Local Plan states that planning permission will be granted for car-free housing which is in locations with good access to public transport and local services where there are complementary on-street parking controls, and where it can be demonstrated that the proposed development will remain genuinely car-free over the long term. It is considered that the development site is in a well connected location, with bus routes to the north and south of the site, and the city centre and the St.

James's Street / St. George's Road shopping centres within walking distance. The application site is located within Controlled Parking Zone C and as such the Local Planning Authority can secure development as genuinely car-free in the long term by applying a condition which ensures that future occupiers would not be eligible for resident parking permits.

- 8.26 In regard to cycle storage, the proposed internal cycle store is considered acceptable provision for residents of the residential development and staff of the proposed ground floor commercial use. It also appears that 3 external spaces / stands are proposed on Upper Bedford Street which could serve visitors to the development. It is not clear that these spaces could be accommodated without causing obstruction of the highway and therefore it is recommended that further details of a more appropriate solution be secured by planning condition.
- 8.27 There are two vehicular crossovers in situ at present (one on Upper Bedford Street and one on Somerset Street), these should be reinstated as pavement and raised kerbs as no vehicular access is proposed, it is recommended that these works be secured by planning condition. Further details of hard landscaping measures are required in the form of constructional details and details of how the application site will be delineated from the public highway. It is recommended that further details and the implementation of such works be secured by condition.

#### **Sustainability**

- 8.28 Policy SU2 and the guidance set out in SPD08 require that all new developments demonstrate efficient use of energy water and materials. A design stage report has been submitted which indicates that the proposed residential units would be likely to achieve a Code for Sustainable Homes rating of Level 3. Such a level is considered acceptable as it is in accordance with the guidance set out in SPD08. In regard to the proposed commercial space BREAAAM ratings of 50% in energy and water and an overall rating of Very Good are proposed which again is compliant with the guidance set out in SPD08. These levels of sustainability can be secured by the imposition of appropriate planning conditions.

#### **Landscaping and nature conservation**

- 8.29 Policy QD15 requires that all new development includes high quality soft and hard landscaping. Policy QD17 and the guidance set out in SPD11 requires that all new development incorporates nature conservation enhancement measures.
- 8.30 The proposed development would see the open space behind the existing public house building, which is partially grassed and partially paved, constructed upon and therefore would have a negative impact in terms of loss of open space and potential habitat. The proposed development includes some raised planted areas to three sides at ground floor level. The proposed balcony areas and flat roof may also provide areas for planting

and nature conservation enhancement features. It is considered that full details of landscaping measures and nature conservation enhancement measures can be secured by condition to ensure that the requirements of policy QD15 and QD17 and the guidance set out in SPD11 are appropriately addressed.

**Environmental Health**

8.31 A Ground Investigation Report has been submitted. The Environmental Health Officer has raised a number of questions relating to the methodology of the submitted report. The Agent for the application has stated that additional information will be submitted to answer these queries; this information had not however been submitted at the time of the writing of this report. It is therefore recommended that a condition requiring the submission of further information be applied. Should further information be submitted prior to the planning committee meeting, an update in regard to these matters will be reported to member and the recommended condition amended or removed if appropriate.

**9 CONCLUSION**

9.1 The principle of the proposed development is considered acceptable in this case. The proposed building would be of an appropriate appearance, no significant harm to neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport, sustainability, landscaping and potential land contamination would be successfully addressed. Approval is therefore recommended.

**10 EQUALITIES**

10.1 The proposed development would provide full compliance with Lifetime Homes Standards.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

- 1) BH01.01 Full Planning.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN AND BLOCK PLAN	0116/S001		03/05/2013
EXISTING ELEVATION	0116-S002		03/05/2013
EXISTING ELEVATION	0116-S003		03/05/2013
EXISTING ELEVATION	0116-S004		03/05/2013
EXISTING ELEVATION	0116-S005		03/05/2013
SITE SURVEY	7157		03/05/2013
DRAINAGE LAYOUT	13-019 50	P1	03/05/2013
PROPOSED GROUND	0116-P010		03/05/2013

PLANS LIST - 17 JULY 2013

FLOOR PLAN			
PROPOSED FIRST FLOOR PLAN	0116-P011		03/05/2013
PROPOSED SECOND FLOOR PLAN	0116-P012		03/05/2013
PROPOSED ROOF PLAN	0116-P013		03/05/2013
PROPOSED ELEVATION	0116-P014		03/05/2013
PROPOSED ELEVATION	0116-P015		03/05/2013
PROPOSED ELEVATION	0116-P016		03/05/2013
PROPOSED ELEVATION	0116-P017		03/05/2013
PROPOSED SECTION	0116-P018		03/05/2013
PROPOSED SECTION	0116-P019		03/05/2013

- 3) The ground floor commercial use hereby permitted shall not operate except between the hours of 08.00 and 21.00 on Mondays to Saturdays and 09:00 and 20:00 on Sundays and Bank/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) 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) 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.

11.2

Pre-Commencement Conditions:

- 1) 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.

- 2) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until Design Stage/Interim Code for Sustainable Homes Certificates demonstrating that the development hereby approved achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units have been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

**Reason:** To ensure that the development is sustainable and makes

efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 3) No non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

- 4) Notwithstanding the details shown in the approved drawings, the development hereby permitted shall not be commenced until revised details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

- 5) 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.

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

- 6) No development shall commence until detailed drawings, including levels, sections and construction details of the hard landscaping works proposed (which would adjoin the public highway) have been submitted to and be approved in writing by the Local Planning Authority. The works shall be completed in strict accordance with the approved details and shall be retained as such thereafter.

**Reason:** In the interests of highway safety, to ensure an acceptable appearance and to comply with policies TR7, TR8, QD1 and QD15 of the Brighton & Hove Local Plan.

- 7) 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 accord with the standards described in Annex 6 of SPD 11 and 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 and Supplementary Planning Document SPD11 Nature Conservation and Development.

8) (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.

### 11.3 Pre-Occupation Conditions:

1) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until Final/Post Construction Code Certificates issued by an accreditation

body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum have been submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

- 3) 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) Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers on Upper Bedford Street and Somerset Street shall be reinstated back to footway by raising the existing kerbs and footways.

**Reason:** In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton and Hove Local Plan.

#### 11.4 Post-completion Conditions

- 1) 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.

11.5 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. 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 principle of the proposed development is considered acceptable in this case. The proposed building would be of an appropriate appearance, no significant harm to neighbouring amenity would be caused, and subject to compliance with conditions matters relating to transport, sustainability, landscaping and potential land contamination would be successfully addressed.
3. The applicant is advised that the required highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Network Co-ordination team. The applicant should contact the Network Co-ordination Team (01273 293366).
4. The applicant is advised that the scheme required to be submitted by Condition 6 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.



**APPEAL DECISIONS**

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<b>B – 54A NEVILL ROAD, ROTTINGDEAN – ROTTINGDEAN COASTAL</b>	<b>213</b>
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<b>D – 23 GRAHAM AVENUE, BRIGHTON – PATCHAM</b>	<b>217</b>
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- L – THE GARDEN NURSERY, 201 NEW CHURCH ROAD – WISH** **237**  
Application BH2012/03313 – Appeal against refusal for advertisement proposed is an aluminium sign fixed to posts. **APPEAL DISMISSED** (delegated decision)
- M – UNIT 2, FRESHFIELD INDUSTRIAL ESTATE, STEVENSON ROAD - QUEEN’S PARK** **239**  
Application BH2012/02924 – Appeal against refusal for advertisements proposed are internally illuminated fascia sign, hanging signs and a menu box. **APPEAL ALLOWED** (delegated decision)



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# Appeal Decision

Site visit made on 10 June 2013

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 June 2013**

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## **Appeal Ref: APP/Q1445/D/13/2197191**

### **420 Mile Oak Road, Mile Oak, Portslade, East Sussex BN41 2RA**

- 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 Stuart Wraige against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00517, dated 2 February 2013, was refused by notice dated 15 April 2013.
  - The development proposed is a single storey rear extension.
- 

## **Decision**

1. The appeal is dismissed.

## **Main Issue**

2. This is the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.

## **Reasons**

3. The appeal relates to 420 Mile Oak Road, one of a group of moderately sized single storey dwellings fronting this section of the road. Although the proposed extension would project beyond the side elevation of the existing house, it would be set well back from the main front elevation. As such, it would be neither unduly prominent nor out of character with the general pattern of existing surrounding development, whereby many of the nearby properties have been altered and extended, including to the rear and side.
  4. However, the design of the proposed extension employs a rather crude flat roof, which fails to align with the eaves of the existing dwelling. As a consequence of this, the proposed extension would not be a harmonious addition, but would appear as a discordant and unsympathetic feature of the dwelling and the street scene.
  5. This leads me to conclude that the proposed development, by reason of its inappropriate design, would cause significant harm to the character and appearance of the existing dwelling and the surrounding area. It follows that the proposal fails to comply with saved Policy QD14 of the adopted Brighton & Hove Local Plan 2005 and the Council's adopted Supplementary Planning Guidance Note 1 *Roof Alterations & Extensions* insofar as these seek to ensure
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that extensions and alterations are well designed and sympathetic in relation to the host property and the surrounding area. The proposal further conflicts with the National Planning Policy Framework to the extent that great importance is attached to the design of the built environment.

6. In other respects, I appreciate that the appellant is seeking to improve the property and its accommodation. However, this must be weighed against the need to protect the character and quality of the local environment. Given my findings, the balance in this case weighs against approval. Therefore the appeal fails.

*Simon Miles*

INSPECTOR



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# Appeal Decision

Site visit made on 10 June 2013

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 June 2013**

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**Appeal Ref: APP/Q1445/D/13/2197582**  
**54A Nevill Road, Rottingdean, Brighton BN2 7HG**

- 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 Robert Middleton against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03724, dated 19 November 2012, was refused by notice dated 14 February 2013.
  - The development proposed is conversion of existing detached garage into annexe for dependent relative.
- 

## Procedural Matter

1. The proposed development, as set out above, has already been carried out and I have considered the appeal accordingly.

## Decision

2. The appeal is allowed and planning permission is granted for conversion of existing detached garage into annexe for dependent relative at 54A Nevill Road, Rottingdean, Brighton BN2 7HG in accordance with the terms of the application Ref BH2012/03724, dated 19 November 2012, subject to the condition that the annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 54A Nevill Road.

## Main Issues

3. These are the effects of the development on the character and appearance of the area and the living conditions of the occupiers of the annexe.

## Reasons

4. The appeal relates to a detached garage to the front of 54A Nevill Road, which has been converted to habitable accommodation for use as an annexe. The garage, by reason of its size and forward position, is somewhat prominent in the street scene. However, the garage itself has not been enlarged as a result of its conversion to an annexe. Moreover, a substantial boundary wall and close-boarded timber gates limit public views to the upper sections of the walls and roof. The new openings are barely visible from the road and,
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- notwithstanding the alterations, the structure retains the appearance of an ancillary outbuilding, such as a workshop.
5. I therefore find on the first issue that no significant harm would be caused to the character and appearance of the area. It follows that there is no conflict with saved Policies QD1 and QD2 of the adopted Brighton & Hove Local Plan 2005 (LP) insofar as these seek to ensure that development makes a positive contribution to the quality of the environment, taking into account local characteristics. The proposal further complies with the National Planning Policy Framework to the extent that great importance is attached to the design of the built environment.
  6. Turning to the second issue, the accommodation is limited and would not suffice for an independent dwelling unit, lacking sufficient internal space and appropriate outdoor amenity space. However, the accommodation is not untypical of a small dependent annexe and would certainly be adequate for such purposes, bearing in mind that the occupiers would also have the use of the main dwelling and its garden.
  7. I note that the annexe provides basic self-contained facilities but lacks independent access and amenity space. Because of this and its small size, I consider it unlikely that the annexe would be used as a self-contained residence. But in any event, I see no reason why a condition cannot be imposed to ensure that the annexe is only used as ancillary accommodation to the main dwelling. This would prevent the use of the annexe as an independent unit.
  8. This leads me to conclude on the second issue that the proposed development would cause no significant harm to the living conditions of the occupiers of the annexe. Saved LP Policy QD27 is therefore satisfied in terms of the need to ensure appropriate standards of amenity for occupiers of development. Other policies cited are not relevant to this issue.
  9. Overall, I find that there are no compelling or over-riding reasons why the appeal should not succeed. As the development has been completed, no conditions are necessary other than to ensure the annexe is used only as ancillary accommodation to the main dwelling.

*Simon Miles*

INSPECTOR



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# Appeal Decision

Site visit made on 10 June 2013

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 June 2013**

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## **Appeal Ref: APP/Q1445/A/12/2189311**

### **Jade Chinese Restaurant, 29 Western Road, Hove, East Sussex BN3 1AF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Miss Heng Wong against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/00334, dated 26 March 2012, was refused by notice dated 13 June 2012.
  - The application sought planning permission for change of use from shop (A1) to restaurant (A3) without complying with conditions 2 and 3 of planning permission Ref 3/95/0080(F), without complying with a condition attached to planning permission Ref 3/96/0200(F), dated 12 March 1997.
  - The condition in dispute is No 2.
- 

## **Decision**

1. The appeal is dismissed.

## **Introduction and Main Issue**

2. Planning permission Ref 3/96/0200(F) was granted on appeal on 12 March 1997. This substituted the following condition in place of those previously imposed on planning permission Ref 3/95/0080(F):

*The use hereby permitted shall not be open to customers except between the hours of 0900 to 2400 hours on Mondays to Thursdays inclusive; between the hours of 0900 on Fridays to 0100 hours on Saturday morning and between 0900 hours on Saturdays to 0100 on Sunday mornings; and between the hours of 1100 hours and 2300 hours on Sundays and Bank Holidays.*

The reason for the condition is given in the Inspector's decision, which explains that the condition is required in the interests of the amenities of local residents. This latest proposal seeks to vary this condition so that the opening hours would be 1200-0200 every day. I have noted that the premises would continue as a restaurant and not a takeaway. The main issue is the effect on the living conditions at nearby residential properties if the opening hours were extended as proposed.

## Reasons

3. The appeal relates to 29 Western Road, which is located in an area including a mix of commercial and residential uses. It is obvious that Western Road, because of its commercial uses and vehicular traffic, is associated with a fair degree of activity and associated noise and disturbance. However, the roads leading off Western Road are primarily residential in character.
4. Although the premises are licensed until 0200, in 2011 Western Road was included in the Council's designated Cumulative Impact Area (CIA) in an attempt to mitigate late night noise, disturbance and anti-social behaviour. This is a material consideration in the circumstances of this appeal. The Council advises that its current licensing policy is to restrict new or extended licenses in the CIA in order to better manage the cumulative impact of licensed late night venues.
5. Although the Council's Environmental Health Officer did not oppose the application, this appears to have been based on the fact that the premises are already licensed until 0200, with few complaints, and subject to conditions in relation to public nuisance. However, in planning terms I must consider the wider effect of the proposal on the residential amenities of the area and, in particular, the living conditions of nearby residents.
6. Whilst taken in isolation this proposal might not be unacceptable, I share the Council's concern about the adverse cumulative effect of this proposal on the CIA. When considered in this context, it seems to me that the proposal to extend the opening hours until 0200 would frustrate a concerted effort on the part of the Council and other organisations, including the Police, to reduce noise, disturbance and anti-social behaviour associated with late night venues.
7. In this regard the proposal would conflict with saved Policies QD27 and SU10 of the adopted Brighton & Hove Local Plan 2005 insofar as these are concerned to protect the amenity of existing and/or adjacent users, residents, occupiers and the surrounding environment. Although the National Planning Policy Framework broadly seeks to support businesses and promote economic growth, planning policies and decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of development. To the extent that an appropriate balance must be struck, the Council's policies are not inconsistent with this approach.
8. Overall, and having considered all the matters raised, I find that the appellant's proposal to extend the opening hours to 0200 every day would not strike an appropriate balance between the needs of the business and local residents. I take this view particularly in view of the cumulative effect of this proposal and the others that would surely follow if the above concerns were set aside without good reason.
9. This leads me to conclude that there would be a significant adverse effect on the living conditions at nearby residential properties if the opening hours were extended as proposed. Given my findings, the appeal does not succeed and the above condition continues to apply.

*Simon Miles*

INSPECTOR





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# Appeal Decision

Site visit made on 10 June 2013

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 June 2013**

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## **Appeal Ref: APP/Q1445/D/13/2197581**

### **23 Graham Avenue, Patcham, Brighton BN1 8HA**

- 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 Matthew Johns against the decision of Brighton & Hove City Council.
  - The application Ref BH2013/00019, dated 2 January 2013, was refused by notice dated 28 February 2013.
  - The development proposed is first floor side extension and rear conservatory.
- 

## **Decision**

1. The appeal is allowed and planning permission is granted for first floor side extension and rear conservatory at 23 Graham Avenue, Patcham, Brighton BN1 8HA in accordance with the terms of the application Ref BH2013/00019, dated 2 January 2013, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 617/01 and 617/02.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

## **Main Issue**

3. This is the effect of the proposed development on the character and appearance of the existing dwelling and the surrounding area.

## **Reasons**

4. The appeal relates to 23 Graham Avenue, a two storey semi-detached property. Existing development in the road has a pleasant spacious character by virtue of the setback of the dwellings and the good spacing between the buildings, particularly at first floor level. Notwithstanding various alterations and additions to many of the properties, the street scene retains a pleasing impression of spaciousness.
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5. However, the appeal property, because of its position on a long sweeping bend in the road, benefits from a particularly spacious setting out across its frontage. In view of this, and the extent to which the proposed first floor extension would be set in from the side boundary, sufficient space would be retained to the side to preserve an acceptable degree of spaciousness. Although not as great as the Council would wish, a small front setback also serves to render the proposed extension subservient to the main ridgeline. Although somewhat wide in relation to the original dwelling, the new first floor element would not appear as a over-dominant or disproportionate addition.
6. Overall, and given that the property and its adjoining semi-detached neighbour have already lost their original symmetry, I find that this element of the proposal would harmonise with the original dwelling and the street scene. The proposed rear conservatory is not opposed by the Council and is capable of being comfortably accommodated without adversely affecting its surroundings.
7. This leads me to conclude that the proposed development would cause no significant harm to the character and appearance of the existing dwelling and the surrounding area. It follows that saved Policies QD2 and QD14 of the adopted Brighton & Hove Local Plan 2005 and the Council's adopted Supplementary Planning Guidance Note 1 *Roof Alterations & Extensions* are satisfied insofar as these seek to ensure that extensions and alterations are well designed and sympathetic in relation to the host property and the locality. The proposal further complies with the National Planning Policy Framework to the extent that great importance is attached to the design of the built environment.
8. In conclusion, I find that there are no compelling or over-riding reasons why the appeal should not succeed. In addition to the standard time limit, it is necessary that the development should be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. A further condition is justified in relation to materials in the interests of the character and appearance of the area.

*Simon Miles*

INSPECTOR



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# Appeal Decision

Site visit made on 10 June 2013

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 19 June 2013**

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**Appeal Ref: APP/Q1445/A/12/2189799**

**31 Melbourne Street, Brighton, East Sussex BN2 3LH**

- 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 Mrs Alyousif against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/02826, dated 28 August 2012, was refused by notice dated 2 November 2012.
  - The development proposed is the erection of a three storey block comprising 5 No flats.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. This is the effect of the proposed development on the character and appearance of the area.

## Reasons

3. The appeal relates to a small parcel of land in Melbourne Street, which is characterised by a mix of traditional and contemporary buildings built at varying scales, including a tall modern apartment block further along the road. This particular site lies between a traditional two storey terrace and modern three storey housing units.
  4. The proposed development would be attached to, and most closely associated, with the modern units. These units present a somewhat greater bulk to the street when compared with the adjacent traditional terrace. However, this is relieved by the slight setback of the main front elevation behind lightweight glazed staircases. The proposed new block, whilst adopting a somewhat different design, lacks a comparable setback, having a large and prominent front projection.
  5. As a result, the development would appear inappropriately dominant and discordant in the street scene. I acknowledge that the appellant's approach would align the front projection with the adjacent traditional terrace, which is set closer to the road. However, without any setback or articulation to alleviate the massing of the upper storey, the adjacent traditional terrace would be
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overpowered by the greater bulk of the front projection. It is this excessive height and bulk of the front projection that would accord the development its unwarranted prominence in the street scene.

6. In other respects, the development, despite its considerable depth, would step down in height towards the rear and would be sufficiently articulated to achieve an acceptable relationship with the adjacent buildings. Nevertheless, the prominent and obtrusive effect the development would have on the street scene detracts from the overall quality of the scheme.
7. This leads me to conclude that the proposed development would cause significant harm to the character and appearance of the area. As such, the proposal is contrary to saved Policies QD1, QD2, QD3 and HO4 of the adopted Brighton & Hove Local Plan 2005 in terms of the need to ensure that development, whilst making efficient and effective use of sites, is of an appropriate design, taking account of the height, scale, bulk and design of existing buildings, and makes a positive contribution to the quality of the environment.
8. These policies are not inconsistent with the approach set out in the National Planning Policy Framework. In particular, whilst seeking to increase the supply of housing, good design is identified as a key aspect of sustainable development. This is a case where the proposal is broadly acceptable in principle but fails to achieve an acceptable design. In these circumstances, and given the importance attached by the government to the design of the built environment, the balance weighs against approval.
9. Overall, whilst the proposal is not without merit, my findings provide a compelling and over-riding reason why the development should not be permitted. It follows that the appeal should not succeed.

*Simon Miles*

INSPECTOR



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# Appeal Decision

Site visit made on 28 May 2013

**by Mrs S A F Simpson LLB Solicitor (N-P)**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2013

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**Appeal Ref: APP/Q1445/A/13/2190900**  
**149 Godwin Road, Hove, East Sussex BN3 7FS**

- 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 Andrew Carter against the decision of the Brighton & Hove City Council.
  - The application Ref BH2012/03179, dated 1 October 2012, was refused by a notice dated 11 December 2012.
  - The development proposed is described as the "erection of a 2 no bedroom house adjoining existing dwelling with new entrance to side".
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appeal form includes the amended description of the development as contained in the Council's decision notice. As I consider the amendment does not alter, but more accurately describes the proposed development, I have used the same description for the purposes of determining the appeal.

## Main Issues

3. The main issues are (i) the effect of the proposed development upon the character and appearance of the area and (ii) its effect on the living conditions of future occupiers.

## Reasons

### *Character and appearance*

4. The immediate residential area is characterised by regularly spaced pairs of semi-detached houses. There are a few examples of large blocks of terraced housing and the more modern development at Old School Place but, overall, it is the prevailing regular size of the large semi-detached properties with their consistent design and the provision of enclosed front gardens that combine to provide a definite rhythm to the street scenes along both Godwin Road and Stapley Road.
  5. The new dwelling would be formed by a two-storey addition to the flank elevation of No 149, a semi-detached house on the corner of the junction with
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Stapley Road. It would respect the building lines of properties along both its road frontages; re-introduce a full hipped roof restoring symmetry to the roofline; be constructed in matching materials and retain a front entrance along the Stapley Road frontage.

6. However, as the proposed house would be just over half the width of No 149 - it would provide the impression of having been added on in a plot which is too narrow to accommodate a dwelling of comparable size either to its newly formed terraced neighbours or other properties in the locality. As a consequence, the development would appear cramped and incongruous and would unbalance and interrupt the established rhythm of the street scene along Godwin Road.
7. For these reasons, I conclude that the proposal would fail either to enhance or make a positive contribution to the visual quality of the local environment and would be contrary to Policies QD1 and QD2 of the Brighton & Hove Local Plan. It would also be contrary to similar advice contained in the National Planning Policy Framework which states that poor design that fails to improve the quality and character of an area and the way it functions should be resisted.

*Living conditions*

8. I note that the development meets the requirements of the Lifetime Home Standards but, even so, the Council has reservations about the amount of useable habitable floor space that would be provided within the dwelling. I agree that the living accommodation would be on the small and cramped side and, therefore, the available choice of furniture and its layout would be severely limited. Nevertheless, I see no reason why the unit would not serve the needs of a couple or single person who may not mind these disadvantages.
9. For these reasons, I conclude that, although small, the development would produce a reasonable standard of living conditions for a certain sector of the housing market and, so, be consistent with the aims and objectives of Policy QD27 of the Brighton & Hove Local Plan.

*Conclusion*

10. In arriving at my conclusion, I have taken into account the Appellant's references to other developments in the locality. However, I find no direct comparison between the wider two-storey extension at 131 Stapley Road, the subservient nature of the extension at 154 Hangleton Road and the narrow and cramped form of development that I have identified would result were this scheme to be permitted. I also note the Appellant's submissions regarding the way his planning application was determined by the Council but find, none of these matters, nor any other raised, to be of sufficient weight to overcome the development plan conflict I have identified on the first issue and, for that reason, the appeal must fail.

*S A F Simpson*

INSPECTOR



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# Appeal Decision

Site visit made on 14 May 2013

**by R Barrett Bsc Msc Dip UD Dip Hist Cons MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 20 June 2013**

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**Appeal Ref: APP/Q1445/A/13/2190136**

**Mill House, 131 Mill Lane, Portslade, Brighton BN41 2FH**

- 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 TFRE2 against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03129, dated 28 September 2012, was refused by notice dated 6 December 2012.
  - The development proposed is construction of single storey extension and alterations to existing public house.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the locality and on the living conditions of surrounding occupiers with regard to noise and disturbance.

## Reasons

### *Character and Appearance*

3. The appeal site includes a largely two storey detached public house with ancillary residential accommodation on the first floor. The building is situated at the junction of Mill Lane and Deacon's Drive. It is set back from Mill Lane behind an extensive parking area and has a pub garden behind and to one side. It includes two small retail units which face Deacon's Drive, housed in a single storey extension which sits forward of properties on the same side of that street. The appeal site is separated from the nearest house, 9 Deacon's Drive, by an unmade rear access track. The surrounding area is generally residential.
4. The proposed rear extension would be large in relation to the existing building. It would almost double the ground floor area of the public house, would cover a significant part of its garden and the rear elevation of the existing building. Although it would be single storey, it would appear excessive and out of scale with the existing building.
5. In addition, the design of the proposed extension would fail to relate appropriately to the existing building. Its flat roof and elevations punctuated by large openings, bin stores and plant areas, would give it an industrial and utilitarian appearance, which would be at odds with the more domestic appearance of the host building and surrounding development. This would be

the case, even though it would be the same height as the existing flat roof single storey extension, would continue its parapet, replicate some of its detailing and generally use appropriate materials.

6. The public house at present has a spacious setting comprised of gardens and hardsurfaced areas, which separate it from the surrounding residential development. The proposed extension, even though it would be single storey, would largely fill the space to the rear of the public house and would significantly erode this spacious setting. As viewed from Deacon's Drive, although there is a relatively small access road to the rear, and a high level wall encloses the garden at present, the proposed extension would largely fill the gap between the public house and the residential properties on this side of Deacon's Drive. This would have the effect of visually linking them and would have a harmful effect on the street scene.
7. Moreover, the proposed extension would sit more prominently in the Deacon's Drive street scene than the existing enclosing wall, even though it would be on the same building line. It would sit in front of the residential properties on this side of Deacon's Drive. In addition, it would have a poorly articulated elevation that would provide limited street level interest. Due to these matters, even though it would not materially impact on the Mill Lane frontage, it would appear as dominant and incongruous in the Deacon's Drive street scene and fail to relate appropriately to the houses beyond.
8. I conclude that the proposed extension would result in material harm to the character and appearance of the locality and would fail to accord with Policies QD2 and QD14 of the Brighton and Hove Local Plan (2005) (LP), which state that all new development should be well designed and should emphasise and enhance the positive qualities of the local neighbourhood.

#### *Living Conditions*

9. The appellant suggests that the proposed extension would enable a business expansion. It therefore follows that additional numbers of customers are likely to be attracted to the premises, which would result in more activity, comings and goings and noise and disturbance. I note that there is no comment from the Council's environmental health officer and no history of complaints from local residents are reported, but as the proposal would take the building closer to surrounding residential properties and would almost double the ground floor area, even if it was used as a dining area with only background music, in association with the existing use, it is likely to lead to increased levels of general activity and noise and disturbance for nearby residents. My concern is particularly for those residents closest in Deacon's Drive during the sensitive night time hours of 23:00 to 00:00. This would be the case, even if the front access to the building was used exclusively and food stopped being served between 22:00 and 22:30 in the proposed extension. Additional cars arriving, parking and leaving and additional noise, disturbance and associated general activity are likely to result. I am therefore not convinced that in a residential area such as this that such a level of activity would not result in harm to the living conditions of nearby residents.
10. A noise impact assessment undertaken on 7/8 January 2013, confirms that subject to the mitigation measures listed in that report, noise and background music may be contained within the proposed extension to a satisfactory level and the proposal should not increase the likelihood of complaints from the



nearest residential property. However, this does not allay my concern regarding the potential additional comings and goings and associated general activity which would be a likely consequence of the proposal. I find that this, in association with the existing use, would cumulatively be likely to be a problem for local residents. Even if a condition was imposed to require the necessary mitigation measures listed in that report to be implemented, this would not overcome my concern in this regard.

11. I conclude that the proposal, in association with the existing use, is likely to result in material harm to the living conditions of surrounding occupiers with regard to noise and disturbance and would fail to accord with LP Policy QD27. This states that planning permission for any development will not be granted if it would cause material nuisance and loss of amenity to the proposed existing and or adjacent users, residents or occupiers. In addition, it would fail to accord with LP Policy SR12, which has some relevance to this appeal, even though this is aimed primarily at town centre establishments.

#### *Other Matters*

12. The policies referred to in this decision, I find are generally consistent with the National Planning Policy Framework (the Framework).
13. The appellant suggests that the proposed extension would enable a business expansion and improve the commercial viability of the premises, but I have no further evidence on this matter. In addition, it is suggested that the proposal would promote a sustainable economic development and a prosperous economy. However, I have found that the proposal would cause material harm to the character and appearance of the locality and the living conditions of surrounding occupiers, with regard to noise and disturbance, and therefore the proposal does not fit the wide definition of sustainable development as set out in the Framework.
14. I have taken into account the Council's suggested conditions and the appellant's suggested amendments to these, but even if these were imposed, they would not overcome the material harm that I have identified to the character and appearance of the locality and the living conditions of surrounding occupiers with regard to noise and disturbance.

#### **Conclusion**

15. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

*R Barrett*

INSPECTOR





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# Appeal Decision

Site visit made on 11 June 2012

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 June 2013**

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**Appeal Ref: APP/Q1445/H/12/2189607**

**Cambridge House, 121-123 Davigdor Road, Hove, East Sussex BN3 1RE**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Charterhouse Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/02630, dated 23 August 2012, was refused by notice dated 27 November 2012.
  - The advertisements proposed are vinyl letters fixed to glass curtain wall.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. This is the effect of the advertisements on the character and appearance of the area.

## Reasons

3. The appeal relates to a substantial contemporary building having a simple uncluttered design characterised by clean lines and extensive glazing. The advertisements, comprising vinyl letters, by reason of their size and extent, are very prominent and cut across the glazed sections in a manner that pays little regard to the form and proportions of the host building.
4. As a result the advertisements have an unduly dominant effect on the building, giving an undesirable impression of visual clutter and detracting from the building's simple form and clean lines, to the detriment of the character and quality of the surrounding environment. I take this view even allowing for the presence of other commercial uses and signage in the wider locality.
5. This leads me to conclude that the advertisements cause significant harm to the character and appearance of the area. The excessive size and extent of the advertisements and the harm caused over-ride any suggestion that the advertisements add interest to the building and outweigh any commercial benefits.
6. Whilst noting the Council's adopted policies, the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. The Council's policies are therefore not decisive in themselves.

7. Overall, given my findings and in view of the harm caused to the visual amenity of the area, I find that the appeal should not succeed.

*Simon Miles*

INSPECTOR



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# Appeal Decision

Site visit made on 11 June 2013

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 21 June 2013**

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## **Appeal Ref: APP/Q1445/H/13/2190095**

### **G B K, 45-46 Gardner Street, Brighton BN1 1UN**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Gourmet Burger Kitchen against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/02924, dated 11 September 2012, was refused by notice dated 23 November 2012.
  - The advertisements proposed are internally illuminated fascia sign, hanging signs and a menu box.
- 

### **Procedural Matter**

1. The description of the advertisements is taken from the Council's decision notice, as this is more accurate than the description given on the application form.

### **Decision**

2. The appeal is allowed and express consent is granted for the display of internally illuminated fascia sign, hanging signs and a menu box at G B K, 45-46 Gardner Street, Brighton BN1 1UN in accordance with the terms of the application Ref BH2012/02924, dated 11 September 2012, subject to the standard conditions set out in the Regulations.

### **Main Issue**

3. This is the effect of the advertisements on the character and appearance of the North Laine Conservation Area.

### **Reasons**

4. The appeal relates to 45-46 Gardner Street, which forms part of a larger modern building known as The Komedia. The advertisements comprise a large fascia sign, two hanging signs and a menu box. The site is within the North Laine Conservation Area, which derives much of its special character from its many fine period properties. Nevertheless, the area has a commercial character and signage is widespread and an established part of the street scene.
5. The number, type, size and extent of signage would not be inconsistent with this character. The fascia sign employs a shimmer disc face panel. However, although this tends to catch the light, I do not find the effect unduly obtrusive. Nor do I consider the external lighting to be excessive. Although the fascia sign

has a contemporary feel, this is not inappropriate in relation to the modern design of the host building, which is dominated by a much larger sign at a higher level.

6. Thus the advertisements are seen in the context of a building of contrasting contemporary design, which does not blend with the adjacent period buildings but stands as something of a feature in its own right. In this context I regard the Council's concerns as unfounded. I take the same view with regard to the hanging signs and menu box. These advertisements, whilst internally illuminated, are small and acceptable in the context I have described.
7. Overall, considering the particular circumstances, the advertisements are acceptable in their context without detracting from the character and quality of the wider environment. Whilst noting the Council's adopted policies, the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. The Council's policies are not therefore decisive in themselves.
8. My findings lead me to conclude that the advertisements cause no significant harm to the character and appearance of the North Laine Conservation Area. It follows that its character and appearance is preserved in accordance with the statutory requirement. No conditions are necessary other than the standard conditions that apply to all consents.

*Simon Miles*

INSPECTOR



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# Appeal Decision

Site visit made on 10 June 2013

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 June 2013**

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**Appeal Ref: APP/Q1445/A/12/2189047**  
**16 York Place, Brighton BN1 4GU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Hardwood Properties Ltd against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/00236, dated 30 January 2012, was approved on 19 June 2012 and planning permission was granted subject to conditions.
  - The development permitted is installation of new shopfront and alterations to rear building including replacement roof.
  - The condition in dispute is No 2 which state that: "Notwithstanding condition No 3 no part of the single storey rear ground floor element of the development, the subject of this permission, shall be occupied as a residential use."
  - The reason given for the condition is: "For the avoidance of doubt Plan No DC/16YorkPI/01 indicates that the ground floor rear of the property is in residential use. The lawful use of that area is for ancillary storage for the commercial element and this permission shall not be taken, by implication or otherwise, to grant or confirm a residential use of any part of the ground floor of the property. In addition such use would be contrary to Local Plan Policy."
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The appeal relates to 16 York Place, which includes a ground floor retail unit with a further building to the rear. Although the use of the upper floors is not in dispute, it is claimed for the appellant that the rear building has always been in residential use. However, I note that the rear building was dilapidated and had fallen out of use. As matters stand, there is no more than limited anecdotal evidence to indicate any former residential use.
  3. In this regard circumstances have not materially changed since this matter was considered under a recent enforcement appeal (Ref APP/Q1445/C/12/2179582). In that case the Inspector found there to be a general lack of evidence regarding the residential use of the rear ground floor element but it was probable that the change of use of the rear element from ancillary storage to a self-contained flat had occurred in breach of planning control as a matter of fact. There is no reason for me to proceed other than on the same basis.
-

### **Main Issue**

4. This is whether acceptable living conditions would be provided for potential occupiers of the rear building if it were to be used as a residential unit.

### **Reasons**

5. The rear building provides a very small and confined space with limited light and outlook and no useable outdoor amenity space. The building is effectively a single room, which has been partitioned to provide a small bathroom in one corner. A small kitchenette occupies the opposite corner of the room. The remaining space is too restricted to offer any effective delineation between living and sleeping areas. My overall impression is of a very cramped and oppressive living environment.
6. I am therefore of the opinion that acceptable living conditions would not be provided for potential occupiers of the rear building if it were to be used as a residential unit. Such a use would therefore conflict with saved Policy QD7 of the adopted Brighton & Hove Local Plan 2005 in terms of the need to ensure that any development or change of use does not cause loss of amenity to the proposed occupiers. This policy is not inconsistent with the National Planning Policy Framework to the extent that this is concerned to deliver high quality homes and living environments.
7. In reaching this view, I have considered that there may be other existing small residential units to the rear of other nearby properties. However, I have no detailed information about the circumstances of any such cases, which are likely to be historical in any event. Particularly as each proposal must be assessed on its merits, I have based my assessment on the particular circumstances of the proposal before me.
8. Although permitted development rights were recently extended to allow a mixed use for any purpose within Class A1 (shops) and up to two flats, the conditions preclude such a use on the ground floor. Such rights do not therefore apply in the circumstances of this case. But in any event, even though permitted development rights should only be removed exceptionally, there may well be cases where this is justified. Indeed, my findings indicate that condition No 2 is necessary to avoid significant harm to the living conditions of potential occupiers of the rear building.
9. In conclusion, having considered all the relevant matters, I find that the appeal should not succeed. Accordingly, condition No 2 continues to apply.

*Simon Miles*

INSPECTOR





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# Appeal Decision

Site visit made on 14 May 2013

**by R Barrett Bsc Msc Dip UD Dip Hist Cons MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 June 2013**

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**Appeal Ref: APP/Q1445/A/12/2186670**  
**14 Sussex Square, Brighton BN2 5AA**

- 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 Craig Jones against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/02278, dated 23 July 2012, was refused by notice dated 3 October 2012.
  - The development proposed is works to the rear including replacement of existing conservatory at ground level. Replacement of UPVC windows with timber windows and renewal of platform to existing roof terrace. Raising of parapet wall around roof terrace and other associated alterations.
- 

## Procedural Matter

1. I have used the Council's description of development as this more accurately reflects the proposed works for which planning permission is sought.

## Decision

2. For the reasons that follow, I dismiss the appeal in so far as it relates to the works for renewal of platform to existing roof terrace, raising of parapet wall around roof terrace and other associated alterations. However, I allow the appeal in as far as it relates to the remainder of the application and grant planning permission for works to the rear including replacement of existing conservatory at ground level and replacement of UPVC windows with timber windows at 14 Sussex Square, Brighton BN2 5AA, in accordance with the terms of application BH2012/02278, dated 23 July 2012, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) With the exception of works for renewal of platform to existing roof terrace, raising of parapet wall around roof terrace and other associated alterations, the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan dated July 2012; P1 B; P2 B; P3 B; P4 B; P5 B; P6 B; P7 B; P8 B; P9 B; P10 B; P11 B; P12 B; P13 B; P14 B; P16 B; P17 B; P18 B; P19 B; P20 B; P21 B; P23 B; P24 B.
  - 3) On installation, the frames of the windows hereby approved shall be painted white and retained as such thereafter.
  - 4) Notwithstanding condition 2 no development shall take place until detailed drawings and sample elevations of the proposed roof lantern

including 1:1 joinery details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

### **Main Issue**

3. The main issue is the effect of the proposed development on the living conditions of surrounding occupiers with regard to overlooking and noise and disturbance.

### **Reasons**

4. The appeal proposal relates to a Grade I listed building located within the Kemp Town Conservation Area. It is an imposing terraced property set within a terrace of similar properties. The appeal proposals relate to the rear of the property.
5. The flat roof in question is at present accessed from a large sash window. Removable timber steps provide access onto a metal platform which leads to the flat roof at second floor level. Whilst the perimeter of the roof is at present open, it was previously enclosed by safety railings with wide spaces between the verticals. A metal staircase that ran down the rear of the building provided access to the ground floor. This arrangement may have provided emergency access from the upper floors of the building. In any event, it is agreed between the parties that the roof has been used in the past as a terrace. However, I consider that without suitable access, safety railings and appropriate surfacing, the existing roof terrace would be unlikely to be used extensively for recreational purposes or entertaining.
6. The proposed works would have the effect of improving access to the roof and enclosing it, such that it would be likely to be used more formally and regularly. It could therefore be used more for recreational purposes or entertaining. This intensification of use would be likely to increase the potential for noise and disturbance to surrounding occupiers. As the adjacent properties are close, particularly flat 3 on the upper floor in the same building and those next door at No's 13 and 12, even though the proposed raised parapet may help to reduce the noise and disturbance, I find that it would be likely to cause harm to the living conditions of these residents. Whilst proposed insertion of double glazed units into the rear windows to flat 3 may help to reduce the disturbance when closed this would not overcome my concern.
7. Moreover, the proposed terrace would provide high level uninterrupted views of properties in the surrounding area. It would be likely to increase the level of actual and perceived overlooking into habitable rooms of surrounding properties at 14, 13 and 12 Sussex Square and the rear garden to 4 Church Place. In particular, it would provide close range uninterrupted views into the rooms to flat 3, at No 14, one of which is a bedroom. This would reduce the privacy in these rooms even though the views would be at an angle. Whilst the intention to change these windows to traditional sash windows may reduce the potential for loss of privacy, it does not overcome my concern. Whilst there have been no objections from neighbours in this regard, my concern is not only for the existing occupiers but for future occupiers too.
8. I am aware that there have been no objections from English Heritage or the Conservation Officer. I have had special regard to the desirability of preserving

the building or its setting or any features of special architectural or historic interest which it possesses and find the proposals acceptable in this respect. In addition, they would generally preserve and enhance the character and appearance of the Kemp Town Conservation Area.

9. In coming to my decision, I have had regard to a previous appeal decision referred to APP/Q1445/A/12/2172031. I have limited information on this, but am aware that there are significant differences between that proposal and the appeal proposal. However, in as far as it is relevant to this appeal, I have concurred with my colleague's views.
10. I conclude that the proposal would result in unacceptable living conditions for surrounding occupiers with regard to overlooking and noise and disturbance. It would therefore fail to accord with Policies QD14 and QD27 of the Brighton and Hove Local Plan (2005). These state that planning permission for extensions or alterations to existing buildings will only be granted if the proposed development would not result in significant noise, disturbance or loss of privacy to neighbouring properties. I find that these policies are generally consistent with The National Planning Policy Framework.

### **Conditions**

11. I have considered the conditions suggested by the Council in light of advice set out in Circular 11/95: *The Use of Conditions in Planning Permissions*. I have attached the standard condition relating to the commencement of development. For clarity a condition referring to the relevant plans is necessary for the avoidance of doubt and in the interest of proper planning. A condition to ensure that new windows are painted to match those existing is also necessary to ensure that they blend in with the host dwelling. Detailed elevations, sections and sample joinery details for the proposed windows and doors are already provided, therefore a condition to this effect is not required. However, details of the proposed roof lantern are required to ensure that the appeal development preserves the special architectural and historic interest of the listed building. A condition to ensure that any proposed render finish should match the existing is not required as such works are not part of the appeal proposal. Conditions relating to the proposed railings, parapet, placing furniture on the proposed terrace or surface material for the terrace are not required as this part of the appeal is dismissed.

### **Conclusion**

12. For the above reasons, I conclude that the appeal should fail in relation to works for renewal of platform to existing roof terrace, raising of parapet wall around roof terrace and other associated alterations. However, in relation to the remainder of the works, I conclude that the appeal should be allowed.

*R Barrett*

INSPECTOR





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# Appeal Decision

Site visit made on 11 June 2012

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 June 2013**

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## **Appeal Ref: APP/Q1445/H/13/2193240**

### **The Garden Nursery, 201 New Church Road, Hove, East Sussex BN3 4ED**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Ben Theobald of the Garden Nursery against the decision of Brighton & Hove City Council.
  - The application Ref BH2012/03313, dated 17 October 2012, was refused by notice dated 14 January 2013.
  - The advertisement proposed is an aluminium sign fixed to posts.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. This is the effect of the advertisement on the character and appearance of the area.

### **Reasons**

3. The appeal relates to 201 New Church Road, which is used as a children's day nursery. The area is predominantly residential in character and in this context and in relation to the host building the sign is of an excessive size. When combined with the prominent position of the sign forward of the main building, this accords the advertisement unwarranted prominence causing it to have an obtrusive effect on the street scene. This objection is not outweighed by the argument that the sign obscures existing poor quality features, as the argument could be repeated too often. Moreover, such features could presumably be improved by other means.
4. I take this view even allowing for the presence of certain other large signs, including at other similar sites. I have little detailed information about the circumstances of these other signs, but at least one of them does not have express consent. As such, these other signs should not necessarily be taken as a suitable model for other advertisements. In view of this, and in view of the fact that each proposal must be assessed on its merits, I have based my assessments on the particular circumstances of this appeal.
5. I conclude that the advertisement causes significant harm to the character and appearance of the area. The harm caused is not outweighed by the commercial benefit of the advertisement, particularly as I see no over-riding reason why a less prominent form of advertisement should not serve adequately. The lack of local opposition does not of itself justify approval.

6. Whilst noting the Council's adopted policies, the Regulations to control advertisements may only be exercised in the interests of amenity and public safety, taking account of any material factors. The Council's policies are therefore not decisive in themselves.
7. Overall, given my findings and in view of the harm caused to the visual amenity of the area, I find that the appeal should not succeed.

*Simon Miles*

INSPECTOR



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# Appeal Decision

Site visit made on 10 June 2013

**by Simon Miles BA(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 27 June 2013**

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## **Appeal Ref: APP/Q1445/A/13/2190720**

### **Unit 2, Freshfield Industrial Estate, Stevenson Road, Brighton BN2 0DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Hargreaves Management Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2012/02614, dated 23 August 2012, was approved on 27 December 2012 and planning permission was granted subject to conditions.
- The development permitted is demolition of two storey wing to front of unit; renewal of external cladding; provision of new entrances, loading doors and glazing to front elevation.
- The conditions in dispute are Nos 3, 4, 5, 6 and 8, which state as follows:
  - 3. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.  
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with Policies QD1 and QD14 of the Brighton & Hove Local Plan.*
  - 4. The planning units hereby approved shall be used for B2 uses except ancillary facilities.  
Reason: For the avoidance of doubt, in the interests of protecting the identified employment sites and to safeguard the amenities of the area and to comply with Policies EM1 and QD27 of the Brighton & Hove Local Plan.*
  - 5. The premises shall not be open or in use except between the hours of 7.00am to 10.00pm on Monday to Saturday, and between the hours of 8.00am to 8.00pm on Sundays and Bank Holidays.  
Reason: To safeguard the amenities of the locality, in accordance with Policy QD27 of the Brighton & Hove Local Plan.*
  - 6. No commercial vehicular movements nor any loading or unloading of vehicles shall take place other than between the hours of 8.00am to 8.00pm on Monday to Saturday, and not at any time on Sundays and Bank Holidays.  
Reason: To safeguard the amenities of the occupiers of adjoining properties.*
  - 8. There shall be no use of any of the units, either partially or wholly, as a trade counter.  
Reason: To ensure any Class B2 units remain for genuine small starter business occupiers only and to comply with Policy EM1 of the Brighton & Hove Local Plan.*

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## **Procedural Matter**

1. The description of the development given on the Council's decision notice is different to that given on the application form. However, as there is nothing to indicate that the description was formally amended, I have taken it from the application form.
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## **Decision**

2. The appeal is allowed and planning permission Ref BH2012/02614 for demolition of two storey wing to front of unit; renewal of external cladding; provision of new entrances, loading doors and glazing to front elevation at Unit 2, Freshfield Industrial Estate, Stevenson Road, Brighton BN2 0DF, granted on 27 December 2012 by Brighton & Hove City Council, is varied by deleting condition Nos 3, 4, 5, 6 and 8.

## **Main Issue**

3. The main issue is whether condition Nos 3, 4, 5, 6 and 8 are necessary to ensure that the development does not cause significant harm to the character, appearance and amenities of the area and having regard to the tests for conditions set out in paragraph 206 of the National Planning Policy Framework.

## **Reasons**

4. The appeal relates to an existing Class B2 industrial unit on the Freshfield Industrial Estate. The National Planning Policy Framework states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. However, planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

### *Condition No 3*

5. The development includes the refurbishment of the exterior of the building. Whilst certain elements, such as the facing brickwork, are shown to match existing, much of the exterior is to be re-clad in new materials. It follows that condition No 3, which requires the external finishes to match those of the existing building, is in large part irrelevant to the development permitted.
6. Had the Council intended to retain detailed control over the external finishes, a condition requiring the submission and prior approval of further details and/or samples would have been more appropriate. However, the approved plans already include detailed annotations specifying the external finishes and colours. In view of this and the general character of the estate, whereby the exterior finishes are not of critical importance, I see no reason why these matters need be the subject of a condition.

### *Condition No 4*

7. The meaning of this condition is not clear from the wording. The application did not propose 'planning units' and in the context of the development applied for this term lacks clarity and precision. The further reference to 'ancillary facilities' only adds to the potential confusion, particularly as neither 'planning units' nor 'ancillary facilities' are identified in the application or on any of the accompanying plans. The Council has clarified its position by stating that its intention was not to remove permitted development rights that apply to certain changes of use. However, if that is the case, condition No 4 serves no useful purpose, since any future change of use requiring planning permission would have to be the subject of a separate planning application. Whilst an informative would not have been inappropriate, condition No 4 is unnecessary.



*Condition Nos 5 and 6*

8. Saved LP Policy QD27 ensures that regard must be had to any material nuisance or loss of amenity in respect of any proposed development or change of use. However, it is not reasonable to seek to impose new restrictions retrospectively on an existing use unless this is justified by the circumstances of the development. In this case, even if the existing main space were subdivided into two smaller units, the overall floorspace would remain the same (and a small attached office area would actually be removed).
9. I therefore see no compelling reason why the development should lead to any significant intensification of use or other material change that would justify the imposition of significant new restrictions on opening hours and deliveries. I am mindful that this is not an isolated unit in the midst of a residential area, but a unit on an established industrial estate. As above, it is not clear whether similar restrictions apply to other units on the estate. In short, these conditions are not supported by an appropriate and precise justification but would needlessly restrict the flexibility of potential occupiers.

*Condition No 8*

10. LP Policy EM1 states that trade counters will not be acceptable in Class B8 units. However, no such prohibition applies to Class B2 units, as here. Moreover, I see no reason why the provision of a trade counter, presumably in an ancillary capacity, should prejudice the suitability of the unit for small starter business occupiers. It follows that such a condition would needlessly restrict the flexibility of the unit for potential occupiers.

*Conclusions*

11. For the reasons given I find that condition Nos 3, 4, 5, 6 and 8 are not necessary to ensure that the development does not cause significant harm to the character, appearance and amenities of the area. The tests for conditions set out in paragraph 206 of the National Planning Policy Framework are not met, as the conditions are not necessary to make the development acceptable. Furthermore, condition Nos 5, 6 and 8 unreasonably restrict the flexibility of the unit for potential occupiers. Accordingly, the appeal succeeds and condition Nos 3, 4, 5, 6 and 8 are deleted.

*Simon Miles*

INSPECTOR





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## Costs Decision

Site visit made on 10 June 2013

**Simon Miles BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 June 2013

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### **Costs Application in relation to Appeal Ref: APP/Q1445/A/13/2190720 Unit 2, Freshfield Industrial Estate, Stevenson Road, Brighton BN2 0DF**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Hargreaves Management Ltd for a full award of costs against Brighton & Hove City Council.
  - The appeal was made against the grant of planning permission subject to conditions for demolition of two storey wing to front of unit; renewal of external cladding; provision of new entrances, loading doors and glazing to front elevation.
- 

### **Decision**

1. The application for an award of costs is allowed in the terms set out below.

### **Reasons**

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. In this case the appellant complains that the Council failed to justify the conditions which are the subject of this appeal.
  3. A planning authority is at risk of an award of costs against it if it imposes conditions that are not necessary, precise, enforceable, relevant to planning, relevant to the development permitted or reasonable and thereby does not comply with the tests for conditions set out in national policy. The Council provided reasons for its conditions in its decision notice and, belatedly, set out further information in its written submissions.
  4. However, I set out in the main decision the reasons why I find the conditions to be unnecessary and, in certain cases, unreasonable, having regard to the approach set out in the National Planning Policy Framework. Given my findings, I cannot avoid the conclusion that the Council acted unreasonably by imposing conditions that failed to comply with the relevant tests. This clearly led the appellant to incur unnecessary expense, as there should have been no need for these matters to be the subject of an appeal.
  5. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated. This justifies a full award of costs against the Council.
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**Costs Order**

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Brighton & Hove City Council shall pay to Hargreaves Management Ltd the costs of the appeal proceedings described in the heading of this decision.
7. The applicant is now invited to submit to Brighton & Hove City Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

*Simon Miles*

INSPECTOR

**NEW APPEALS RECEIVED****WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PRESTON PARK**

BH2012/03434

17 Springfield Road Brighton

Reconfiguration of existing flats and maisonette and erection of a 4 storey side/rear extension (including semi basement level) to form 4no one bed flats and 3no two bed flats (4no additional units in total).

APPEAL LODGED

06/06/2013

Delegated

**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2013/00642

26 Whitethorn Drive Brighton

Erection of a single storey rear extension.

APPEAL LODGED

06/06/2013

Delegated

**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PRESTON PARK**

BH2012/03641

84 Hythe Road Brighton

Loft conversion incorporating rear dormer and 1no rooflight to the front roof slope.

APPEAL LODGED

10/06/2013

Delegated

**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ST. PETER'S & NORTH LAINE**

BH2012/01521

Sainsbury's Supermarket 93 Lewes Road Brighton

Application for variation of condition 2 of application 92/0916/FP Appeal Decision to state No deliveries shall be made to the retail store during the hours of 2100 to 0700 Mondays to Saturdays and a maximum of 4 deliveries shall be made to the store between the hours of 0900 and 1700 on Sundays and Bank Holidays for a period of 12 months.

APPEAL LODGED

07/06/2013

Planning (Applications) Committee

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WOODINGDEAN**

BH2013/00867

68 Crescent Drive South Brighton

Erection of front and rear extensions. Loft conversion incorporating raising of roof ridge height, hip to gable roof extension, installation of rear balcony and 7no rooflights.

APPEAL LODGED

10/06/2013

Delegated

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****BRUNSWICK AND ADELAIDE**

BH2013/00256

First to Third Floors 7 Waterloo Street Hove

Removal of valley roof over rear projection, building up of surrounding walls and replacement of UPVc window with timber door, all to facilitate the creation of a roof terrace. Replacement of UPVc window with timber sliding sash. Repair of rear chimney stack and installation of new chimney pots.

APPEAL LODGED

11/06/2013

Appeal against non-determination

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****BRUNSWICK AND ADELAIDE**

BH2013/00511

First to Third Floors 7 Waterloo Street Hove

Removal of valley roof over rear projection, building up of surrounding walls and replacement of UPVc window with timber door, all to facilitate the creation of a roof terrace. Replacement of UPVc window with timber sliding sash. Repair of rear chimney stack and installation of new chimney pots.

APPEAL LODGED

11/06/2013

Appeal against non-determination

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**WARD****APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****CENTRAL HOVE**

BH2012/03905

Garages to the Rear of 28 Medina Villas fronting Albany Villas Hove

Demolition of garage block and erection of 1no three bedroom dwelling.

APPEAL LODGED

12/06/2013

Delegated

**WARD**  
**APPEALAPPNUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**  
  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**HOVE PARK**  
BH2013/00334  
79 Hove Park Road Hove  
Erection of 1no three bedroom detached dwelling with access from Hove Park Way.  
APPEAL LODGED  
12/06/2013  
Delegated

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**WARD**  
**APPEALAPPNUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**WITHDEAN**  
BH2013/00943  
66 Loder Road Brighton  
Erection of single storey rear extension.  
APPEAL LODGED  
12/06/2013  
Delegated

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**WARD**  
**APPEALAPPNUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**ST. PETER'S & NORTH LAINE**  
BH2012/03899  
4 Rose Hill Terrace Brighton  
Erection of rear extension at first floor level.  
APPEAL LODGED  
11/06/2013  
Delegated

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**WARD**  
**APPEALAPPNUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**  
  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**WOODINGDEAN**  
BH2013/00083  
45 & 45A Downs Valley Road Brighton  
Erection of 2no. 3 bedroom detached dwellings with garages to the rear of existing property.  
APPEAL LODGED  
13/06/2013  
Delegated

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**WARD**  
**APPEALAPPNUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**  
  
**APPEAL STATUS**  
**APPEAL RECEIVED DATE**  
**APPLICATION DECISION LEVEL**

**PATCHAM**  
BH2013/00259  
91 Braeside Avenue Brighton  
Erection of a single storey rear extension and the erection of a two storey side and rear extension.  
APPEAL LODGED  
19/06/2013  
Delegated

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**WARD**  
**APPEALAPPNUMBER**  
**ADDRESS**  
**DEVELOPMENT DESCRIPTION**

**GOLDSMID**  
BH2013/00775  
23 Ferndale Road Hove  
Certificate of lawfulness for proposed single

<u>APPEAL STATUS</u>	storey rear extension.
<u>APPEAL RECEIVED DATE</u>	APPEAL LODGED
<u>APPLICATION DECISION LEVEL</u>	19/06/2013
	Delegated

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**Brighton & Hove  
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES  
17 JULY 2013**

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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**115 Carden Hill, Brighton**

Planning application no: BH2011/0159 (Enforcement)  
Description: Hardstanding at front of property  
Decision: Enforcement  
Type of appeal: Hearing  
Date: 6<sup>th</sup> August 2013  
Location: Hove Town Hall



# PLANNING COMMITTEE

## Agenda Item 36

Brighton & Hove City Council

### Information on Pre-application Presentations and Requests

Date	Address	Ward	Proposal
17 March 2010	<b>Former Nurses Accommodation</b> , Brighton General Hospital	Hanover & Elm Grove	Demolition of the former nurses accommodation buildings and the construction of three residential apartment blocks comprising 95 units and a 105 square metre community facility with associated car parking and landscaping.
27 April 2010	<b>Open Market</b>	St Peter's & North Laine	Proposed replacement, covered market, 87 affordable housing units, 12 x B1 workshops and public realm improvements.
29 June 2010	<b>Former Royal Alexandra Children's Hospital</b> , Dyke Road, Brighton	Regency	<i>A) Conversion scheme</i> Conversion of a retained main building to provide 118 units. The scheme is 100% private housing and does not include provision of a GP surgery. <i>B) New building scheme</i> Demolition of all existing buildings with a new development comprising 136 units with 54 affordable units (40%) and a GP surgery.
20 July 2010	<b>The Keep</b> , Wollards Field, Lewes Road, Brighton	Moulsecoomb & Bevendean	A new historical resource centre for East Sussex, Brighton & Hove.
10 August 2010	<b>Former Sackville Hotel</b> , Kingsway, Hove	Westbourne	Construction of 47 flats (mix of 1, 2, 3, & 4 bed units) within 6 to 9 floor building, and to incorporate basement parking of 49 spaces, and 2 spaces at ground floor level.
21 September 2010	3Ts	East Brighton	3T's (teaching, tertiary & trauma). Comprehensive redevelopment of southern half of RSCH on Eastern Road to provide replacement modern clinical facilities over three phases.

**NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date give after scheduled site visits unless otherwise stated.**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
14 December 2010	<b>Brighton Station, Block J</b>	St Peters & North Laine	Proposed mixed use scheme comprising 3500 sq m B1 commercial office space, 147 residential units, 3* hotel in buildings of between 5-8 storeys, provision of civic square, Southern SNCI, and 250 sq m A1 retail / A3 café
11 January 2011	<b>Park House</b>	Hove Park Ward	Demolition of former residential language school buildings and the residential redevelopment of the site by way of flats in buildings of between 4 and 5 storeys.
15 March 2011	<b>Anston House, 137-147 Preston Road</b>	Preston Park	Demolition of existing building and proposed mixed scheme. Exact details of the scheme are not finalised. The presentation is to show Cllrs the concept of the scheme and how they have come to the point that they are now at.
15 July 2011	3Ts	East Brighton	3T's (teaching, tertiary & trauma). Comprehensive redevelopment of southern half of RSCH on Eastern Road to provide replacement modern clinical facilities over three phases and erection of a helipad on top of the Thomas Kemp Tower.
20 September 2011	<b>Ice Rink &amp; No.11 Queens Square</b>	St Peter's & North Laine	Demolition of former ice rink and no.11 Queens Square and erection of 5-6 storey building to provide ApartHotel (58 serviced apartments) with associated restaurant/café and alterations to public realm.
22 November 2011	<b>Park House</b>	Hove Park	Demolition of former residential language school buildings and the residential redevelopment of the site by way of flats in buildings of between 4 and 5 storeys.

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
21 February	<b>Anston House, 137-139 Preston Road, Brighton</b>	Preston Park	Demolition of existing building and proposed mixed scheme. Exact details of the scheme are not finalised. The presentation is to show Cllrs the concept of the scheme and how they have come to the point that they are now at.
24 April 2012	<b>PortZed, 9-16 Aldrington Basin, Land south of Kingsway, Basin Road North, Portslade</b>	Wish	Demolition of business unit to east of Magnet showroom. Erection of new five and a half storey building at Kingsway level and a further one and half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises with associated new access and car parking at Kingsway level and 52 residential units in 6 blocks.
15 May 2012	<b>1. Brighton Station, Block J</b>  <b>2. Woolards Field, Lewes Road</b>	1. St Peters & North Laine  2. Moulsecomb & Bevendean	1. The commercial and residential blocks will be developed separately. An amended 6/8 storey mixed use commercial building, plus basement, comprising hotel, office and retail uses, is proposed at the southern end of the site.  2. A 1-3 storey building to be used as a make ready ambulance centre including cleaning, maintenance and preparation of ambulances with office, staff facilities, training and education facilities. Associated landscaping car parking (158 spaces) and cycle parking.
28 August 2012	<b>Infinity Foods, Norway Street</b>	South Portslade	An office block (Class B1) of 743sqm, served by 15 parking spaces accessed from Franklin Street to the north of the site. 1 2, 3 and 4 bed dwellings including 12 affordable housing units served by 50 parking

			spaces access from Norway Street and Franklin Road.
09 October 2012	<p><b>1. Hannington Lane</b></p> <p><b>2. Brighton Square</b></p>	<p>1. Regency</p> <p>2. Regency</p>	<p>1. Creation of new retail shopping lane behind the former Hanningtons Store connecting Meeting House Lane with Brighton Place, with new links to North St and Brighton Square. Accommodation comprising 9 new residential units (approx 900 sqm) and office accommodation (approx 520 sqm) over 21 new/refurbished/extended retail units (A1/A3 mix TBA) (approx 1,300 sqm). Please note that approximately half of the retail area is to be within existing building envelopes. Relocation of sub-station.</p> <p>2. Remodelling facades of Brighton Square. New 50 bedroom hotel and reception (approx 1,500sqm) fronting Brighton Place with rooftop café/restaurant (approx 75sqm) and roof terrace and 5 new residential units (approx 500 sqm), office accommodation (approx 300 sqm) over 7 new/refurbished/extended retail units (A1/A3 mix TBA) (approx 300 sqm).</p>
30 October 2012	<p><b>Brighton &amp; Hove Bus Depot, Industrial House, Gill House, Tecore House &amp; The Builder Centre all on Conway Street, Units 1 – 3 Ellen Street &amp; The Agora, Ellen Street</b></p>	Goldsmid	<p>Demolition of all buildings expect for The Agora, Ellen Street. Redevelopment of the site to comprise the following: A1 retail unit (food) of 3,716 square metres and an A1 retail unit (non food) of 4,650 square metres; 4 No. A1 (non food) retail units (but could also be A3/A4 restaurant/bar uses) totalling 1,716 square metres; 8 No. A3/A4 restaurants/bars totalling 2730 square metres; Exhibition space 232 metres; B1 office units totalling 8,820 square metres; 9 screen D2 cinema of</p>

			3,875 square metres. 400 Residential units to be mainly provided at upper levels including 5 tower blocks ranging in height of between 10 and 25 storeys. Car parking for 800 vehicles.
20 November 2012	<b>City College, Pelham Street</b>	St Peters & North Laine	Demolition of all buildings. Redevelopment of the site to provide a 11,800 sqm educational building, a building accommodating 501 student units, 22 townhouses, two buildings containing 72 residential flats and a public square.

16<sup>th</sup> July request to present re: proposed re-development at Circus Street

**Upcoming presentations – Dates TBC**

Anston House, Preston Road, Brighton

City College, Wilson Avenue, Brighton

Hippodrome, Middle Street, Brighton





**PLANS LIST 17 JULY 2013****BRIGHTON AND 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****BH2013/00745****Unit B1 Hollingbury Enterprise Estate Brighton**

Installation of windows to side and rear elevations and creation of additional floor space at first floor level.

**Applicant:** In The Pipeline Ltd

**Officer:** Pete Campbell 292359

**Approved on 20/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and block plans	14331- 100		08/03/2013
Existing ground and first floor plans	14331 - 101		08/03/2013
Existing elevations	14331 - 102		08/03/2013
Proposed ground and first floor plans	14331 - 103		08/03/2013
Proposed elevations	14331 - 104A		22/03/2013
Window specification sheet			22/03/2013

**3) 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 additional employment floorspace hereby permitted and shall thereafter be retained for use by employees and visitors 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.*

**BH2013/00885****42 Brangwyn Avenue Brighton**

Erection of single storey side extension to form double garage incorporating associated alterations to existing garage.

**Applicant:** Mr Phillip Redman

**Officer:** Louise Kent 292198

**Approved on 24/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Existing & proposed ground floor plan and west elevations	2621/1	Rev. A	25 March 2013
Existing & proposed east and south elevations	2621/2	Rev. A	25 March 2013
Location & block plan	2621/3		19 March 2013

**BH2013/01190**

**29 Crabtree Avenue Brighton**

Erection of single storey side extension.

**Applicant:** Mr & Mrs D Lee-Falcon

**Officer:** Chris Swain 292178

**Approved on 07/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Block and site location plans	1255/01C		12 April 2013
Existing details	1255/02		12 April 2013
Proposed details	1255/03B		12 April 2013

**BH2013/01197****31 Carden Hill Brighton**

Erection of single storey studio in rear garden.

**Applicant:** Mr Paul Robertson**Officer:** Pete Campbell 292359**Approved on 19/06/13 DELEGATED****1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan	201/P/01		15/04/2013
Block plan	201/P/02		26/04/2013
Proposed plans, section & elevation	201/P/03C		22/05/2013

**BH2013/01201****6 Old Court Close Brighton**

Remodelling of existing bungalow to create two storey house.

**Applicant:** Mr Paul Beere**Officer:** Wayne Nee 292132**Refused on 11/06/13 DELEGATED****1) UNI**

By reason of its bulk, eaves height and design in close proximity to no. 7 Old Court Close, the proposed extension would have a overbearing impact that would represent an un-neighbourly form of development; the poor relationship is further exacerbated by the differing land levels. The proposed large first floor rear window would cause additional harm by reason of increased overlooking. The proposal would be detrimental to neighbouring amenity and would therefore be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/01274****56 Westfield Crescent Brighton**

Certificate of lawfulness for proposed hip to gable roof extension, dormer to the rear elevation to replace existing and rooflights to the front elevation.

**Applicant:** Mrs Mel Gillam**Officer:** Chris Swain 292178**Refused on 18/06/13 DELEGATED****1) UNI**

The development is not permitted under Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) because the volume of the enlarged roof would exceed the cubic content of the dwellinghouse by more than 50 cubic metres.

**BH2013/01371****17 Solway Avenue Brighton**

Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating hip to gable roof extension, rear dormer and front rooflights.

**Applicant:** Mr J Hasson  
**Officer:** Jonathan Puplett 292525  
**Refused on 11/06/13 DELEGATED**

**BH2013/01457**

**1 Rotherfield Crescent Brighton**

Erection of single storey front, side and rear extension incorporating raised decking to rear.

**Applicant:** Steven Porter  
**Officer:** Andrew Huntley 292321

**Refused on 18/06/13 DELEGATED**

**1) UNI**

The proposed side/front extension, by virtue of its design, size and roof form would result in a visually intrusive and awkward addition to the property, which is unsympathetic to the design of the existing dwelling and as a result would be of detriment to the visual amenities of the parent property and the wider area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The raised terraced area would cause significant harm to neighbouring amenity by reason of overlooking and loss of privacy to neighbouring properties. Therefore, the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

**PRESTON PARK**

**BH2013/00221**

**11 Russell Crescent Brighton**

Roof conversion incorporating removal of 1 1/2 pitched slate roof and construction of gambrelled style mansard roof with front and rear rooflights.

**Applicant:** Mr R Crockett  
**Officer:** Pete Campbell 292359

**Refused on 11/06/13 DELEGATED**

**1) UNI**

The proposed development by virtue of its uncomplimentary design and increase in height to the roof represents an overly dominant and unbalancing alteration, not in-keeping with the character of the host building or the street scene of Russell Crescent. The development would have a detrimental impact upon the character and appearance of the host building and the adjoining property of no.9 Russell Crescent as well as the street scene as a whole. Furthermore, the development would detract from the setting of the group of listed buildings to the west of nos. 3, 5 and 7 Russell Crescent. The application is contrary to policies QD14 and HE3 of the Brighton & Hove Local Plan 2005 as well as Supplementary Planning Guidance BH01 - Roof Alterations and Extensions.

**2) UNI2**

The application has failed to demonstrate that a loss of light to the front first floor windows at the neighbouring property of no.9 Russell Crescent would not occur as a result of the proposed development, and consequently that harm would not be caused to the residential amenity of the neighbouring occupants who reside at this property. The application therefore has failed to justify compliance with policy QD27 of the Brighton & Hove Local Plan 2005.

**BH2013/00443**

**94 Preston Drive Brighton**

Conversion of existing residential unit and part of existing retail unit (A1) into 4no one and two bedroom flats including demolition of existing garage and erection of

part one part two storey extension.

**Applicant:** Waremoss Group

**Officer:** Anthony Foster 294495

**Approved on 10/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 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.*

**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 fronting a highway.

*Reason: To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, QD27 and HE6 of the Brighton & Hove Local Plan.*

**4) UNI**

No development shall be commenced until full details of existing and proposed ground levels within the site and on land adjoining the site by means of spot heights and cross-sections; proposed siting, finished floor levels and ridge heights of the proposed building and neighbouring development have been submitted to and approved in writing by the Local Planning Authority. All levels shall be in metric units and related to Ordnance Survey Datum. The development shall thereafter be built in accordance with the agreed details.

*Reason: To safeguard the character and appearance of the area, and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan*

**5) UNI**

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

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

**6) UNI**

None of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' as a minimum has been submitted to, and approved in writing by the Local Planning Authority.

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

**7) UNI**

No development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'pass' as a minimum for all residential units has been submitted to, and approved in writing by the Local Planning Authority. A

completed pre-estimator will not be acceptable.

*Reason: To ensure 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**

Notwithstanding the submitted drawings, no development shall commence until details of the proposed boundary treatment and gates fronting onto Beaconsfield Road have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and conservation area and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.*

**9) 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.*

**10) 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.*

**11) UNI**

Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossover to Beaconsfield Drive back to footway by raising the existing kerb and footway. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.

*Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.*

**12) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan			12/2/2013
Proposed Site Layout	001	C	08/05/2013
Proposed Basement/Ground Floor Plans	002	E	08/05/2013
Proposed First & Second Floor Plans	003	B	12/2/2013
Proposed East & West Elevations	004	C	08/05/2013
Proposed North & South Elevations	005	C	08/05/2013
Sections BB & CC	006	B	08/05/2013
Existing Basement/Ground Floor Plans	007		12/2/2013

Existing First & Second Floor Plans	008		12/2/2013
Existing East & West Elevations	009		12/2/2013
Existing North & West Elevations	010		12/2/2013
Existing Beaconsfield Villas Elevation	011		08/05/2013

**13) UNI**

No development shall commence until the following details have been submitted to and approved by the local planning authority in writing:

- i) sample elevations and sections at 1:20 scale of windows, cladding.
- ii) sectional profiles at 1:1 scale of window frames and parapets, eaves, cladding, fascias, and copings,
- iii) details of the rooflights,

The development shall be carried out in accordance with the approved details and retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and conservation area and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.*

**BH2013/00678**

**80 Preston Drove Brighton**

Erection of single storey rear extension, insertion of rooflight to front and associated alterations.

**Applicant:** Ms Karen Harries Rees

**Officer:** Louise Kent 292198

**Approved on 10/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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) BH12.03**

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.*

**4) 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.*

**5) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
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Existing plans & elevations, site plan	80PD_01		4 March 2013
Proposed plans, elevations & section, block plan	80PD_02		4 March 2013

**BH2013/00978**

**146 Springfield Road Brighton**

Replacement of one existing sash window with timber door and two windows to incorporate vertical glazing bars to the front elevation.

**Applicant:** InnBrighton Ltd

**Officer:** Robin K Hodgetts 292366

**Refused on 11/06/13 DELEGATED**

**1) UNI**

The doorway by reason of its location and design would be harmful to the character of the host building and wider street scene and fails to preserve or enhance the character or appearance of the Preston Park Conservation Area. The proposal is therefore contrary to policies HE6 and QD10 of the Brighton & Hove Local Plan.

**BH2013/01135**

**13 Preston Road Brighton**

Installation of new shop front.

**Applicant:** Mr Jonathan Mott

**Officer:** Chris Swain 292178

**Approved on 17/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan			9 April 2013
Site location plan			9 April 2013
Front elevation, plans and sections, existing and proposed	BBS54797/P/04 U		22 April 2013
Front elevation, plans and sections, 'as installed' and proposed	BBS54797/P/05 A		22 April 2013

**BH2013/01180**

**177 Ditchling Road Brighton**

Application to extend time limit for implementation of previous approval BH2010/02162 for erection of two storey 3no. bed detached house.

**Applicant:** Malcolm Kemp

**Officer:** Sue Dubberley 293817

**Approved on 17/06/13 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**

Prior to first occupation of the development, the parapet wall and timber louvre screen shown on drawing number 3226.PL.250 received on 13th July 2010, shall be erected and shall be retained as such thereafter.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to limit light pollution and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

**4) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of the dwelling house as provided for within Schedule 2, Part 1, Classes A to E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) 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) UNI**

The mitigation measures set out under the 'Eco2 - Ecological Enhancements' contained within the 'Ecological Survey' dated 14/05/2013, received on 13th June 2013, shall be strictly adhered to and carried out in full.

*Reason: To protect the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policies QD17 and QD18 of the Brighton & Hove Local Plan.*

**6) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**7) UNI**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan*

### **8) UNI**

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

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

### **9) UNI**

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the planting of four replacement trees, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The protection measures shall then be carried out in accordance with the approved details prior to the commencement of development and 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 the protection measures.

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

### **10) UNI**

No development shall commence until a scheme to enhance the nature conservation interest of the site which should include the type, siting and timetable of implementation of bat and bird boxes 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 Policies QD17 and QD18 of the Brighton & Hove Local Plan.*

### **11) UNI**

No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 5 as a minimum 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.*

### **12) UNI**

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.*

### **13) UNI**

None of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that

each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

**14) UNI**

Prior to first occupation, the 1.8m high fence along the eastern boundary as shown on drawing number 3226.PL.150 shall be erected and retained as such thereafter.

*Reason: To safeguard the privacy of the occupiers of the adjoining property and to limit light pollution and to comply with Policy QD27 of the Brighton & Hove Local Plan.*

**15) 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.*

**16) 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.*

**17) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	3226.EXG.01	A	13/07/2010
Survey plan	3226.EXG.02	A	13/07/2010
Existing site sections	3226.EXG.03		13/07/2010
Proposed ground floor	3226.PL.150		13/07/2010
Proposed lower level	3226.PL.151		13/07/2010
Proposed sections	3226.PL.250		13/07/2010
Proposed elevations	3226.PL.350		13/07/2010
Proposed context	3226.PL.351		13/07/2010
Lifetime Homes	3226.PL.152		13/07/2010
Proposed site plan	3226.PL.051		13/07/2010

**BH2013/01191**

**46 Chatsworth Road Brighton**

Loft conversion incorporating 2no dormers and 1 no. rooflight to the front roofslope, and alterations to fenestration.

**Applicant:** Mr Andy Spector

**Officer:** Wayne Nee 292132

**Approved on 21/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of

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**

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan			26 April 2013
Site plan as existing	AS-01-00		26 April 2013
Existing ground floor	AS-01-01		26 April 2013
Existing loft plan	AS-01-02		26 April 2013
Existing roof plan	AS-01-03		26 April 2013
Proposed site plan	AS-01-10		26 April 2013
Proposed ground floor	AS-01-11		26 April 2013
Existing front and rear elevations	AS-02-01		26 April 2013
Existing side elevations	AS-02-02		26 April 2013
Existing cross sections	AS-02-03		26 April 2013
Existing long section	AS-02-04		26 April 2013
Proposed loft plan	AS-01-12		19 June 2013
Proposed roof plan	AS-01-13		19 June 2013
Proposed front and rear elevations	AS-02-11		19 June 2013
Proposed side elevations	AS-02-12		19 June 2013
Proposed cross sections	AS-02-13		19 June 2013
Proposed long section	AS-02-14		19 June 2013

**BH2013/01198**

**41A Port Hall Road Brighton**

Creation of roof terrace on existing flat roof. (Retrospective)

**Applicant:** Mr Laurence Hill

**Officer:** Chris Swain 292178

**Refused on 14/06/13 XXXX**

**1) UNI**

The installed timber ballustrading by reason of its height, design, materials, and scale results in an inappropriate alteration that relates poorly to the existing building. The incongruous design is out of character with the building form within the immediate vicinity and has a significantly detrimental impact upon the appearance and character of the building and the surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposal results in an unacceptable level of overlooking towards neighbouring properties, in particular, to both the garden and the adjacent rear and side elevations of the adjoining property, No.43 Port Hall Road and the garden of No.41 Port Hall Road. The loss of privacy adversely impacts upon the residential amenity currently enjoyed by these properties. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/01262**

**144 Waldegrave Road Brighton**

Erection of single storey rear infill extension and loft conversion with rear dormer and front rooflight.

**Applicant:** Dr Harjinder Heer  
**Officer:** Chris Swain 292178  
**Approved on 13/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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) 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 drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing and proposed drawings	450(PL)1	D	4 June 2013
Site and Block Plan	450 (PL)2		4 June 2013

**BH2013/01372**

**369 Ditchling Road Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2013/00115

**Applicant:** Simon Court  
**Officer:** Pete Campbell 292359  
**Approved on 25/06/13 DELEGATED**

**REGENCY**

**BH2012/03590**

**41 Montpelier Road Brighton**

Internal and external alterations, repair and refurbishment to all floors, roof and gardens including changes to layout of doors and windows, installation of front rooflight and glass balustrade to rear, replacement windows and internal alterations to layout. (Part retrospective)

**Applicant:** Mr Philip Blount  
**Officer:** Robert McNicol 292322  
**Approved on 17/06/13 DELEGATED**

**1) UNI**

The new front door, including the decorative panel moulding, shall match exactly the existing original front door of no. 39 Montpelier Road.

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

**2) UNI**

Within three months of the date of this permission, a sample of the York stone

paving slabs to be used as paving in the works hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**3) UNI**

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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**4) UNI**

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

**5) UNI**

The decorative panel moulding of the new folding doors to be installed between the front and rear rooms of the ground floor shall match exactly the profile of the moulding of the original six panel internal door as shown on drawing 0863-PA-030 revision C.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**6) UNI**

Within three months of the date of this permission, a replica fire surround and mantelpiece shall be installed around the rear ground floor corner fireplace. This shall match exactly the original surround and mantelpiece, including the decorative moulding, of the rear first floor corner fireplace.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**7) UNI**

Within three months of the date of this permission, the exposed brick chimney breast on the second floor shall be plastered using timber lathes and lime plaster.

*Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**8) UNI**

All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black 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.*

**BH2012/03942**

**5B Regency Square Brighton**

Conversion of drinking establishment (A4) into 1no two bedroom flat with alterations to side and rear and single storey rear extension.

**Applicant:** Mr Stephen Chambers

**Officer:** Adrian Smith 290478

**Refused on 14/06/13 DELEGATED**

**1) UNI**

The proposed basement level flat, by virtue of its internal layout and lack of sole access to private amenity space, would suffer from poor levels of natural light and outlook to the main front room, whilst it is unclear whether use of the rear courtyard would be solely by occupants of the flat. The proposal would therefore result in a gloomy and oppressive living environment for future residents and a poor standard of residential accommodation with a potential lack of privacy for future occupiers, contrary to policies QD27 and HO5 of the Brighton & Hove

Local Plan.

**2) UNI2**

The proposed development, by virtue of the lack of detail regarding the form, layout and structural loading of the building and the inconsistent plans, fails to demonstrate that it would satisfactorily preserve or enhance the original layout, form and detailing of the Grade II\* heritage asset. Furthermore the details of the proposed external doors are considered unacceptable. The proposal therefore fails to accord with policies HE1 and HE4 of the Brighton & Hove Local Plan and guidance contained within the National Planning Policy Framework.

**BH2012/03943**

**5B Regency Square Brighton**

Conversion of drinking establishment (A4) into 1no two bedroom flat with internal alterations to layout and external alterations to side and rear and single storey rear extension.

**Applicant:** Mr Stephen Chambers

**Officer:** Adrian Smith 290478

**Refused on 14/06/13 DELEGATED**

**1) UNI**

The proposed development, by virtue of the lack of detail regarding the form, layout and structural loading of the building, and the inconsistent plans and insufficient restoration of original features, fails to demonstrate that it would satisfactorily preserve or enhance the original layout, form and detailing of the Grade II\* heritage asset. Furthermore the details of the proposed internal and external doors are considered unacceptable. The proposal therefore fails to accord with policies HE1 and HE4 of the Brighton & Hove Local Plan and guidance contained within the National Planning Policy Framework.

**BH2013/00418**

**48 West Street Brighton**

Formation of smoking shelter at first floor level to rear. (Retrospective)

**Applicant:** Al Nakhli

**Officer:** Jason Hawkes 292153

**Refused on 20/06/13 DELEGATED**

**1) UNI**

Having regard to the design and scale of the smoking shelter, the scheme results in an unsympathetic addition which detracts from the character and appearance of the host building and the surrounding conservation area. The scheme is therefore deemed contrary to policies QD1 and HE6 of the Brighton Hove Local Plan.

**2) UNI2**

Due to the size, open nature and proximity of the shelter to residential accommodation nearby, the use of the shelter would result in a detrimental impact on the amenity of adjacent residential properties in terms of noise disturbance. The scheme is therefore deemed contrary to policies SU10 & QD27 of the Brighton & Hove Local Plan.

**BH2013/00843**

**33 Hampton Place Brighton**

Erection of single storey first floor rear extension. Internal and external alterations including alterations to fenestration, doors and internal staircase.

**Applicant:** Mr & Mrs Jon Davidge

**Officer:** Steven Lewis 290480

**Approved on 11/06/13 DELEGATED**

**1) BH01.05**

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

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

The architectural detailing, including details of; joinery, mouldings, newel posts, windows, external doors, internal doors, threshold, steps, skirting, architraves, handrails, jambs and glazing shall be completed in accordance with the approved plans.

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

**3) UNI**

All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, corbelled arches, cornices, decorative ceilings and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

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

**4) 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.*

**5) 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.*

**6) UNI**

No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

**BH2013/00844**

**33 Hampton Place Brighton**

Erection of single storey first floor rear extension incorporating revised fenestration.

**Applicant:** Mr & Mrs Jon Davidge

**Officer:** Steven Lewis 290480

**Approved on 10/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 works hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure the satisfactory preservation of this listed building and to*



comply with policy HE1 of the Brighton & Hove Local Plan.

### 3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings listed below. Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location Plan	992/01		15/03/2013
Site Plan	992/08		15/03/2013
Existing floor plans	992/09		15/03/2013
Existing elevations	992/10		15/03/2013
Proposed Floor Plans	992/11		15/03/2013
Proposed Elevation/Section	992/12	B	15/03/2013
New and Replacement window & door elevations	992/13	B	29/05/2013
Internal door elevations	992/14	B	24/05/2013
Window details	992/15	A	24/05/2013
External door details	992/16	B	29/05/2013
External door details	992/17	B	29/05/2013
Stairs & Panelling	992/18	B	29/05/2013
Internal door details	992/19	B	29/05/2013
Joinery Details	992/20	A	24/05/2013
Internal door details	992/21		24/05/2013
External door details	992/22	A	29/05/2013
External Door details	992/23	A	29/05/2013
Newel Post and Panel Details			24/05/2013

### **BH2013/00858**

#### **18 Montpelier Crescent Brighton**

Conversion of existing house and basement flat into single dwelling. Alterations including extended basement patio at rear and to layout of rear doors and windows.

**Applicant:** Dr Ian Heath

**Officer:** Jason Hawkes 292153

**Approved on 10/06/13 DELEGATED**

#### 1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 policies HE1 & HE6 of the Brighton & Hove Local Plan.*

#### 3) UNI

The railings shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.*

#### 4) UNI

The window hereby approved shall be a single glazed painted timber vertical sliding sash with no trickle vents and shall match exactly the original sash windows to the building, including their architrave, 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 exactly the original sash boxes to the building.  
*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**5) UNI**

No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.*

**6) UNI**

The French doors hereby approved shall be single glazed inward-opening painted timber doors without trickle vents and with architraves, glazing bar dimensions and mouldings and frame mouldings to match exactly those of the original doors and with a masonry step. The doors shall be set back from the outer face of the building and recessed into the reveals to the same depth as the original doors.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.*

**7) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Retaining Wall	1466-002	P2	23rd May 2013
Site Location & Block Plan	AC/18MC/03		18th March 2013
Existing & Proposed Plans	AC/18MC/04		18th March 2013
Existing & Proposed Elevations	AC/18MC/05	A	31st May 2013
Second Floor Bed 4 Window Reveal Detail	AC/18MC/06		18th March 2013
First Floor Bathroom Section Detail B/B	AC/18MC/07		28th March 2013
Proposed Railings to the Rear & Internal Door to LGF	AC/18MC/08	A	31st May 2013
Ground Floor French Doors to Rear Elevation	AC/18MC/09		23rd May 2013

**8) UNI**

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.*

**BH2013/01023**

### **58-61 Kings Road Brighton**

Creation of external seating area including placing of tables and chairs on pavement and installation of retractable canopy for the period of 12 months.

**Applicant:** Mr Dragisa Ilic

**Officer:** Mark Thomas 292336

**Approved on 13/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan	1184/LP/01		16 April 2013
Block plan	1184/LP/02		16 April 2013
Proposed seating layout	1184/PP/01		16 April 2013
Proposed section	1184/PP/02		16 April 2013
Proposed front elevation with canopy open	1184/PP/03		16 April 2013
Proposed side elevation with canopy open	1184/PP/04		16 April 2013
Proposed front elevation with canopy closed	1184/PP/05		16 April 2013
Proposed side elevation with canopy closed	1184/PP/06		16 April 2013
Existing layout plan	1184/SP/01		16 April 2013
Existing front elevation	1184/SP/02		16 April 2013

### **BH2013/01094**

#### **First Floor Flat 72-73 East Street Brighton**

Installation of 3no conservation rooflights and soil and vent pipe to rear elevation.

**Applicant:** Richard & Associates Ltd

**Officer:** Mark Thomas 292336

**Approved on 12/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 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.*

#### **3) UNI**

Notwithstanding the submitted details in the application form, the soil and vent pipe hereby permitted shall be coloured dark grey or black.

*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 drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location and block plan	0612/003		3 April 2013
Existing plans and elevations	0612/001		3 April 2013
Proposed plans and elevations	0612/002		3 April 2013

**BH2013/01142**

**29 Victoria Street Brighton**

Erection of single storey side/rear extension.

**Applicant:** Ms Sara Fakhro

**Officer:** Helen Hobbs 293335

**Approved on 20/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed plan and elevation	077-L-001		30th April 2013
Existing plan and elevation	077-L-002		30th April 2013
Block Plans	077-L-003		30th April 2013

**BH2013/01165**

**13A St Michaels Place Brighton**

Replacement of existing timber windows and door with UPVC windows and door.

**Applicant:** Mrs Gaynor Sherratt

**Officer:** Helen Hobbs 293335

**Approved on 13/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing photographs			19th April 2013
Site location plan			19th April 2013
Window brochure	9		8th April 2013
Proposed window sections	9	A	8 <sup>th</sup> April 2013
Proposed window drawings	8		8th April 2013

**BH2013/01168**

**54 - 56 West Street Brighton**

Installation of a metal roller shutter.

**Applicant:** Nationwide Building Society

**Officer:** Mark Thomas 292336

**Approved on 10/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan			11 April 2013
Block plan	11485J-10		11 April 2013
Existing elevation	11485J-05		11 April 2013
Proposed elevation and section	11485J-45	E	7 June 2013

**BH2013/01188**

**34 Western Road Brighton**

Display of 1no internally illuminated fascia sign, 1no internally illuminated projecting sign and 2no ATM collars.

**Applicant:** Mr Mike Carroll

**Officer:** Jason Hawkes 292153

**Split Decision on 10/06/13 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**

GRANT advertisement consent for the projecting sign shown on drawing no. 5091486-AR01-E1-1101 subject to Conditions and Informatives set out in section 11.

**1) UNI**

REFUSE advertisement consent for the fascia sign and ATM surround signs shown on drawing no.5091486-AR01-E1-1101 for the reason and Informatives set out in section 11.

**2) UNI2**

The proposed suspended fascia sign and ATM surround signs, due to their excessive size and illumination, would detract from the appearance of the shopfront and the surrounding conservation area. The advertisements thereby result in material harm to amenity, and the scheme is also contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan and to advice in Supplementary Planning Document 7: Advertisements, which are material considerations.

**BH2013/01235**

**27 Ship Street Brighton**

Installation of rooflight to rear of building.

**Applicant:** Young & Cos Brewery PLC

**Officer:** Jason Hawkes 292153

**Approved on 10/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan			17th April 2013

Existing & proposed plans & elevations	1201/04	A	17th May 2013
Typical section through new lantern light	1201/05	A	17th May 2013
Proposed roof light	1201/06	A	17th May 2013
Existing photographs			17th April 2013

**BH2013/01236**

**27 Ship Street Brighton**

Installation of rooflight to rear of building.

**Applicant:** Young & Cos Brewery PLC

**Officer:** Jason Hawkes 292153

**Approved on 07/06/13 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.*

**BH2013/01252**

**Mitre House 149 Western Road Brighton**

Rendering to courtyard elevations of South block.

**Applicant:** Mr Anthony Crabtree

**Officer:** Guy Everest 293334

**Approved on 11/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 sample listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location & Block Plans	3204.EXG.001	C	18/04/2013
Existing, Basement, Entry Level & Level 0 Plans	3204.EXG.101	B	18/04/2013
Existing Level 1, Level 2 & Level 3 Plans	3204.EXG.102	B	18/04/2013
Existing Level 4, Level 5 & Roof Plans	3204.EXG.103	B	18/04/2013
Existing South & West Elevations	3204.EXG.301	A	18/04/2013
Existing North, East & West Courtyard Elevations	3204.EXG.302	A	18/04/2013
Existing North Courtyard & South Courtyard Elevations	3204.EXG.303	A	18/04/2013
Proposed Level 0 Plan	3319.PL.101		18/04/2013
Proposed Level 1 Plan	3319.PL.102		18/04/2013
Proposed Level 2 Plan	3319.PL.103		18/04/2013
Proposed Level 3 Plan	3319.PL.104		18/04/2013
Proposed Level 4 Plan	3319.PL.105		18/04/2013

Proposed Level 5 Plan	3319.PL.106		18/04/2013
Proposed North & West Courtyard Elevation	3319.PL.301		18/04/2013
White through coloured render sample			18/04/2013

**BH2013/01279**

**20-22 Market Street & 9 East Street Arcade Brighton**

Change of use from retail (A1) to restaurant (A3) incorporating installation of ventilation system.

**Applicant:** Gondola Group

**Officer:** Christopher Wright 292097

**Refused on 25/06/13 DELEGATED**

**1) UNI**

The proposed change of use would result in the loss of three retail units and would create a concentration of non-retail uses within the area designated as outside of the prime frontage of the regional shopping centre. In addition, the proposal would create a dead frontage to a shop unit in East Street Arcade. The proposal would have a harmful impact on the vitality and viability of the shopping arcade and the wider regional shopping centre, contrary to the requirements of policy SR4 of the Brighton and Hove Local Plan 2005.

**BH2013/01468**

**49 West Street Brighton**

Display of 1no internally illuminated fascia sign and 1no internally illuminated projecting sign.

**Applicant:** Co Operative Group

**Officer:** Mark Thomas 292336

**Approved on 24/06/13 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.*

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

**BH2013/00369**

**The Open Market Marshalls Row Brighton**

Application for approval of details reserved by condition 49 of application BH2010/03744.

**Applicant:** Hyde Group and The Brighton Open Market CIC

**Officer:** Maria Seale 292232

**Approved on 10/06/13 DELEGATED**

**BH2013/00655**

**Flat 3 23 Wakefield Road Brighton**

Certificate of lawfulness for an existing rooflight to rear.

**Applicant:** Mr Fredrik Lloyd

**Officer:** Jonathan Puplett 292525

**Approved on 10/06/13 DELEGATED**

**BH2013/00778**

**24 Warleigh Road Brighton**

Demolition of existing rear extension and erection of new extension to the rear with associated landscaping.

**Applicant:** Ms Penny Dann

**Officer:** Andrew Huntley 292321

**Refused on 07/06/13 DELEGATED**

**1) UNI**

The proposed extension, by reason of its height, depth and being on the boundary, would have a detrimental impact on the residential amenity of number 22 Warleigh Road by way of outlook and loss of daylight. The proposal is therefore contrary to Policy QD27 of the Brighton & Hove Local Plan.

**BH2013/01065**

**Brighton Station Queens Road Brighton**

Erection of three storey building to provide cycle store, ancillary shower/changing

facilities, cycle shop and café.

**Applicant:** Southern Rail

**Officer:** Maria Seale 292232

**Approved on 12/06/13 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 development of the new cycle store building shall take place until details of the proposed landscaped areas, including 1:50 scale plans, elevations and sections (and samples if necessary) and details of the plantings, tree grills, outside steps, walls, copings, railings and new paving of the station concourse to the west of the building, and details of the reinstated opening off Mangalore Way, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within the development. *Reason: To ensure the new building relates sympathetically to the existing structures and retaining wall and to satisfactorily preserve the special architectural and historic character of the Grade II\* listed station, to comply with policies HE1, HE2 and HE3 of the Brighton & Hove Local Plan.*

**3) UNI**

No development shall take place until details of the cladding system, shopfront, door and window frames and louvres and details and samples of the materials and colours for the proposed cycle store building have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented within the development. *Reason: To ensure the new building relates sympathetically to the existing structures and retaining wall and to satisfactorily preserve the special architectural and historic character of the Grade II\* listed station, to comply with policies HE1, HE2 and HE3 of the Brighton & Hove Local Plan.*

**4) UNI**

No demolition of the remaining historic structures on the site shall take place until they are fully recorded by survey and photography, details of which shall be submitted to the Local Planning Authority. *Reason: To satisfactorily record the existing building, in the interests of the architectural and historic character of the grade II\*listed station, to comply with policies HE1 and HE2 of the Brighton & Hove Local Plan.*

**BH2013/01095**

**125 Queens Road Brighton**

Display of externally illuminated fascia and hanging signs, and roller shutter vinyl.

**Applicant:** Mr Steve Fitzgerald

**Officer:** Louise Kent 292198

**Refused on 13/06/13 DELEGATED**

**1) UNI**

The oversized and inappropriate projecting sign would result in an incongruous appearance that would be unduly prominent within the street scene and therefore detract from the character and appearance of the building and the street scene. As such, the proposal is contrary to the requirements of policy QD12 of the Brighton & Hove Local Plan 2005 and SPD07: Advertisements.

**2) UNI2**

In the absence of detailed elevational drawings showing the proposed vinyl shutter housing, the drawings submitted are insufficient to fully assess the impact of the proposed signage on visual amenity and the character of the area. As

such, the proposal is contrary to the requirements of policy QD12 of the Brighton & Hove Local Plan 2005 and SPD07: Advertisements.

**BH2013/01096**

**17 Princes Road Brighton**

Loft conversion incorporating installation of front rooflight to replace 2no existing rooflights.

**Applicant:** Mr Merlin Nation

**Officer:** Wayne Nee 292132

**Approved on 06/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 rooflight hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan	460(PL)1		05 April 2013
Existing and proposed	460(PL)2B		05 June 2013

**BH2013/01107**

**125 Queens Road Brighton**

Installation of new shopfront entrance and associated alterations.

**Applicant:** Mr Steve Fitzgerald

**Officer:** Louise Kent 292198

**Approved on 13/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	D/00		18 April 2013
Existing front elevation	D/05		18 April 2013
Proposed front elevation	D/15		18 April 2013
Existing floor plan	D/01		18 April 2013
Proposed floor plan	D/11		18 April 2013

**BH2013/01121**

**Flat 3 Derwent Lodge 103 Buckingham Road Brighton**

Creation of additional floor to top floor flat.

**Applicant:** Ms Shelaine Siepel

**Officer:** Andrew Huntley 292321

**Refused on 17/06/13 DELEGATED**

**1) UNI**

The proposal is poorly designed and adds more height and bulk to an already high and bulky building. The additional storey also makes the already poor and awkward relationship with 101 Buckingham Road worse, by reason of its increased height and bulk close to the boundary. The resultant size, height and bulk of the top floor addition will be particularly visible when viewed from the park to the south and in views from the north-east looking up Buckingham Road, which exacerbates the harm caused. As such, the proposal would have a detrimental impact on the character and appearance of the host building and the West Hill Conservation Area. Therefore, the proposal is contrary to Policies QD14 and HE6 of the Brighton & Hove Local Plan.

**BH2013/01137**

**27 Queens Road Brighton**

Internal alterations to layout of lower ground floor to facilitate change of use from offices (B1) to 2no flats.

**Applicant:** Park Avenue Estates LTD

**Officer:** Anthony Foster 294495

**Refused on 18/06/13 DELEGATED**

**1) UNI**

The proposed works to facilitate the change the use of the building from office to residential occupation, by virtue of the addition of modern partitions to the rear rooms and loss of historic fabric would have a significantly harmful impact on the historic character of this Grade II listed building, contrary to policy HE1 of the Brighton & Hove Local Plan.

**BH2013/01139**

**Second Floor Flat 74 Buckingham Road Brighton**

Loft conversion incorporating rooflights to front and rear.

**Applicant:** Ms Georgina Knight

**Officer:** Wayne Nee 292132

**Approved on 10/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Floor plans	GK/P/01	1	10 June 2013
Elevations	GK/P/02	1	10 June 2013

**BH2013/01143**

**68 London Road Brighton**

Installation of new shopfront.

**Applicant:** R+A Property

**Officer:** Liz Arnold 291709

**Approved on 10/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 information submitted, the existing roller shutter and related shutter housing shall be removed within one month of the installation of the new shopfront hereby approved.

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

**3) UNI**

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Drawings	A.01		9th April 2013
Proposed Drawings	D.01		9th April 2013

**BH2013/01144**

**Site J New England Quarter Fleet Street Brighton**

Application for Approval of Details Reserved by Condition 29 of application BH2012/01627.

**Applicant:** The Hyde Group

**Officer:** Maria Seale 292232

**Approved on 20/06/13 DELEGATED**

**BH2013/01186**

**142-143 London Road Brighton**

Display of internally-illuminated fascia, projecting and ATM signs.

**Applicant:** Lloyds Banking Group

**Officer:** Wayne Nee 292132

**Approved on 19/06/13 DELEGATED**

**1) UNI**

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) UNI**

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) UNI**

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) UNI**

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.*

#### **5) UNI**

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) UNI**

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**

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.*

### **BH2013/01205**

#### **88-92 Queens Road Brighton**

Display of internally illuminated hanging sign.

**Applicant:** Iesis Ltd

**Officer:** Robin K Hodgetts 292366

#### **Refused on 20/06/13 DELEGATED**

#### **1) UNI**

Having regards to the inappropriate siting and excessive size of the proposed projecting sign it would be unduly visually prominent within the Queens Road street scene. Furthermore, when taking into account the level of signage already present or consented on the building, the overall cumulative impact would result in a cluttered appearance that would detract from the character and appearance of the building and its environs. The proposals would therefore adversely affect the visual amenity of the wider area. As such, the proposal is contrary to the requirements of policy QD12 of the Brighton & Hove Local Plan and SPD07: Advertisements.

### **BH2013/01253**

#### **22-23 York Place, Brighton**

Display of internally illuminated fascia signs.

**Applicant:** Mr Scott Collins

**Officer:** Pete Campbell 292359

**Approved on 24/06/13 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 fascia advertisement sign reading 'MEAT' 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.*

**BH2013/01290**

**27 York Place Brighton**

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

**Applicant:** Mr A Khasru

**Officer:** Chris Swain 292178

**Approved on 21/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing floor plans and location plan	YP27PRO/01		29 April 2013
Existing side and rear elevations and block plans	YP27PRO/02		29 April 2013
Proposed floor plans	YP27PRO/03		29 April 2013
Proposed rear and side elevations and block plans	YP27PRO/04		29 April 2013

**3) UNI**

The external finishes of the walls of the development hereby permitted shall be painted render to match that used on the existing main building and thereafter so retained.

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

**BH2013/01376**

**12 Belton Road Brighton**

Installation of rooflight to front roofslope.

**Applicant:** Mrs T Biddle

**Officer:** Wayne Nee 292132

**Refused on 12/06/13 DELEGATED**

**1) UNI**

The proposed roof light would be overly large and would dominate the roof slope. It would consist of bulky frames and inappropriate materials which would be an unacceptable addition to the existing property and the Round Hill Conservation Area. As such, the proposal is contrary to policies QD14 and HE6, and to Supplementary Planning Guidance Note SPGBH1.

**BH2013/01410**

**(Former Co-op Department Store) 94-103 London Road and 6-11 and 12 Baker Street Brighton**

Application for Approval of Details Reserved by Condition 20 of application BH2012/02675.

**Applicant:** Watkin Jones & Son Ltd

**Officer:** Kathryn Boggiano 292138

**Split Decision on 17/06/13 DELEGATED**

**1) UNI**

Part ii (a, b and c) of condition 20 requires details to be submitted when construction has been completed and any remediation has been finalised. Therefore, details cannot be approved at this stage in the construction process as the development is not complete.

**BH2013/01602**



**(Former Co-op Department Store) 94-103 London Road and 6-11 and 12 Baker Street Brighton**

Non Material Amendment to BH2012/02675 comprising changes to internal layouts: removal of basement under low rise garden block, increase in size of main basement and change to layout; relocation of retail holding area, launderette, substation and one unit of student accommodation; amendment to size of green roofs, change to London Road and Baker Street shopfronts.

**Applicant:** Watkin Jones Group

**Officer:** Kathryn Boggiano 292138

**Approved on 18/06/13 DELEGATED**

**1) UNI**

No work shall take place above the ground floor slab level of any part of the development hereby approved, until details showing the new entrance doors within the pedimented central bay of the London Road elevation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

*Reason: In order to achieve a satisfactory appearance to the London Road elevation and to comply with policies QD2 and HE10 of the Brighton & Hove Local Plan.*

**BH2013/01664**

**The Cobblers Thumb Public House 10 New England Road Brighton**

Demolition of The Cobblers Thumb Public House.

**Applicant:** Brighton & Hove City Council

**Officer:** Guy Everest 293334

**Prior approval not required on 18/06/13 DELEGATED**

**1) UNI**

1. On the basis of the information submitted and as a result of the location of the site and nature of immediately adjoining development the proposed demolition and restoration is unlikely to have a significant impact on the surrounding environment.

**WITHDEAN**

**BH2013/01029**

**52 Bates Road Brighton**

Erection of bicycle storage shed at front of property. (Part retrospective).

**Applicant:** Dr Rebecca Moberly

**Officer:** Robert McNicol 292322

**Refused on 13/06/13 DELEGATED**

**1) UNI**

By virtue of its height, bulk and siting the bicycle storage shed is an unduly prominent and incongruous feature in the street scene, detracting from the character and appearance of the recipient property and the wider area. The development is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan. The potential benefits that would accrue from the scheme, in terms of encouraging sustainable travel modes, are not considered to outweigh the level of harm caused in this instance.

**BH2013/01031**

**14 Withdean Road Brighton**

Erection of new detached 5no bedroom dwelling, swimming pool and pool house adjacent to existing house.

**Applicant:** Mr & Mrs Pierson

**Officer:** Adrian Smith 290478

**Approved on 12/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 'guest house' as detailed on the approved drawings shall be used in conjunction with the property at 14 Withdean Road only and shall not otherwise be occupied as a separate unit of residential accommodation.

*Reason: For the avoidance of doubt as the proposed unit would constitute sub-standard residential accommodation in its own right and to accord with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

The finished floor levels and garden levels of the development hereby permitted shall be carried out in full accordance with those set out on drawing no. 12 WR.31 received on 02 April 2013.

*Reason: For the avoidance of doubt to safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with planning policies QD1 and QD2 of the Brighton & Hove Local Plan.*

**5) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the building is occupied.

*Reason: To ensure a satisfactory appearance to the development and to safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1, QD2, QD15 and QD27, of the Brighton & Hove Local Plan.*

**6) UNI**

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

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

**7) UNI**

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

*Reason: To enhance the appearance of the development in the visual amenities of the area and to comply with policies QD15 and HE6 of the Brighton & Hove Local Plan.*

**8) 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 give 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 visual amenities of the area and to comply with policies QD15 and HE6 of the Brighton & Hove Local Plan.*

**9) UNI**

The residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 as a minimum 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.*

**10) 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.*

**11) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to 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.*

**12) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	12 WR.01		02/04/2013
Existing and proposed site survey plans and sections	12 WR.04 12 WR.06 12 WR.27 12 WR.28 12 WR.31		02/04/2013
Proposed floor plans, elevations and sections- main house	12 WR.07 12 WR.08 12 WR.09 12 WR.10 12 WR.11 12 WR.12 12 WR.13		02/04/2013

	12 WR.14 12 WR.15		
Proposed floor plans, elevations and sections- guest house	12 WR.18	B	02/04/2013
	12 WR.19	A	02/04/2013
	12 WR.20	B	17/04/2013
	12 WR.21	B	17/04/2013
	12 WR.22	B	17/04/2013
	12 WR.23	B	17/04/2013

### 13) UNI

No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 5 as a minimum 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.*

### **BH2013/01109**

#### **122 Valley Drive Brighton**

Erection of two storey pitched roof rear extension and loft conversion incorporating half-hip roof extension, front and side rooflights, new hard standing and associated alterations.

**Applicant:** Mr & Mrs Peter Fitzpatrick

**Officer:** Christopher Wright 292097

**Refused on 07/06/13 DELEGATED**

#### 1) UNI

The proposed rear extension, by reason of its form, height, bulk, massing, design detailing and materials, would give the recipient dwelling an over-extended appearance and would appear unduly dominant, discordant and unsympathetic in relation to the scale and traditional appearance and character of the existing dwelling, and incongruous, out of scale and context in relation to neighbouring properties in Valley Drive. As such the proposal would be harmful to visual amenity and would detract from the character and appearance of the property to be extended and is therefore contrary to the requirements of policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan 2005.

#### 2) UNI2

The height, bulk and massing of the extension in close proximity to the neighbouring property would be unneighbourly, result in loss of outlook and have an overbearing presence, causing a material and unacceptable detrimental impact on the living conditions of those at No. 120 Valley Drive and in the absence of evidence to the contrary, would also result in adverse loss of daylight to the kitchen/dinning room window. The application is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.

### **BH2013/01117**

#### **113 Valley Drive Brighton**

Certificate of lawfulness for the proposed erection of a single storey side extension to detached garage.

**Applicant:** Philip Epifanoff

**Officer:** Adrian Smith 290478

**Refused on 14/06/13 DELEGATED**

**1) UNI**

The development is not permitted under Schedule 2, Part 1, Class E of the Town & Country Planning (General Permitted Development) Order 1995, as amended, as part of the outbuilding to be extended sits forward of the principal elevation to the dwelling house.

**BH2013/01128**

**158 Tivoli Crescent North Brighton**

Erection of rear extensions to the ground and first floor and loft conversion incorporating rooflights.

**Applicant:** Mrs Teresa Sadhegi

**Officer:** Adrian Smith 290478

**Approved on 20/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 in the south side elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	2		09/04/2013
Block plan	3		09/04/2013
Existing floor plans	4		13/06/2013
Proposed floor plans	4A		13/06/2013
	8		13/06/2013
Existing and proposed elevations	5		13/06/2013
	6		13/06/2013
	7		13/06/2013

**BH2013/01130**

**47 Dene Vale Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to the rear elevation and a rooflight to the front elevation.

**Applicant:** Mrs Julie Carroll

**Officer:** Robert McNicol 292322

**Approved on 07/06/13 DELEGATED**

**BH2013/01222****14 The Beeches Brighton**

Erection of a single storey rear extension.

**Applicant:** Dr Stephen Hempling

**Officer:** Helen Hobbs 293335

**Approved on 21/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block plan			15th April 2013
Site plan			15th April 2013
Existing floor plan	TB/01		29th April 2013
Existing elevations	TB/02		15th April 2013
Proposed floor plan	TB/03	A	15th April 2013
Proposed elevations	TB/04	B	15th April 2013

**BH2013/01264****60 Surrenden Crescent Brighton**

Erection of two storey side extension, incorporating 2/3 storeys of accommodation.

**Applicant:** Mr & Mrs David Shepherd

**Officer:** Steven Lewis 290480

**Approved on 14/06/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

The proposed dressing room and ensuite bathroom windows at first floor in the northern elevation of the extension hereby permitted, facing 58 Surrenden Crescent, shall not be glazed other than with obscured glass and thereafter permanently retained as such.

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

**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, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed in the northern facing elevation without planning permission obtained

from the Local Planning Authority.

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

#### **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Lower & Upper Existing Floor Plans & Site Plan	280.13.01		19/04/2013
Existing First and Block Plans	280.13.02		19/04/2013
Existing Sections and Elevations	280.13.03		19/04/2013
Proposed Lower and Upper Ground Floor Plans	280.13.04		19/04/2013
Proposed First Floor and Block Plans	280.13.05	A	29/05/2013
Proposed Sections & Elevations	280.13.06	A	29/05/2013

#### **5) 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.*

#### **BH2013/01305**

##### **5 Millcroft Brighton**

Certificate of lawfulness for proposed single storey side extension, roof extensions to facilitate loft conversion and other associated alterations.

**Applicant:** Mr & Mrs Branch

**Officer:** Robert McNicol 292322

**Refused on 20/06/13 DELEGATED**

#### **BH2013/01317**

##### **67 Valley Drive Brighton**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mr Glenn Jones

**Officer:** Christopher Wright 292097

**Approved on 07/06/13 DELEGATED**

#### **BH2013/01323**

##### **1 Woodside Avenue Brighton**

Application for variation of condition 2 of BH2011/01780 (Erection of new detached 3 bedroom three storey dwelling house (revised plans) to show alterations to solar panel scheme.

**Applicant:** Mr Derek Levy

**Officer:** Adrian Smith 290478

**Approved on 13/06/13 DELEGATED**

#### **1) UNI**

The development hereby permitted shall be commenced before 06 March 2015.

*Reason: To accord with the original permission and to ensure that the Local Planning Authority retains the right to review unimplemented permissions.*

## **2) UNI**

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

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

## **3) UNI**

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

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

## **4) UNI**

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

*Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.*

## **5) UNI**

No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 5 as a minimum 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) UNI**

None of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 as a minimum 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, 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.*

## **8) 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 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.*

**9) 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, 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.*

**10) UNI**

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

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

**11) UNI**

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

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

**12) UNI**

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

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

**13) UNI**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

**14) UNI**

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

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

**15) UNI**

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

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

**16) UNI**

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

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

**17) UNI**

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

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

**18) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	1WA.01	A	26/04/2013
Proposed floor plans, elevations and sections- main house	1WA.08	A	12/01/2012
	1WA.09	A	12/01/2012
	1WA.10	A	12/01/2012
	1WA.12	B	26/04/2013
	1WA.13	B	26/04/2013
	1WA.14	A	12/01/2012
	1WA.15	B	26/04/2013
	1WA.16	A	12/01/2012
	1WA.30	A	12/01/2012
	1WA.31	A	12/01/2012
	1WA.32	A	12/01/2012
	1WA.35	A	12/01/2012

**BH2013/01324**

**82 Dyke Road Avenue Brighton**

Erection of detached double garage with home office above.

**Applicant:** Ms Carly Read

**Officer:** Mark Thomas 292336

**Refused on 17/06/13 DELEGATED**

**1) UNI**

The proposed outbuilding by virtue of its scale, bulk, height, form and positioning would represent an excessive form of development, constituting an overdevelopment of the site. The building would cause significant detriment to the character and appearance of the application property and the wider street scene. For the reasons outlined, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2013/01357**

**40 Tivoli Road Brighton**

Erection of single storey side extension.

**Applicant:** Mr Peter Bauer

**Officer:** Christopher Wright 292097

**Approved on 25/06/13 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 timber double glazed windows and doors hereby permitted, 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Side Extension	13/031/01		30 Apr 2013
Site Location Plan	13/031/02		30 Apr 2013
Block Plan	13/031/03		30 Apr 2013

**BH2013/01370**

**9 Stamford Lodge Cumberland Road Brighton**

Replacement of existing timber and steel windows with UPVC.

**Applicant:** Katie Mills

**Officer:** Mark Thomas 292336

**Approved on 21/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan			30 April 2013
Annotated photos			30 April 2013
Window elevations	DR190413		30 April 2013
Window sections			30 April 2013
Product specification document	GCH/SPEC-		30 April 2013
'Kommerling' specifiers guide			30 April 2013

### **BH2013/01421**

#### **Stanford House South Road Brighton**

Internal alterations to facilitate additional mens and womens toilets and kitchen to ground and first floor levels.

**Applicant:** Mrs S Stokes

**Officer:** Mark Thomas 292336

**Approved on 20/06/13 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 existing doors are to be retained, except where indicated on the drawings hereby approved. Any new doors shall be of timber construction with recessed panels and be of a specified size and design, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any works. Any fireproofing to doors should be an integral part of the door construction, and self closing mechanisms, if required, shall be of the concealed mortice type.

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

#### **3) 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.*

### **BH2013/01433**

#### **53 Friar Road Brighton**

Erection of single storey detached studio room in rear garden.

**Applicant:** Mr Mike Twine

**Officer:** Steven Lewis 290480

**Approved on 20/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below. *Reason: For the avoidance of doubt and in the interests of proper planning.*

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan	037-L-100		07/05/2013
Block Plan	037-L-101		07/05/2013
Existing Drawings	037-L-102		14/05/2013
Proposed Drawings	037-L-103		14/05/2013

### **3) UNI**

The extension hereby permitted shall be used solely as ancillary accommodation in connection with the enjoyment of the main property as a single dwellinghouse and it shall at no time be occupied as a separate unit of accommodation.

*Reason: In order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

## **EAST BRIGHTON**

### **BH2013/00105**

#### **19 Bristol Gardens Brighton**

Application for variation of condition 2 of BH2012/00229 (Demolition of existing building and erection of 9no residential dwelling houses with associated parking and landscaping) that the Northern boundary wall be demolished and rebuilt.

**Applicant:** Mr Terry Allum

**Officer:** Wayne Nee 292132

**Approved after Section 106 signed on 19/06/13 DELEGATED**

### **1) UNI**

The development hereby permitted shall be commenced on or before 28 May 2015.

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

### **2) UNI**

The flint, brick and mortar of the rebuilt section of the northern boundary wall, as shown on drawing no. 5226/10 Rev.A received on 1 March 2013, shall exactly match the existing in terms of appearance (including the design and coursing of the brickwork; type, strike, density, and coursing of the flint; and mortar colour and consistency) as set out in the email from the applicant received on 26 March 2013. This section of wall shall be constructed in accordance with the above agreed details prior to the first occupation of the residential development hereby permitted and thereafter so retained.

*Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD1 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**

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

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

**5) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

**6) UNI**

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 surfaces to a permeable or porous area or surface within 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.*

**7) UNI**

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) 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 buildings 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**

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 dwellinghouses 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) UNI**

Access to any flat roofs hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used for purposes 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.*

### **11) UNI**

The materials to be used in the external surfaces of the development hereby permitted shall be implemented in full accordance with the details approved on 8 February 2013 under application reference BH2012/03624.

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

### **12) UNI**

The development shall proceed in compliance with the details in the Design Stage Report (ref. 5226\F13-Design 130403) and Interim Certificates confirming that all residential units will achieve Code level 3 of the Code for Sustainable Homes in accordance with the details approved on 14 June 2013 under application reference BH2013/00574.

*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**

The external lighting for the development shall be implemented and installed in accordance with the details approved on 14 June 2013 under application reference BH2013/00574 and shall thereafter be so retained.

*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) UNI**

The development hereby permitted shall not be occupied until there has been submitted to the Local Planning Authority verification by a competent person that the Remediation Strategy by Southern Testing received 15 February 2013 and approved on 14 June 2013 under application reference BH2013/00574 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 Remediation Strategy by Southern Testing received 15 February 2013 and approved on 14 June 2013 under application reference BH2013/00574.

*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) UNI**

Landscaping of the site shall be undertaken in accordance with the details as shown on the Landscaping Plan (drawing no. L(90)004 Rev.T2) received 15 February 2013 and approved on 14 June 2013 under application reference BH2013/00574.

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

### **16) UNI**

No development shall commence until fences for the protection of trees to be retained shown on the drawings hereby approved have been erected in accordance with the details as set out in the Tree Protection Method Statement dated 8 April 2013, approved on 14 June 2013 under application reference BH2013/00574. The fences shall be retained in their approved positions 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 interests of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.*

**17) UNI**

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

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

**18) UNI**

The development shall proceed in accordance with the Considerate Constructors Scheme as approved on 14 June 2013 under application reference BH2013/00574.

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

**19) UNI**

The construction of the access road shall be undertaken and implemented in accordance with the constructional details as approved on 8 February 2013 under application reference BH2012/03624 prior to the first occupation of the development and shall be 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.*

**20) 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.*

**21) 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.*

**22) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan	5226/LOC	A	27 January 2012
Site layout plan	5226/01 C		01 March 2013
Floor plans and sections	5226/02	D	27 January 2012
Site sections	5226/04	A	27 January 2012
Elevations sheet 1	5226/03	D	13 February 2012
Street elevation	5226/05	B	13 February 2012



Elevations sheet 2	5226/06		13 February 2012
Existing sections	08021-02-S-GA		13 February 2012
Northern boundary details	5226/10	A	01 March 2013

**BH2013/00574**

**Build Centre 19 Bristol Gardens Brighton**

Application for approval of details reserved by conditions 12, 13, 14 (i), 15, 16 and 18 of application BH2012/00229.

**Applicant:** Downs Estates Ltd

**Officer:** Wayne Nee 292132

**Approved on 14/06/13 DELEGATED**

**BH2013/00925**

**Flat 8 11 Chichester Terrace Brighton**

Internal alterations to layout of flat and erection of single storey front extension incorporating revised rear fenestration.

**Applicant:** Mr Chris Pitchford

**Officer:** Andrew Huntley 292321

**Approved on 17/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan	030	A	21.03.2013
Block Plan	060	A	22.04.2013
Existing Plans	001		21.03.2013
Existing Plans and Elevation- 3rd and 4th Floors	002		21.03.2013
Existing primary Elevation	003		21.03.2013
Proposed primary Elevation	020		11.06.2013
Proposed Plan - Revised	060		11.06.2013
Box Gutter Detail	090	B	11.06.2013

**BH2013/00926**

**Flat 8 11 Chichester Terrace Brighton**

Internal alterations to layout of flat and erection of single storey front extension incorporating revised rear fenestration.

**Applicant:** Mr Chris Pitchford

**Officer:** Andrew Huntley 292321

**Approved on 18/06/13 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 pipes and services will be located within the floor or ceiling void, rather than boxed in, unless otherwise approved by the Local Planning Authority.

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

**3) UNI**

No works shall take place until full details of the materials, including colour of render, paintwork and colourwash, to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in strict accordance with the approved details.

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

**4) UNI**

No works shall take place until full details of the new door(s), their frames, reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

**5) UNI**

No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority.

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

**BH2013/01033**

**2 Rock Street Brighton**

Conversion of existing store at rear ground and lower ground floor levels to form 1no one bed flat.

**Applicant:** Sandon Homes

**Officer:** Anthony Foster 294495

**Refused on 10/06/13 DELEGATED**

**1) UNI**

The applicant has failed to demonstrate that the proposed residential unit, to demonstrate would receive adequate levels of natural light. In addition the unit, due to the enclosed nature of the site would receive poor outlook and as such would be contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/01133**

**2 Chichester Place Brighton**

Replacement of front door and surround with new front porch and entrance door to West elevation.

**Applicant:** Mrs Juliette Wright

**Officer:** Wayne Nee 292132

**Approved on 18/06/13 DELEGATED**

**1) BH01.05**

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

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

No works shall take place until 1:1 scale joinery sectional profiles of the door and 1:5 sectional profiles of the porch have been submitted to and approved in writing by the local planning. The works shall be carried out and completed in their

entirety fully in accordance with the approved 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.*

### **BH2013/01358**

#### **St Marys Hall Eastern Road Brighton**

Change of use of Elliot House from student accommodation to B1 office space at lower ground and ground floor levels.

**Applicant:** Brighton & Sussex University Hospitals NHS Trust

**Officer:** Mick Anson 292354

**Approved on 21/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan	AL600	REV F	30.04.13
Existing LGF Plan	X-970-LG		30.04.13
Existing GF Plan	X-970-GF		30.04.13
Existing FF Plan	X-970-01		30.04.13
Existing 2nd Floor Plan	X-970-02		30.04.13
Proposed LG Plan	AD100	REV C	30.04.13
Proposed GF Plan	AD101	REV C	30.04.13
Proposed FF Plan	AD53	REV C	30.04.13
Proposed 2nd Floor Plan	AD54	REV C	30.04.13

### **HANOVER & ELM GROVE**

#### **BH2013/00563**

#### **Former Nurses Accommodation Brighton General Hospital Pankhurst Avenue Brighton**

Application for Approval of Details Reserved by Conditions 6, 15, 18 and 20 of application BH2010/01054.

**Applicant:** Denne Construction

**Officer:** Anthony Foster 294495

**Split Decision on 18/06/13 DELEGATED**

#### **1) UNI**

APPROVE the details pursuant to conditions 6, 15, and 18 of application BH2010/01054 subject to full compliance with the submitted details.

#### **1) UNI**

The details pursuant to condition 20 of BH2010/01054 are NOT APPROVED for the reason(s) set out in section 10.

#### **2) UNI2**

Insufficient information in relation to the required Final/Post Construction Code Certificates has been submitted in order for the details pursuant to condition 20 of planning permission BH2010/01054 to be approved.

### **BH2013/00758**

### **Flat B 44 Whippingham Street Brighton**

Formation of balcony with French doors and access stairs from first floor flat to garden.

**Applicant:** Mr Lee McLagan  
**Officer:** Louise Kent 292198

**Refused on 11/06/13 DELEGATED**

#### **1) UNI**

The proposed balcony, due to its position, height, and siting would result in a loss of privacy to the adjoining garden of the neighbouring property. As such the proposal would adversely impact on the levels of residential amenity currently enjoyed by Flat A, 44 Whippingham Street, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed access platform and steps would result in an incongruous bulky addition to the existing property, resulting in harm to the character and appearance of the existing building. It would be contrary to policy QD14 of the Brighton & Hove Local Plan.

### **BH2013/00759**

#### **10 & 10A De Montfort Road Brighton**

Change of use of ground floor shop/office (A1/B1) and first floor flat to single dwelling house (Use Class C3). External alterations including erection of single storey rear extension to replace existing single storey structure, alterations to fenestration, installation of new garage door to side elevation, erection of new boundary wall to front elevation and associated works.

**Applicant:** Bensleys Timber Maintenance Company Ltd  
**Officer:** Jonathan Puplett 292525

**Refused on 13/06/13 DELEGATED**

#### **1) UNI**

The proposed development would result in the loss of an office premises. The development would therefore be contrary to policy EM5 of the Brighton & Hove Local Plan which seeks to protect such uses unless exceptional circumstances apply. Furthermore Policy EM5 sets out preferred alternative uses as alternative employment generating uses followed by affordable housing. It appears that these preferred alternative uses have not been explored; the proposed use has therefore not been justified.

### **BH2013/00853**

#### **1 De Montfort Road Brighton**

Change of use from former chapel (D1) to house in multiple occupation (sui generis). (Retrospective)

**Applicant:** Lindene GB Promotions  
**Officer:** Anthony Foster 294495

**Refused on 24/06/13 DELEGATED**

#### **1) UNI**

The proposed change of use to a Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document and to policy QD27 of the Brighton & Hove Local Plan.

#### **2) UNI2**

Policy HO20 seeks to retain community uses and the scheme would result in the loss of a community use. The applicant has failed to demonstrate that the community use is, or has, relocated to a location that improved accessibility to its

users; that existing nearby facilities are to be improved to accommodate the loss; or that the site is not needed for its existing use, or other types of community use. The application is therefore contrary to policy HO20 of the Brighton & Hove Local Plan.

### **3) UNI3**

The proposed conversion of the premises to residential represents an increased intensification of the building. The positioning of fenestration in the south and west elevations serving habitable bedrooms would result in increased levels of overlooking to neighbouring occupiers. The application is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

### **4) UNI4**

The proposed residential accommodation by reason of poor outlook to habitable rooms is considered below the standard that the council would reasonably expect and contrary to policy QD27 of the Brighton & Hove Local Plan.

## **BH2013/00936**

### **3 Wellington Road Brighton**

Change of use from dwelling (C3) to either dwelling (C3) or House in Multiple Occupation (C4) and replacement of timber windows and doors with UPVC windows and doors.

**Applicant:** Mrs Lucinda Yazdian-Tehrani

**Officer:** Jonathan Puplett 292525

**Refused on 11/06/13 DELEGATED**

#### **1) UNI**

The proposed change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposed use would also cause increased noise and disturbance to the detriment of the amenity of occupiers of the basement flat below. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and to policies SU10 and QD27 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed replacement windows and doors would result in an inappropriate appearance and would harm the character and appearance of the building contrary to policy QD14 of the Brighton & Hove Local Plan.

## **BH2013/01101**

### **95 Bonchurch Road Brighton**

Erection of rear extension.

**Applicant:** Mr Wilf Nicholls

**Officer:** Pete Campbell 292359

**Refused on 17/06/13 DELEGATED**

#### **1) UNI**

The proposed extension by virtue of its height, length and siting, alongside the northern boundary and in close proximity to the neighbouring property of no.97 Bonchurch Road, would result in a loss of both light and outlook to the rear and side windows at the neighbouring property, as well as create an increased sense of enclosure upon the neighbours. The proposal would cause significant harm to the residential amenity of the neighbouring occupants at no.97 Bonchurch Road, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.

## **BH2013/01208**

### **70 Sandown Road Brighton**

Erection of single storey rear extension to ground floor flat.

**Applicant:** Mr Richard Murphy  
**Officer:** Andrew Huntley 292321  
**Approved on 07/06/13 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 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 listed below.

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	103-PA-001		15.04.2013
Existing Ground Floor Plan	103-PA-005		15.04.2013
Existing Sectional Elevations	103-PA-006	A	15.04.2013
Proposed Ground Floor Plan	103-PA-010	A	15.04.2013
Proposed Elevations and Sections	103-PA-011	A	15.04.2013

**BH2013/01246**

**16 Grant Street Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer and front rooflights.

**Applicant:** Mr Dan Gillespie  
**Officer:** Sonia Gillam 292265  
**Approved on 17/06/13 DELEGATED**

**BH2013/01325**

**74 Pankhurst Avenue Brighton**

Erection of two storey side extension and side and rear roof extension including hip to gable, incorporating rooflights, solar panels and wind generator. (Part retrospective).

**Applicant:** Mr Jacob Chadwick  
**Officer:** Chris Swain 292178  
**Approved on 10/06/13 DELEGATED**

**1) UNI**

The wind turbine hereby approved, shall not be installed until full technical specifications have been submitted to and approved in writing by the Local Planning Authority. The wind turbine shall be installed in strict accordance with the approved details and shall be retained as such thereafter.

*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.*

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below. Reason: For the avoidance of doubt and in the interests of proper planning.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Plans and elevations as existing	01		26 April 2013
Plans as proposed	02		26 April 2013
Elevations as proposed	03	BV2	22 May 2013
Timber cladding details as proposed	15		22 May 2013
Document containing existing and proposed photographic montage and 3D drawing.			22 May 2013

### **3) UNI**

No part of the flat roof shown on the approved "attic plan" drawing in the development hereby approved shall be in use as a balcony, roof garden or similar amenity area.

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

### **4) UNI**

The development hereby approved shall be constructed using the approved materials received by the Local Planning Authority on 8 April 2013 and 22 May 2013. The roof shall be clad in 'RheinZink Protect' titanium zinc in graphite-grey colour, the timber panelling shall be constructed in sweet chestnut and the render panels finished in white and shall be retained as such thereafter.

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

## **BH2013/01452**

### **2 Plumpton Road Brighton**

Change of use from dwelling house (C3) to small house of multiple occupation. (C4)

**Applicant:** Miss Emma Cowley

**Officer:** Jonathan Puplett 292525

**Approved on 17/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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) BH06.02**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and*

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN			15/05/2013
EXISTING AND PROPOSD FLOORPLANS			15/05/2013

**HOLLINGDEAN & STANMER**

**BH2012/03637**

**Chichester Building North South Road University of Sussex Falmer**

Replacement of single glazed metal windows with double glazed metal windows. Revolving doors to be replaced with double doors and associated external alterations.

**Applicant:** Mr Neil Troak

**Officer:** Andrew Huntley 292321

**Approved on 07/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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**

Plan Type	Reference	Version	Date Received
Proposed External Works Plan	2050	00	16.11.2012
Proposed Elevation 01	2110	01	16.11.2012
Proposed Elevation 02	2111	01	16.11.2012
Proposed Elevations 03 and 03a	2112	01	16.11.2012
Proposed Elevation 04	2113	01	16.11.2012
Proposed Elevations 05 - 07	2114	01	16.11.2012
Proposed Elevation 08	2115	01	16.11.2012
Proposed Flattened Auditorium Elevation	2116	00	16.11.2012
Proposed Elevations Plant Rooms 1-5	2117	01	16.11.2012
Proposed Repairs Elevation 01	2120	01	16.11.2012
Proposed Repairs Elevation 02	2121	01	16.11.2012
Proposed Repairs Elevations 03 and 03a	2122	01	16.11.2012
Proposed Repairs Elevation 04	2123	01	16.11.2012
Proposed Repairs Elevations 05- 07	2124	01	16.11.2012
Proposed Repairs Elevation 08	2125	01	16.11.2012
Proposed Repairs Flattened Auditorium Elevation	2126	00	16.11.2012



Proposed Repairs Elevations Plant Rooms 1-5	2127	01	16.11.2012
Proposed Window and Door Schedule - Sheet1	8000	B	01.05.2013
Proposed Window and Door Schedule - Sheet 2	8001	B	01.05.2013
Proposed Window and Door Schedule - Sheet 3	8002	B	01.05.2013
Proposed Window and Door Schedule - Sheet 4	8003	B	01.05.2013
Proposed Window and Door Schedule - Sheet 5	8004	B	01.05.2013
Window Details	8756G2B	P1	16.11.2012
Window Details	8756G2B	P2	16.11.2012
Window Details	8756G2B	P3	16.11.2012

### 3) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Existing Location Plan	1000	01	16.11.2012
Existing Block Plan	1001	02	16.11.2012
Existing Ground Floor Plan	2000	04	16.11.2012
Existing First Floor Plan	2001	04	16.11.2012
Existing Second Floor Plan	2002	04	16.11.2012
Existing Third Floor Plan	2003	02	16.11.2012
Existing Upper Roof Plan	2004	01	16.11.2012
Existing Elevation 01	2100	04	16.11.2012
Existing Elevation 02	2101	04	16.11.2012
Existing Elevations 03 and 03a	2102	04	16.11.2012
Existing Elevation 04	2103	04	16.11.2012
Existing Elevations 05-07	2104	02	16.11.2012
Existing Elevation 08	2105	02	16.11.2012
Existing Flattened Auditorium Elevation	2106	00	16.11.2012
Existing Elevations Plant Rooms 1-5	2107	01	16.11.2012
Proposed Ground Floor Plan	2010	01	16.11.2012
Proposed First Floor Plan	2011	01	16.11.2012
Proposed Second Floor Plan	2012	01	16.11.2012
Proposed Third Floor Plan	2013	01	16.11.2012
Proposed Roof Plan	2014	01	16.11.2012

### **BH2012/03638**

#### **Chichester Building North South Road University of Sussex Falmer**

Replacement of single glazed metal windows with double glazed metal windows. Revolving doors to be replaced with double doors. Reconfiguration of ground floor, refurbishment works to toilet cores and replacement and removal of services. Associated external alterations including cleaning and repairing of masonry and brickwork.

**Applicant:** Mr Neil Troak  
**Officer:** Andrew Huntley 292321

**Approved on 07/06/13 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 scale sections of typical existing and proposed window frames, sills and openers has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**3) UNI**

Prior to the commencement of the cleaning and repointing of the brickwork, a method statement for the cleaning and repointing shall have been submitted to and approved in writing by the Local Planning Authority. In addition, a sample panel of repointed and cleaned brickwork must be carried out on site for inspection and approved in writing by the Local Planning Authority. The remainder of the works shall be carried out in strict accordance with the method statement and sample.

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

**4) UNI**

No works shall take place until full details of the layout of the retained Spence laboratory on the ground floor at 1:20 scale, including a schedule of all furniture and fixtures to be relocated there, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**5) UNI**

No works shall take place until full details of the proposed partitions on the 'half-grid', including details of junctions with ceilings and windows, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

*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 concrete repairs must be carried out using the SIKA system only unless otherwise agreed in writing by the Local Planning Authority.

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

**7) UNI**

No works shall take place until a full specification for doors, door surrounds, partitions, skirtings and internal finishes hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**8) UNI**

No works shall take place until a sample of the proposed solar control glazing has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

*Reason: To ensure the satisfactory preservation of this listed building and to*

comply with policy HE1 of the Brighton & Hove Local Plan.

**BH2013/01183**

**154 Saunders Hill Brighton**

Change of use from dwelling house (C3) to house in multiple occupation (C4).

**Applicant:** James McAllister-Dew

**Officer:** Jonathan Puplett 292525

**Refused on 13/06/13 DELEGATED**

**1) UNI**

The proposed change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/01330**

**8 Ashburnham Drive Brighton**

Erection of two storey side extension.

**Applicant:** Mr Yang

**Officer:** Andrew Huntley 292321

**Approved on 17/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 first floor window in the western elevation 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.*

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Floor Plans and Elevations	1078/1046		25.04.2013
Proposed Two Storey Side Extension	1078/1699		25.04.2013

**BH2013/01534**

**16 Waverley Crescent Brighton**

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2013/00184.

**Applicant:** Graham Currey  
**Officer:** Wayne Nee 292132  
**Approved on 12/06/13 DELEGATED**

### **MOULSECOOMB & BEVENDEAN**

#### **BH2011/01767**

##### **Woollards Field Lewes Road Falmer Brighton**

Application for Approval of Details Reserved by Condition 15 of application BH2010/03259.

**Applicant:** East Sussex County Council  
**Officer:** Mick Anson 292354  
**Approved on 10/06/13 DELEGATED**

#### **BH2013/00270**

##### **4 Baden Road Brighton**

Erection of three storey detached dwelling with formation of access from Bevendean Road.

**Applicant:** Mr M Deller  
**Officer:** Sue Dubberley 293817  
**Refused on 10/06/13 DELEGATED**

##### **1) UNI**

The proposed development would result in an unacceptable increase in height and mass on the side south boundary which would be unneighbourly, overbearing and result in an increased sense of enclosure, loss of outlook and daylighting for the neighbouring occupiers in Coombe Road which adjoin the site. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

##### **2) UNI2**

The proposed development, by reason of its design, siting and materials would fail to provide a suitable standard of design and appearance for new development and would relate poorly to existing development in the street, resulting in a prominent and incongruous appearance within the street scene. The proposal is therefore contrary to policies QD1, QD2, QD3, and QD5 of the Brighton & Hove Local Plan and The National Planning Policy Framework.

##### **3) UNI3**

The application fails to demonstrate that adequate consideration has been given to ensure that the proposed residential unit would comply with Lifetime Homes requirements. The application is therefore contrary to policy HO13 of the Brighton & Hove Local Plan.

#### **BH2013/00694**

##### **103 The Avenue Brighton**

Change of use from dwelling house (C3) to either dwelling house (C3) or House in Multiple Occupation (C4).

**Applicant:** Mr Geoff Southam  
**Officer:** Anthony Foster 294495  
**Refused on 07/06/13 DELEGATED**

##### **1) UNI**

The proposed change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of

local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document and to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/00760**

**The Keep Woollards Field Brighton**

Application for approval of details reserved by condition 26 of application BH2010/03259.

**Applicant:** East Sussex County Council

**Officer:** Mick Anson 292354

**Approved on 20/06/13 DELEGATED**

**BH2013/00809**

**62 Bevendean Crescent Brighton**

Erection of two storey three bedroom detached house (C3) incorporating cycle and refuse storage areas.

**Applicant:** Mr Paul Newman

**Officer:** Jonathan Puplett 292525

**Refused on 18/06/13 DELEGATED**

**1) UNI**

The proposed development, by virtue of the plot and siting of the new dwelling proposed would result in a form of development which would be out of character with the surrounding area, specifically the corner plots within the vicinity of the site. Furthermore the proposed development would be sited within an area of garden land which at present provides a spacing / buffer between the built forms of the existing dwellings and the open countryside to the south which forms part of the South Downs National Park. The proposed development could impact upon views from the National Park and would appear as incongruous, particularly in winter months or if the screening along the rear boundary of the site were to be reduced in the future. The proposed development would be contrary to policies QD1, QD2 and NC8 of the Brighton & Hove Local Plan.

**2) UNI2**

In the absence of an ecological survey and report the applicant has failed to demonstrate that the proposed development would not cause significant harm to habitats and species, and has failed to demonstrate that the proposed development would successfully mitigate any harm caused, and include appropriate nature conservation enhancement measures. Based upon the information submitted the proposed development would be contrary to policy QD15 of the Brighton & Hove Local Plan and the guidance set out in SPD11.

**BH2013/00920**

**The Keep Woollards Field Lewes Road Falmer Brighton**

Application for Approval of Details Reserved by Condition 28 of application BH2010/03259.

**Applicant:** East Sussex County Council

**Officer:** Mick Anson 292354

**Approved on 21/06/13 DELEGATED**

**BH2013/01063**

**23 Colbourne Avenue Brighton**

Change of use from dwelling house (C3) to House in Multiple Occupations (C4).

**Applicant:** Mr Andrew Sidaway

**Officer:** Jonathan Puplett 292525

**Refused on 13/06/13 DELEGATED**

**1) UNI**

The proposed change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/01090**

**11 Egginton Road Brighton**

Change of use from dwelling house (C3) to house in multiple occupation (C4).

**Applicant:** Mr Oliver Dorman

**Officer:** Chris Swain 292178

**Refused on 06/06/13 DELEGATED**

**1) UNI**

The proposed change of use from dwellinghouse (Class C3) to purposes falling within Class C3 (dwellinghouse) or Class C4 (small house in multiple occupation) would fail to support a mixed and balanced community and could result in the area becoming imbalanced by the level of similar such uses, to the detriment of local amenity. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document) and to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/01159**

**18 Upper Bevendean Avenue Brighton**

Extension to ground floor to replace angled windows and door with 2no new windows in straight wall. Loft conversion incorporating rooflights to front and rear.

**Applicant:** Spruce Investments Ltd

**Officer:** Robin K Hodgetts 292366

**Approved on 18/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing ground floor plan	01		11/04/13
Proposed ground floor plan	02		11/04/13
Existing first floor plan	03		11/04/13
Proposed first floor plan	04		11/04/13
Existing loft plan	05		11/04/13
Proposed loft plan	06		11/04/13
Loft section	07		11/04/13

Existing elevations	08		11/04/13
Proposed elevations	09		11/04/13
Location and block plans	10		22/04/13

**BH2013/01271**

**190 Bevendean Crescent Brighton**

Application for approval of details reserved by conditions 3 and 4 of application BH2013/00515.

**Applicant:** Mr John Panteli

**Officer:** Anthony Foster 294495

**Approved on 17/06/13 DELEGATED**

**BH2013/01346**

**17 Eastbourne Road Brighton**

Erection of two storey rear extension.

**Applicant:** Gary Ablewhite

**Officer:** Anthony Foster 294495

**Refused on 19/06/13 DELEGATED**

**1) UNI**

The scale of the proposal would result in overly large and bulky additions, which do not relate well to the existing dwelling by reason of their flat roof design, width, depth and height and the scheme would result in an overextended appearance to the property. The two-storey element would also create an awkward arrangement at the junction where the proposed flat roof would meet the existing pitched roof over the main dwelling. Therefore, the proposal is unacceptable in terms of design and would be harmful to the character and appearance of the host dwelling and the wider area. As such, the proposal is contrary to policies QD2 & QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed extension, by reason of its height, massing, bulk and siting, would lead to a loss of light and a sense of enclosure to the neighbouring occupiers and would have an overbearing impact leading to a loss of residential amenity, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**QUEEN'S PARK**

**BH2012/03274**

**42 & 43 George Street Brighton**

Application for approval of details reserved by conditions 7,8,9,10,11,12,13,14,15,16 and 17 of application BH2011/02016.

**Applicant:** Meadowbridge Properties Ltd

**Officer:** Sue Dubberley 293817

**Split Decision on 10/06/13 DELEGATED**

**BH2013/00389**

**35 Richmond Street Brighton**

Application to extend time limit for implementation of previous approval BH2009/02946 for erection of a single storey rear extension with flat roof access above and insertion of 2no. UPVC windows.

**Applicant:** Anthony Sadler

**Officer:** Pete Campbell 292359

**Approved on 11/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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**

Other than the railed walkway hereby approved, access to the flat roof over the rear extension shall be for maintenance and emergency purposes only. The railed walkway shall be used for accessing the garden below only. 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**

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan			27/11/2009
Block plan			27/11/2009
Existing and proposed ground floor plan			15/12/2009
Existing and proposed first floor plan			27/11/2009
Existing and proposed rear elevation			27/11/2009
Existing west and east elevations			27/11/2009
Proposed west and east elevations			27/11/2009

## **BH2013/00483**

### **Cavendish House Dorset Place Brighton**

Formation of external galvanised steel fire escape and ventilation opening with grill and flue to South elevation.

**Applicant:** University Of Brighton

**Officer:** Pete Campbell 292359

**Approved on 13/06/13 DELEGATED**

## **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing stair location plan	21800-50sk1		18/04/2013
External stair plan	21800-50sk2		18/04/2013
Existing ground floor	21882-PA05		18/04/2013



Existing basement plan	21882-00-04		14/03/2013
Proposed ground floor	21882-05	C	14/02/2013
Proposed basement plan	21882-04		14/02/2013
Proposed first floor	21882-06	A	14/02/2013
Proposed south elevation	21882-02	B	24/04/2013
Proposed west elevation	21882-03	a	24/04/2013
Proposed east elevation	21882-01	a	24/04/2013
Existing east elevation	21882-52-00		24/04/2013
Existing south elevation	21882-52-02		24/04/2013
Existing west elevation	21882-52-03		24/04/2013

**BH2013/00706**

**31 St James Street Brighton**

Formation of roof terrace to existing flat roof including glazed stair enclosure and glass balustrade (Part Retrospective).

**Applicant:** Mr Dean Holmes

**Officer:** Sonia Gillam 292265

**Approved on 11/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing plans	002	B	12/04/2013
Existing elevations	003	C	12/04/2013
Existing sections	004	B	14/05/2013
Proposed plans, location and block plan	101	B	14/05/2013
Proposed elevations	102	C	24/05/2013
Proposed sections	103	B	14/05/2013

**BH2013/00804**

**10-13 St Georges Road Brighton**

Display of internally illuminated hanging signs, ATM headers, lettering, heritage light strips and non illuminated internal and external vinyl overlays.

**Applicant:** Lloyds Banking Group

**Officer:** Sonia Gillam 292265

**Refused on 13/06/13 DELEGATED**

**1) UNI**

Having regard to the inappropriate coverage, poor siting and excessive illumination of the proposed signage, the overall cumulative impact would result in an incongruous and cluttered appearance that would be unduly prominent within the street scene and therefore detract from the character and appearance of the building and the local shopping centre, and adversely affect the visual amenity of the wider conservation area. As such, the proposal is contrary to the requirements of policies QD12 and HE9 of the Brighton & Hove Local Plan 2005 and SPD07: Advertisements.

**BH2013/00894****81 Freshfield Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Alex Cowell**Officer:** Jonathan Puplett 292525**Approved on 11/06/13 DELEGATED****1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
LOCATION PLAN	12/091/02		20/03/2013
BLOCK PLAN	12/091/03		20/03/2013
EXISTING AND PROPOSED FLOORPLANS AND ELEVATIONS	12/091/01A		20/03/2013

**BH2013/00903****18 Princes Street Brighton**

Application for Approval of Details Reserved by Conditions 2 and 3 of application BH2012/02898

**Applicant:** Mrs Magdalene Haywood**Officer:** Pete Campbell 292359**Approved on 18/06/13 DELEGATED****BH2013/00965****Tarnerland Nursery School Sussex Street Brighton**

Demolition of existing lower ground floor finance office and erection of a single storey rear extension that connects the main building to detached classroom.

**Applicant:** Ms Julie Plumstead**Officer:** Jonathan Puplett 292525**Approved on 10/06/13 DELEGATED****1) BH01.01**

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

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.***2) BH06.02**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby

permitted and shall thereafter be retained for use at all times.

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

### **3) BH16.01**

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

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

### **4) UNI**

Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

(i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:

(ii) Increase awareness of and improve road safety and personal security:

(iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:

(iv) Identify targets focussed on reductions in the level of car use:

(v) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:

(vi) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

*Reason: To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.*

### **5) UNI**

(i) No development or other operations shall commence on site until a scheme (hereinafter called the approved Tree Protection Scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for supervision and monitoring of the implementation of the protection measures and the construction of the development. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(ii) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place. Once the measures are in place the Local Planning Authority shall be informed in writing no less than 14 days prior to development commencing on site. The protection measures shall not be removed or repositioned without the prior written approval of the Local Planning Authority. 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 shall take place within any area

designated as being fenced off or otherwise protected in the approved protection scheme.

(iii) No development or other operations shall commence on site in connection with the development hereby approved, (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 Construction Specification/Method Statement for foundations has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

*Reason: To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.*

#### **6) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
LOCATION PLAN	3422.EXG.02		26/03/2013
LOCATION PLAN AND BLOCK PLAN	3422.PL.02		26/03/2013
EXISTING PLANS AND ELEVATIONS AND SECTIONS	3422.EXG.01		26/03/2013
PROPOSED PLANS AND ELEVATIONS AND SECTIONS	3422.PL.01		15/05/2013
ARBORICULTURAL IMPACT ASSESSMENT	PJC/3181/13		15/05/2013

#### **BH2013/00967**

#### **Tarnerland Nursery School Sussex Street Brighton**

Demolition of existing lower ground floor finance office and erection of a part one part two storey rear extension that connects the main building to detached classroom.

**Applicant:** Ms Julie Plumstead

**Officer:** Jonathan Puplett 292525

**Approved on 11/06/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) BH06.02**

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

#### **3) BH16.01**

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

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

#### **4) UNI**

Within 3 months of occupation of the development hereby approved, the Developer or owner shall submit to the Local Planning Authority for approval in writing a detailed Travel Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable travel choices by residents, visitors, staff, deliveries and parking management for the development. The Travel Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable increased use of walking, cycling, public transport use, car sharing, and car clubs as alternatives to sole car use:
- (ii) Increase awareness of and improve road safety and personal security:
- (iii) Undertake dialogue and consultation with adjacent/neighbouring tenants/businesses:
- (iv) Identify targets focussed on reductions in the level of car use:
- (v) Following the annual staff survey, an annual review will be submitted to the Local Planning Authority to update on progress towards meeting targets:
- (vi) Identify a nominated member of staff or post to act as Travel Plan Co-ordinator, and to become the individual contact for the Local Planning Authority relating to the Travel Plan.

*Reason: To ensure the promotion of sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.*

#### **5) UNI**

(i) No development or other operations shall commence on site until a scheme (hereinafter called the approved Tree Protection Scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for supervision and monitoring of the implementation of the protection measures and the construction of the development. No development or other operations shall take place except in complete accordance with the approved protection scheme.

#### **6) UNI**

(ii) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place. Once the measures are in place the Local Planning Authority shall be informed in writing no less than 14 days prior to development commencing on site. The protection measures shall not be removed or repositioned without the prior written approval of the Local Planning Authority. 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 shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

#### **7) UNI**

(iii) No development or other operations shall commence on site in connection

with the development hereby approved, (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 Construction Specification/Method Statement for foundations has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

*Reason: To ensure adequate protection of the trees in accordance with QD16 of the Brighton & Hove Local Plan SPD06 Trees and Development sites.*

**8) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
LOCATION PLAN	3422.EXG.02		26/03/2013
LOCATION PLAN AND BLOCK PLAN	3422.PL.02		26/03/2013
EXISTING ELEVATIONS AND SECTIONS	3422.EXG.01		26/03/2013
PROPOSED ELEVATIONS AND SECTIONS	3422.PL.01		15/05/2013
ARBORICULTURAL IMPACT ASSESSMENT	PJC/3181/13		15/05/2013

**BH2013/01007**

**70 Grand Parade Brighton**

Conversion of first floor front office (B1) to self contained studio flat.

**Applicant:** Southporch Ltd

**Officer:** Andrew Huntley 292321

**Refused on 06/06/13 DELEGATED**

**1) UNI**

The applicant has failed to demonstrate that the identified levels of noise disturbance from the adjacent highway can be overcome, without harming the historic fabric and character of the Grade II listed building and the character and appearance of the Valley Gardens Conservation Area. As such, the applicant has also failed to demonstrate that the proposed residential unit would provide an acceptable standard of accommodation and that any future occupant would not suffer detrimental levels of noise disturbance, causing harm to amenity. The application is therefore contrary to policies QD27, HE3 and HE6 of the Brighton & Hove Local Plan.

**BH2013/01009**

**70 Grand Parade Brighton**

Conversion of first floor rear office (B1) to self contained studio flat.

**Applicant:** Southporch Ltd

**Officer:** Andrew Huntley 292321

**Approved on 06/06/13 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 hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block and Site Location Plans	TA 649 / 01		28.03.2013
Existing Floor Plans and Features	TA 649 / 02		28.03.2013
Existing Sections and Features	TA 649 / 03		28.03.2013
Existing Elevations	TA 649 / 04		28.03.2013
Unit 2 (rear) Proposed Floor Plan	TA 649R / 20		28.03.2013
Unit 2 (rear) Proposed Sections	TA 649R / 21		28.03.2013
Unit 2 (rear) Proposed Elevations	TA 649R / 22		28.03.2013
Unit 2 (rear) Proposed Details	TA 649R / 23		28.03.2013
Block and Site (unit 2 rear) Location Plans	TA 649R / 24		28.03.2013

## **3) UNI**

No development shall take place until full details of all new windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be painted timber with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.*

## **4) UNI**

No development shall commence until full details of the mechanical ventilation 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 the property and to comply with policy QD27 of the Brighton & Hove Local Plan and to ensure a satisfactory appearance to the development and to comply with policies HE3 and HE6 of the Brighton & Hove Local Plan.*

## **5) UNI**

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

## **BH2013/01120**

### **Flat 7 58 Marine Parade Brighton**

Application for Approval of Details Reserved by Conditions 2 and 3 of application BH2012/03262.

**Applicant:** Mr David Felton  
**Officer:** Anthony Foster 294495  
**Approved on 12/06/13 DELEGATED**

**BH2013/01225**

**41-45 St James Street Brighton**

Installation of 2no ventilation grills to side elevation.

**Applicant:** Co-operative Retail Services Ltd

**Officer:** Liz Arnold 291709

**Approved on 10/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 grills hereby approved shall be painted in a colour to match that of the eastern elevation of the parent property within 1 month of installation and shall be retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Plan	2115.01		16th April 2013
Proposed Plan	2115.02		16th April 2013
OS Extract	2115.03		16th April 2013

**BH2013/01232**

**6 Rock Place Brighton**

Installation of new timber entrance door, window and ramp to front elevation.

**Applicant:** Enterprise Inns Plc

**Officer:** Robin K Hodgetts 292366

**Approved on 07/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 to the brick pillar hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development and to comply*



with policy HE6 of the Brighton & Hove Local Plan.

### 3) UNI

No development shall take place until full details of the new window and door and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be single glazed painted timber with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details 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.*

### 4) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan			15/04/13
Block plan			15/04/13
Existing and proposed plans and elevations	1221-01	D	22/05/13

### **BH2013/01458**

#### **175 Freshfield Road Brighton**

Erection of 2no single storey rear extensions and loft conversion incorporating rear dormer and 3no rooflights to the front roof slope.

**Applicant:** Miss M Brierley

**Officer:** Andrew Huntley 292321

**Refused on 17/06/13 DELEGATED**

### 1) UNI

The proposed dormer window, by virtue of its design, size, form and massing would result in visually intrusive and bulky addition to the property, which is unsympathetic to the design of the existing Victorian dwelling and as a result would be of detriment to the visual amenities of the parent property and the wider area. In addition the three front rooflights do not relate well to the fenestration below and create a cluttered appearance on a small roofslope. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.

### **ROTTINGDEAN COASTAL**

#### **BH2012/03298**

#### **Ovingdean Hall College Greenways Brighton**

Application for Approval of Details Reserved by Conditions 2, 4 and 7 of application BH2011/03422

**Applicant:** Mr T Racke

**Officer:** Sue Dubberley 293817

**Approved on 17/06/13 DELEGATED**

#### **BH2012/03299**

#### **Ovingdean Hall College Greenways Brighton**

Application for Approval of Details Reserved by Conditions 4, 6, 11, 13, 14 and 15 of application BH2011/03421.

**Applicant:** Mr T Racke

**Officer:** Sue Dubberley 293817

**Approved on 17/06/13 DELEGATED**

**BH2013/00094****26 Mayfield Court Lustrells Vale Brighton**

Replacement of existing windows and door with UPVC windows and door.

**Applicant:** Mr Requena

**Officer:** Pete Campbell 292359

**Approved on 11/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan	AW 23/85962		31/01/2013
Block plan	23/85962		31/01/2013
Supporting photograph			14/01/2013
Proposed window replacement			31/01/2013
Proposed door replacement			31/01/2013
Product specification sheets			31/01/2013

**BH2013/00580****St Margarets Church The Green Rottingdean Brighton**

Removal of chimney stack and installation of flue projecting from East wall of office at ground floor level. Installation of floodlights to path and church and installation of handrail to path.

**Applicant:** The Vicar Church Wardens & DCC Of St Margarets Church

**Officer:** Liz Arnold 291709

**Approved on 18/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 handrail hereby approved shall be painted black within one month of installation and shall be retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

The boiler flue outlet hereby approved shall be painted black or grey within one month of installation and shall be retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**4) UNI**

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Location Plan	9493/100	Revision B	5th June 2013

New Lighting Scheme, Plan as Existing	9493/01		28th February 2013
New Lighting Scheme, Plans as Proposed	9493/02	Revision B	28th February 2013
Metal Handrail Detail	9493/03		8th May 2013
Flue Elevation	9493/04		21st February 2013
Floodlight Guard	9493/05		5th June 2013
West Elevations Existing and Proposed (Photos)	9493/07		11th April 2013
West Elevation Existing and Proposed	9493/07	Revision A	19th April 2013

### 5) UNI

Following the removal of the chimney the roof of the church shall be made good using materials which exactly match the existing church roof.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

### **BH2013/00651**

#### **14 The Rotyns Rottingdean Brighton**

Conversion of existing garage with window replacing garage door. Erection of side extension to garage, front porch and new flat roof.

**Applicant:** Mr Peter Chesterman

**Officer:** Louise Kent 292198

**Approved on 12/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan, block plan and existing plans	103(20)001		1 March 2013
Site plan	103(10)000		1 March 2013
Block plan/tree layout	103(11)000		1 March 2013
Proposed elevations	103(31)002		Rev. B 1 March 2013
Proposed plans	103(21)002	Rev. B	1 March 2013
Existing elevations	103(30)001		1 March 2013

### **BH2013/00800**

#### **55 High Street Rottingdean Brighton**

Display of 2no internally illuminated hanging signs, 1no set of internally illuminated lettering, 1no non-illuminated wall mounted name sign, 3no non-illuminated car park wall signs, 2no internally illuminated window light strips and 1no internal vinyl window sign.

**Applicant:** Lloyds Banking Group

**Officer:** Sonia Gillam 292265

**Refused on 13/06/13 DELEGATED**

**1) UNI**

In the absence of detailed elevational drawings showing all of the proposed advertisements, the accuracy and detail of the drawings and photomontages submitted is insufficient to fully assess the impact of the proposed signage on visual amenity and the character of the area. As such, the proposal is contrary to the requirements of policies QD12 and HE9 of the Brighton & Hove Local Plan 2005 and SPD07: Advertisements.

**2) UNI2**

Notwithstanding the first reason for refusal, having regard to the inappropriate coverage, poor siting and excessive illumination of the proposed signage, the overall cumulative impact would result in an incongruous and cluttered appearance that would be unduly prominent within the street scene and therefore detract from the character and appearance of the building and the local shopping centre, and adversely affect the visual amenity of the wider conservation area. As such, the proposal is contrary to the requirements of policies QD12 and HE9 of the Brighton & Hove Local Plan 2005 and SPD07: Advertisements.

**BH2013/00958**

**12 Wilkinson Close Brighton**

Loft conversion incorporating 2no dormers to rear.

**Applicant:** Mr R Lennox

**Officer:** Pete Campbell 292359

**Approved on 12/06/13 XXXX**

**1) UNI**

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

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan and block plan	len 01	B	10/04/2013
Existing floor plans	len 05	B	10/04/2013
Proposed floor plans	len 10	B	10/04/2013
Existing and proposed elevations (south)	len 15	B	10/04/2013
Existing and proposed elevations (east and west)	len 16	A	10/04/2013

**3) UNI**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**BH2013/01012**

**11B Lewes Crescent Brighton**

Installation of suspended timber flooring (Retrospective).

**Applicant:** Mr Dennis Smith

**Officer:** Wayne Nee 292132

**Approved on 10/06/13 DELEGATED**

**BH2013/01014**

**6 Stanmer Avenue Saltdean Brighton**

Erection of single storey front extensions and single storey rear extension (Part Retrospective).

**Applicant:** Mr Ashley Skein

**Officer:** Pete Campbell 292359

**Refused on 10/06/13 DELEGATED**

**1) UNI**

The rear extension by virtue of its poor design and excessive size, projecting beyond the original side wall of the dwelling, constitutes an uncomplimentary and awkward addition which detracts from the visual appearance and character of both the host property and the wider surrounding area. The application is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005.

**BH2013/01040**

**Unit 4 Boardwalk Level Waterfront Brighton Marina Brighton**

Display of internally illuminated fascia signs and projecting sign, menu signs and non illuminated windbreaks, umbrellas and blinds (Retrospective).

**Applicant:** Pizza Express

**Officer:** Sonia Gillam 292265

**Refused on 17/06/13 DELEGATED**

**1) UNI**

Having regard to the inappropriate coverage, number of advertisements, poor siting and excessive illumination of the signage, the overall cumulative impact results in an incongruous and cluttered appearance that is unduly visually prominent and therefore detracts from the character and appearance of the building and its environs and adversely affect the visual amenity of the wider area. As such, the proposal is contrary to the requirements of policy QD12 of the Brighton & Hove Local Plan and SPD07: Advertisements.

**BH2013/01173**

**87-89 Lustrells Vale Brighton**

Display of externally illuminated fascia sign and internally illuminated projecting sign.

**Applicant:** Co-operative Food Group Ltd

**Officer:** Andrew Huntley 292321

**Split Decision on 17/06/13 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**

GRANT advertisement consent for the fascia and projecting sign on the south western (front) elevation shown on drawing no. 26624 A, subject to Conditions and Informatives set out in section 11.

**1) UNI**

REFUSE advertisement consent for the fascia sign on the south eastern (side) elevation shown on drawing no. 26624 A for the reason(s) and Informatives.

**2) UNI2**

The proposed fascia advertisement on the south eastern (side) elevation would result in a proliferation of extraneous visual clutter and detract from the character and appearance of the street scene, to the detriment of local amenity. In addition, the external illumination of this advertisement will exacerbate the harm caused. Therefore, the proposal is contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 'Advertisements'.

**BH2013/01178**

**30 Tumulus Road Brighton**

Remodelling of front elevation including erection of two storey extension,

extension at first floor level, new gable ends and installation of rooflights.

**Applicant:** Mr & Mrs Ian and Elke Huggett

**Officer:** Anthony Foster 294495

**Refused on 19/06/13 DELEGATED**

**1) UNI**

The proposed development, by reason of scale, design, siting, excessive bulk and height would result in unsympathetic and overly dominant additions that relate poorly to the existing building and would detract from the appearance and character of the Tumulus Road street scene. The proposals are thereby contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2013/01194**

**Pavillion Bristol Place Brighton**

Erection of single storey extension to Pavilion and formation of gated vehicle access to North East of gardens.

**Applicant:** Anthony Dale Trust

**Officer:** Liz Arnold 291709

**Approved on 17/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 Pavilion 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 or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access for construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the new disabled access ramp has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

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

**4) UNI**

No development shall commence until full details of the proposed opening in the boundary wall structure, including a cross-section of the new piers, depth of footings, retained height, thickness of wall and construction materials have been submitted to and agreed in writing. The development shall be carried out in accordance with the approved details.

*Reason: To ensure the stability of the boundary wall structures and to comply with policy TR7 of the Brighton & Hove Local Plan.*

**5) UNI**

No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to

the site, has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

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

**6) UNI**

No operations shall commence on site in connection with the development hereby approved, including any tree felling, tree pruning, demolition work, soil moving, temporary access for construction and/or widening or any operations involving the use of motorised vehicles or construction machinery, until the protection works required by the approved protection scheme are in place.

*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.*

**7) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Map, Block Plan, Site Plan as Proposed	A.01		15th April 2013
As Existing Plans and Elevations	A.02		15th April 2013
Elevation and Existing and Proposed	A.03		30th May 2013
As Proposed	D.001	Rev. A	29th April 2013

**8) UNI**

The timber access gates hereby approved shall be painted or left to weather naturally and at no point shall be varnished.

*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, QD14 and HE6 of the Brighton & Hove Local Plan.*

**BH2013/01207**

**5 Loes Barn Close Brighton**

Erection of single storey rear extension to replace existing conservatory.

**Applicant:** Mr & Mrs Cox

**Officer:** Wayne Nee 292132

**Approved on 19/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	215600-01		15 April 2013
Existing plans and elevations	215600-02		15 April 2013
Proposed plans and elevations	215600-03	A	15 April 2013
Proposed building regulation details	215600-04		15 April 2013

### **BH2013/01213**

#### **Land Rear of 74 and 76 Greenways Brighton**

Erection of 2no five bedroom detached dwellings with associated landscaping and new access.

**Applicant:** Mr Michael Boswood

**Officer:** Liz Arnold 291709

**Refused on 21/06/13 DELEGATED**

#### **1) UNI**

The sub-division of land currently related to nos. 74 and 76 Greenways would result in a development which would compromise the quality of the local environment by virtue of the provision of rear garden areas for the proposed dwellings and nos. 74 and 76 Greenways being of depth which fails to reflect the prevailing character of both plot sizes and rear garden sizes within the surrounding area and as a result the development represents an over-development of the site resulting in 'town cramming'. As such the proposal fails to enhance the positive qualities of the key neighbourhood principles of the area of detriment to the visual amenities of the Greenways street scene and the wider area including the setting of the South Downs National Park. As such the proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed dwellings, by reason of their design, massing, bulk, height, materials and siting at a higher level would result in an overly prominent and incongruous development. Such a development constitutes an undesirable form of backland development which would be of detriment to the visual amenities of the Greenways street scene and the wider area including views out of the South Downs National Park. The proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton and Hove Local Plan.

#### **3) UNI3**

By reason of resulting in the loss of open garden area and increasing the density of the transition between the existing urban area and the adjacent countryside and South Downs National Park the proposal would be of detriment to the visual amenities of the Greenways street scene and strategic views out of the South Downs National Park harming its setting. As such the proposal is therefore contrary to policies QD1, QD2, QD4, QD14, NC7, NC8 and HE6 of the Brighton & Hove Local Plan.

#### **4) UNI4**

The proposed development would have a detrimental impact on the living conditions of the occupiers of neighbouring properties, especially nos. 74 and 76 Greenways, by virtue of increased noise and disturbance arising from the ingress and egress from the proposed dwellings along the proposed access driveway and as such would be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

### **BH2013/01217**

## Walled Garden In Lewes Crescent Brighton

Application for approval of details reserved by condition 3 of application BH2011/01995.

**Applicant:** Kemp Town Enclosures Ltd

**Officer:** Liz Arnold 291709

**Approved on 10/06/13 DELEGATED**

## **BH2013/01227**

### **20 Arundel Drive East Brighton**

Erection of single storey rear extension incorporating a roof extension at first floor level and a hip to gable roof extension to facilitate creation of additional rooms in the roof, revised fenestration and associated external works.

**Applicant:** Mr & Mrs Jean-Pierre Bassin

**Officer:** Chris Swain 292178

**Approved on 25/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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**

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan			16 April 2013
Block plan			16 April 2013
Ground floor plan as proposed	120803P21		16 April 2013
First floor plan as proposed	120803P22		16 April 2013
Front elevation as proposed	120803P24		16 April 2013
Side elevation (N) as proposed	120803P25	A	30 April 2013
Rear elevation as proposed	120803P26	A	24 June 2013
Side elevation (S) as proposed	120803P27		16 April 2013
Section A-A as proposed	120803P28		16 April 2013
Section B-B as proposed	120803P29		16 April 2013
Section C-C as proposed	120803P30		16 April 2013
Drive as proposed	120803P31		16 April 2013
Front elevation proposed (Drive)	120803P32		16 April 2013
Ground floor plan as existing	120803S1		16 April 2013
First floor plan as existing	120803S2		16 April 2013
Roof plan as existing	120803S3		16 April 2013
Front elevation as existing	120803S4		16 April 2013
Side elevation (N) as existing	120803S5		16 April 2013
Rear elevation as existing	120803S6		16 April 2013
Side elevation (S) as existing	120803S7		16 April 2013

Section A-A as existing	120803S8		16 April 2013
3D models of proposal			16 April 2013
Details of solar collectors			16 April 2013

**BH2013/01263**

**277C Eastern Road Brighton**

Replacement of existing timber windows and door with UPVC windows and door.

**Applicant:** Mr Howard

**Officer:** Robin K Hodgetts 292366

**Approved on 21/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 bathroom window in the west elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan			19/04/13
Block plan			19/04/13
Proposed door and bedroom windows			19/04/13
Proposed bathroom and bedroom			19/04/13
Proposed lounge windows			19/04/13
Un-numbered photographs			30/04/13

**BH2013/01287**

**37 Arundel Drive West Saltdean Brighton**

Erection of single storey side and rear extension.

**Applicant:** Mr & Mrs C Bryan

**Officer:** Sue Dubberley 293817

**Approved on 18/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Site and block plan	3929/LBP		23 April 2013
Existing layout	3929/EX		23 April 2013
Proposed extension	3929/1C		11 June 2013

### **BH2013/01292**

#### **1 Challoners Close Rottingdean Brighton**

Erection of single storey side extension, roof extension incorporating 4no. rooflights, 1no. side rooflight and other associated works.

**Applicant:** Mr Alex Ross

**Officer:** Wayne Nee 292132

**Approved on 19/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Existing and proposed	20101.02		17 June 2013

### **BH2013/01293**

#### **1 Challoners Close Brighton**

Certificate of lawfulness for proposed single storey side extension, roof extension incorporating 8no rooflights and other associated works.

**Applicant:** Mr Alex Ross

**Officer:** Wayne Nee 292132

**Approved on 07/06/13 DELEGATED**

### **BH2013/01294**

#### **41 Chailey Avenue Brighton**

Removal of conservatory and erection of ground floor rear extension. Alterations to fenestration at rear.

**Applicant:** Mr G Edmunds

**Officer:** Chris Swain 292178

**Approved on 17/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan and existing and proposed elevations and plans	2013/01		24 April 2013

**BH2013/01393**

**Aubrey House The Green Rottingdean Brighton**

Erection of single storey rear extension to second floor level.

**Applicant:** Mr & Mrs Field

**Officer:** Wayne Nee 292132

**Refused on 24/06/13 DELEGATED**

**1) UNI**

The proposed rear extension would, by reason of its form, siting, design and appearance, poorly integrate with the form of the listed building, and would erode the current historic roof form. This would be to the detriment of the historic character and appearance of the existing Grade II listed building and the wider Rottingdean Conservation Area. As such the proposal is contrary to policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

**BH2013/01481**

**28 Gorham Avenue Rottingdean**

Erection of single storey rear extension with raised decking and steps to garden, single storey extension to North elevation and replacement of flat roof with pitched roof to South elevation.

**Applicant:** Mr Steve Oliver

**Officer:** Andrew Huntley 292321

**Refused on 17/06/13 DELEGATED**

**1) UNI**

The proposed development, by virtue of its design, size, form and massing would result in visually intrusive and bulky addition to the property, which is unsympathetic to the design of the existing dwelling and as a result would be of detriment to the visual amenities of the parent property and the wider area. The proposal is therefore contrary to policies QD1 and QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The raised terraced area would cause significant harm to neighbouring amenity by reason of overlooking and loss of privacy to neighbouring properties. Therefore, the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan.

**WOODINGDEAN**

**BH2013/01238**

**35 Balsdean Road Brighton**

Erection of single storey side extension.

**Applicant:** Derek Wood

**Officer:** Chris Swain 292178

**Approved on 12/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location and block plan			26 April 2013
Existing and proposed ground floor plan			26 April 2013
Existing and proposed front elevation			26 April 2013
Existing and proposed side elevation			26 April 2013
Existing and proposed rear elevation			26 April 2013
Section A-A			26 April 2013

### **BH2013/01302**

#### **98 Downs Valley Road Brighton**

Removal of existing conservatory and erection of a single storey pitched roof rear extension incorporating 2no velux windows.

**Applicant:** Mr & Mrs Hunter

**Officer:** Robin K Hodgetts 292366

**Refused on 19/06/13 DELEGATED**

#### **1) UNI**

The proposed extension by reason of its scale, bulk and design would lead to the dwelling appearing overextended and would result in a development having an adverse visual impact on the appearance and character of the existing property and surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

### **BRUNSWICK AND ADELAIDE**

#### **BH2013/00683**

#### **Sandringham Lodge 23 Palmeira Avenue Hove**

Formation of additional level comprising of 2no three bedroom penthouse flats incorporating roof gardens and delegated car parking .

**Applicant:** Anstone Properties Ltd

**Officer:** Steven Lewis 290480

**Refused on 06/06/13 XXXX**

#### **1) UNI**

The additional storey by reason of its height, massing and form would fail to take appropriate account of the positive qualities of the neighbourhood and existing buildings, having a negative impact upon the appearance of the street scene, on adjacent buildings and the wider Willett Estate Conservation Area. The proposed development is thereby contrary to policies QD1, QD2, and HE6 of the Brighton &

Hove Local Plan.

**BH2013/01037**

**Flat 3 7 Brunswick Square Hove**

Internal alterations to layout and refurbishment. External alterations including repositioning of door and installation of 2no. new windows to front elevation at fourth floor level, replacement skylights and decking to roof terrace.

**Applicant:** Mr M Whyte

**Officer:** Adrian Smith 290478

**Approved on 12/06/13 DELEGATED**

**1) BH01.05**

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

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**2) UNI**

All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the existing originals 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.*

**3) UNI**

No works shall take place until samples of the proposed timber flooring (including the width of the proposed boards) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**4) UNI**

All new cornicing shall match exactly the cornice profile received on 31/05/2013 and shall thereafter be retained as such. The new cornicing shall be to the second floor only.

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

**5) UNI**

No works shall take place until details of the replacement skylights have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**6) UNI**

No works shall take place until full details of the proposed fireplace and surround to the second floor rear room have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**7) UNI**

All new joinery shall be scribed around all existing features including any skirting boards, dado rails, picture rails and cornices, and the existing features shall not be cut into or damaged. Any new skirting boards, picture rails, dado rails and cornices shall be run around the new walls and the blocked up doors to match exactly the originals in each respective part of the building.

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

### **8) 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.*

### **9) UNI**

No works shall take place until full details of the new fourth floor windows and door (including details of their reveals and cills, and 1:20 scale elevational drawings and sections, and 1:1 scale joinery sections) have been submitted to and approved in writing by the Local Planning Authority. The windows and door shall be single glazed painted timber with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

## **BH2013/01038**

### **Flat 3 7 Brunswick Square Hove**

Alterations including repositioning of door and installation of 2no. new windows to front elevation at fourth floor level, replacement skylights and decking to roof terrace.

**Applicant:** Mr M Whyte

**Officer:** Adrian Smith 290478

**Approved on 12/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 details of the replacement skylights have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

#### **3) UNI**

All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the existing originals 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.*

#### **4) UNI**

No works shall take place until full details of the new fourth floor windows and door (including details of their reveals and cills, and 1:20 scale elevational drawings and sections, and 1:1 scale joinery sections) have been submitted to and approved in writing by the Local Planning Authority. The windows and door shall be single glazed painted timber with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

#### **5) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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



<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	001	A	17/04/2013
Existing plans, elevations and sections101	102	B	11/06/2013
	103	B	11/06/2013
	104	B	11/06/2013
	111	B	11/06/2013
	121	B	11/06/2013
Proposed plans, elevations and sections	201	C	31/05/2013
	202	C	31/05/2013
	203	C	31/05/2013
	204	C	31/05/2013
	211	D	31/05/2013
	221	D	31/05/2013

## 6) 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.*

### **BH2013/01184**

#### **20 Selborne Road Hove**

Erection of new boundary wall, brick piers and steel railings to front elevation.

**Applicant:** Mr Frank Butler

**Officer:** Jason Hawkes 292153

**Refused on 18/06/13 DELEGATED**

## 1) UNI

The proposed railings are out of character with the general arrangement on the street where the properties predominantly include front boundary walls and not railings. Accordingly, the proposed railings would stand out in the street as unsympathetic addition. The proposed pier caps are also deemed visually inappropriate as they are not of a traditional design. The development would detract from the character and appearance of the host property, the wider street scene and the surrounding conservation area and is thereby contrary to policies QD1, QD14 and HE6 of the Brighton & Hove Local Plan.

### **BH2013/01241**

#### **Second Floor Flat 7 Adelaide Crescent Hove**

Relocation of front door of flat to original position.

**Applicant:** Christopher Wain

**Officer:** Adrian Smith 290478

**Approved on 18/06/13 DELEGATED**

## 1) BH01.05

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

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

## 2) UNI

Notwithstanding the submitted plans, the existing architraves to the current main door to Flat 4 shall be retained in situ at all times.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.*

## 3) UNI

All new doors and architraves shall match those original to the building, and be

retained as such thereafter.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE4 of the Brighton & Hove Local Plan.*

### **BH2013/01332**

#### **11A Second Avenue Hove**

Replacement of 3no windows to west elevation.

**Applicant:** Richard Kennington

**Officer:** Helen Hobbs 293335

**Approved on 20/06/13 DELEGATED**

#### **1) BH01.01**

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

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

#### **2) UNI**

No development shall take place until a sample of the facing brickwork to be used in the construction of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved facing brick.

*Reason: To ensure the satisfactory preservation of this listed building and the character and appearance of the surrounding conservation area and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.*

#### **3) UNI**

Notwithstanding the submitted drawings, the meeting rails, masonry cills and subcills of the proposed replacement windows hereby permitted shall match exactly those of the existing ground floor kitchen sash window on the west elevation of the building.

*Reason: To ensure the satisfactory preservation of this listed building and the character and appearance of the surrounding conservation area and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.*

#### **4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing floor plans and elevations	1457/1639		25th April 2013
Proposed layout change and replacement windows	1457/1640		25th April 2013
Details of proposed windows	1457/1705	B	3rd June 2013

### **CENTRAL HOVE**

#### **BH2012/02781**

#### **2 Kings Gardens Hove**

Installation of part wireless communal fire alarm system and emergency lighting to common ways.

**Applicant:** The 2 Kings Gardens Management Company Limited

**Officer:** Robert McNicol 292322

**Approved on 07/06/13 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.*

**BH2013/00811**

**34 Belfast Street Hove**

Certificate of lawfulness for the proposed erection of a single storey rear extension and loft conversion incorporating a side and rear dormer and rooflights to front elevation.

**Applicant:** Nathalie Assayag Eales

**Officer:** Robert McNicol 292322

**Approved on 07/06/13 DELEGATED**

**BH2013/00850**

**74-78 Church Road Hove**

Display of 1no internally illuminated fascia sign, 1no internally illuminated projecting sign, 1no non illuminated fascia sign, 1no non illuminated projecting sign, door mounted name plate, internally applied window vinyl and 5no illuminated light strips.

**Applicant:** Lloyds Banking Group

**Officer:** Christopher Wright 292097

**Refused on 11/06/13 DELEGATED**

**1) UNI**

The accuracy and detail of the drawings and photomontages submitted, and apparent discrepancies between them, means that the information is insufficient to enable the local planning authority to fully assess the impact of the proposed signage on visual amenity and the character of the area. As such the proposal is contrary to the requirements of policies QD12 and HE9 of the Brighton & Hove Local Plan 2005 and SPD07: Advertisements.

**2) UNI2**

Notwithstanding the first reason for refusal, the proposed illuminated light strips to the Church Road elevation would, when read with the other signage proposed, give the bank frontage an unacceptably cluttered appearance and introduce incongruous and unduly visually prominent features which are not appropriate to the site context. The proposed advertisements would therefore be detrimental to visual amenity and the character and appearance of the building and the wider conservation area in which it is situated. As such, the proposal is contrary to policies QD12 and HE9 of the Brighton & Hove Local Plan 2005 and SPD07: Advertisements.

**BH2013/00875**

**Land to rear of 33 Sackville Road Hove (64 Stirling Place Hove)**

Application for Approval of Details Reserved by Conditions 3 & 4 of application BH2011/00897 (appeal reference APP/Q1445/A/11/2160370)

**Applicant:** Mr & Mrs Colasurdo

**Officer:** Jason Hawkes 292153

**Approved on 07/06/13 DELEGATED**

**BH2013/00928**

**Flat 1 23 Norton Road Hove**

Erection of single storey rear extension.

**Applicant:** Miss Lucy Mitchell

**Officer:** Guy Everest 293334

**Approved on 13/06/13 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**

Prior to its installation details of the rooflight shall be submitted to, and approved in writing by, the Local Planning Authority. The rooflight shall be installed in accordance with the approved details.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 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**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Plan	PAR 01		21/03/2013
Existing Plans	PAR 02		19/04/2013
Block Plan & West Elevation (Existing and Proposed)	PAR 03		19/04/2013
Proposed Basement Plan & Section	PAR 11		19/04/2013

**BH2013/01054**

**13 Blatchington Road Hove**

Conversion of existing financial and professional services (A2) to 2no one bedroom flats and 1no two bedroom flat including revised fenestration to front and rear, installation of rooflights to front and rear roofslopes and erection of new external stairs and fence to rear elevation.

**Applicant:** Mr L Hamza

**Officer:** Jason Hawkes 292153

**Approved on 18/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 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) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

*Reason: To ensure satisfactory provision of homes for people with disabilities*

and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

**4) UNI**

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

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

**5) UNI**

No residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'pass' as a minimum 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) UNI**

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

*Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

**7) UNI**

None of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'pass' as a minimum 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**

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			13th May 2013
Site Plan			13th May 2013
Existing First Floor Plan	01/1211554		12th June 2013
Existing Lower Ground Floor Plan	02/1211554		12th June 2013
Existing Ground Floor Plan	03/1211554		12th June 2013
Proposed Lower Ground Floor Plan	05/1211554		12th June 2013
Proposed Ground Floor Plan	11/1211554		13th May 2013
Existing Section A-A	15/1211554		13th May 2013
Proposed Section A-A	16A/1211554		14th June 2013

Proposed First Floor	18/1211554		13th May 2013
Proposed Second Floor	19/1211554		13th May 2013
Proposed Rear and Side Elevation	23/1211554		13th May 2013
Proposed Front Elevation	24A/1211554		14th June 2013

### 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.*

### **BH2013/01192**

#### **48 Blatchington Road Hove**

Conversion of existing first floor to form 1no one bedroom flat and 1no one bedroom maisonette with associated alterations including a loft conversion, rear dormer and rooflights and new entrance to front and rear elevations.

**Applicant:** Weatherstone Properties Group

**Officer:** Christopher Wright 292097

**Refused on 24/06/13 DELEGATED**

#### 1) UNI

The proposed rear flat unit would, by reason of the limited number of window openings, the position of windows and design of the rooflights, provide poor levels of natural light and outlook for future residents resulting in unsatisfactory living conditions for future occupiers, to the detriment of residential amenity and contrary to the requirements of policy QD27 of the Brighton & Hove Local Plan 2005.

#### 2) UNI2

2. The proposed flat roof addition to the rear part of the building would have a dominant scale and discordant form in relation to the character and appearance of the recipient building. The extension would provide for a significant amount of the proposed flat space and would have an over-sized appearance that would be detrimental to visual amenity. The proposal is thereby contrary to the requirements of policies QD1 and QD14 of the Brighton & Hove Local Plan 2005 and SPGBH1: Roof alterations and extensions.

### **BH2013/01259**

#### **107 Church Road Hove**

Display of internally illuminated fascia, projecting, menu and take-away signs and non illuminated awning and plant pot signs.

**Applicant:** Mr Benn Handley

**Officer:** Mark Thomas 292336

**Approved on 14/06/13 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.*

**BH2013/01261**

**107 Church Road Hove**

Installation of replacement signage including fascia, projecting, menu and take-away signs and new awning.

**Applicant:** Gondola Group Ltd

**Officer:** Mark Thomas 292336

**Approved on 14/06/13 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.*

**BH2013/01342**

**6 Vallance Road Hove**

Erection of single storey side extension and demolition of rear chimney stack.

**Applicant:** Mr Rick Crockett  
**Officer:** Robert McNicol 292322

**Approved on 25/06/13 DELEGATED**

**1) BH01.01**

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

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

**2) UNI**

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

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing plans	CH535/002		29 April 2013
Existing elevations	CH535/003		29 April 2013
Existing sections	CH535/004		29 April 2013
Proposed plans	CH535/005	A	24 June 2013
Proposed elevations	CH535/006	A	24 June 2013
Proposed sections	CH535/007	A	24 June 2013

**BH2013/01351**

**7 Medina Terrace Hove**

Alterations to layout to the ground floor and other external works to the basement.

**Applicant:** Mrs P Samson

**Officer:** Helen Hobbs 293335

**Approved on 24/06/13 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 1:1 scale joinery profiles of the internal folding doors between the front and rear room, 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.*

**BH2013/01360**

**39 Medina Villas Hove**

Demolition of 2no single garages and erection of 1no double garage.

**Applicant:** Mr Mark Connell

**Officer:** Mark Thomas 292336

**Approved on 20/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of



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 surfaces of the development hereby permitted shall be as follows:

- Facing brickwork - Istock Mayfield Multi Stock
- Flat roof - Kemperol V210 roofing system
- Garage door - black coloured steel
- Timber boarding - to match existing

*Reason: In order to preserve the character and appearance of the Cliftonville Conservation Area and to accord 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing plans	0255.EXG.001		1 May 2013
Proposed plan	0255.PL.001		1 May 2013

## **GOLDSMID**

### **BH2012/03987**

#### **Unit 2 121 - 131 Conway Street Hove**

Change of use from Light Industrial (B1) to Stroke Care Facility (D1) and Martial Arts Facility (D2).

**Applicant:** Ms Nikki Penny

**Officer:** Guy Everest 293334

**Approved on 14/06/13 XXXX**

## **1) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	JP12/1020/1		14/12/2012
Site Plan	JP12/1020/2		14/12/2012
Floor Plan	JP12/1020/3		14/12/2012

## **2) UNI**

The premises comprising Zone A, as identified on drawing no. JP12/1020/3, shall only be used as a stroke care facility and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*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.*

## **3) UNI**

The premises comprising Zone B and Zone C, as identified on drawing no. JP12/1020/3, shall only be used as a martial arts facility 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.*

**4) UNI**

The premises, comprising Zones A, B and C of unit 2 as identified on drawing no. JP12/1020/3, shall revert to their former Class BI use upon cessation of the specific uses hereby permitted.

*Reason: To protect and retain employment accommodation in accordance with policy EM6 of the Brighton & Hove Local Plan.*

**5) UNI**

The vehicle parking area shall be retained for the parking of motor vehicles belonging to the occupants of and visitors to the uses hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.*

**6) UNI**

Within 3 months of the date of this decision details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use within 3 months of such written approval and shall thereafter be retained for use at all times.

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

**7) UNI**

Within 3 months of the date of this decision details of 1 on-site disabled car parking space shall be submitted to and approved in writing by the Local Planning Authority. The disabled car parking space shall provided and made available for use within 3 months of such written approval and shall thereafter be retained for use at all times.

*Reason: To ensure that satisfactory disabled parking spaces are provided and to comply with policies TR18 and TR19 of the Brighton and Hove Local Plan.*

**8) UNI**

The uses hereby permitted shall not be operated except between the hours of 07.00 and 20:00 on Mondays to Fridays, and 11:00 and 17:00 on Saturdays and Bank Holidays and shall not be operated at anytime on Sundays (including Bank Holidays which fall on a Sunday).

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

**BH2013/00979**

**Stockwell Lodge Rear of 121 -131 Conway Street Hove**

Application for variation of condition 4 of application 3/87/0895 (Change of use to 3no business class B1 units from existing builders depot) that the use hereby authorised shall be limited to the hours of 0700 to 2000 Monday to Friday , 1100 to 1700 Saturdays and Bank Holidays, no working on Sundays.

**Applicant:** Beads Unlimited

**Officer:** Guy Everest 293334

**Approved on 12/06/13 XXXX**

**1) UNI**

The development hereby permitted shall be commenced before the expiration of

three years from the date of this permission.

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

**2) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan			27/03/2013

**3) UNI**

The vehicle parking area shall be retained for the parking of 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.*

**4) UNI**

The use hereby permitted shall not be operated except between the hours of 07:00 and 20:00 on Mondays to Fridays, and 11:00 and 17:00 on Saturdays and Bank Holidays and shall not be operated at anytime on Sundays (including Bank Holidays which fall on a Sunday).

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

**5) UNI**

Notwithstanding the Town and Country Planning (Use Classes) Order 1987, as amended, use of the three units shall be restricted to Use Class B1 only of the Schedule to that Order and for no other purpose whatsoever unless planning permission is first granted for any alternative use.

*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.*

**BH2013/01255**

**The Pines Furze Hill Hove**

Application for variation of condition 1 of application BH2011/01705 to increase the maximum number of persons accommodated within the premises from 35 to 36.

**Applicant:** Gracewell Healthcare

**Officer:** Adrian Smith 290478

**Approved on 11/06/13 DELEGATED**

**1) UNI**

The premises shall only be used as a Nursing Home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: 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.*

**2) UNI**

The number of persons accommodated within the premises, excluding staff, shall not exceed 36 in number.

*Reason: To ensure that the proposal does not result in sub-standard*

accommodation and to safeguard the amenities of the area in accordance with policy QD27 of the Brighton & Hove Local Plan.

**BH2013/01270**

**114a Livingstone Road Hove**

Change of use from betting shop (A2) at ground floor to residential dwelling (C3) incorporating existing maisonette at 1st and 2nd floor and associated external alterations.

**Applicant:** Mr Andy Nicholls

**Officer:** Guy Everest 293334

**Approved on 17/06/13 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 external finish of the hereby permitted front boundary wall shall match the material of the adjoining front boundary wall at 112 Livingstone Road.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan.*

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Plans, Elevations and Sections (Existing and Proposed)	9584/02	C	08/05/2013

**BH2013/01314**

**Ridgeland House 165-167 Dyke Road Hove**

Display of externally illuminated and non-illuminated fascia signs.

**Applicant:** Food Programme Delivery Orchid Group

**Officer:** Helen Hobbs 293335

**Refused on 18/06/13 DELEGATED**

**1) UNI**

The proposed fascia signs, due their excessive number, design and size would significantly detract from the character and appearance of the building and the visual amenity of the surrounding area. The harmful impact would be exacerbated by the proposal to illuminate four of the signs. The proposal is therefore detrimental to amenity and contrary to policy QD12 of the Brighton & Hove Local Plan and Supplementary Planning Document 07 on Advertisements

**BH2013/01385**

**The Chalet 2A Shirley Street Hove**

Erection of two storey side extension.

**Applicant:** Miss Angela Bickett

**Officer:** Steven Lewis 290480

**Approved on 21/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**4) UNI**

The windows in the south facing elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

**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 windows, dormer windows, rooflights or doors 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.*

**6) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1284	E01	02/05/2013
Existing Floor Plans	1284	E02	02/05/2013
Proposed Block Plan	1284	P01	02/05/2013
Proposed Ground Floor Plan	1284	P02	02/05/2013
Proposed First Floor Plan	1284	P03	02/05/2013
Proposed Front Elevation	1284	P04	02/05/2013
Proposed Rear Elevation	1284	P05	02/05/2013
Proposed Side Elevation	1284	P06	02/05/2013
Proposed Roof Plan	1284	P08	02/05/2013

**BH2013/01408**

**3 Lansdowne Road Hove**

Application for approval of details reserved by conditions 8 and 9 of application BH2012/01702.

**Applicant:** Poor Servants of the Mother of God

**Officer:** Adrian Smith 290478

**Approved on 11/06/13 DELEGATED**

**BH2013/01443**

**Stirling Court Wilbury Villas Hove**

Replacement of all windows and doors to the rear of the building from timber to UPVC.

**Applicant:** Brighton & Hove Securities LTD

**Officer:** Mark Thomas 292336

**Refused on 20/06/13 DELEGATED**

**1) UNI**

Scaled or properly annotated drawings of the proposed windows and doors have not been submitted as part of the application, and as such it has not been possible to ascertain the proportions and size of the proposed units. It is not apparent how the proposed units would look, nor whether indeed they would be the same size as the existing units. Whilst it is presumed that the proposed units would be installed to existing openings this is not demonstrated within the submitted details. For the reasons outlined, it is considered that insufficient detail has been submitted to demonstrate that the proposed development would not have a harmful impact on the character and appearance of the recipient building, and that there would not be a risk of increased overlooking towards residential properties within the vicinity of the site. As such the proposal would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/01543**

**48 Denmark Villas Hove**

Replacement of rear first floor UPVC double glazed bay window with timber framed double glazed sash window with associated external alterations.

**Applicant:** Mr Peter Harle

**Officer:** Helen Hobbs 293335

**Approved on 25/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Site plan			15th May 2013
Top sash horn detail			15th May 2013
Side window elevation			24th May 2013
Centre window elevation			24th May 2013
Window section C			15th May 2013
Window section A & B			15th May 2013
Photographs			15th May 2013

**HANGLETON & KNOLL**

**BH2013/00075**

**21 Holmes Avenue Hove**

Erection of detached 3 bedroom dwelling to side of existing property.

**Applicant:** Mrs Tracey Price

**Officer:** Helen Hobbs 293335

**Refused on 14/06/13 DELEGATED**

**1) UNI**

The proposed dwelling is considered an inappropriate and cramped form of development that would result in an uncharacteristic subdivision of the existing

plot and represents an overdevelopment of the site to the detriment of the character of the area. Furthermore the squat design and proposed siting of the dwelling would be incongruous and out of keeping within the street scene. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed dwelling, due to its bulk, height and positioning would have an overly dominant and overbearing impact upon the adjoining property, No.21 Holmes Avenue, and would also result in a significant loss of light and overshadowing. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

**3) UNI3**

The proposed development would not provide a level of sustainability which would adequately address the requirements of policy SU2 of the Brighton & Hove Local Plan and the guidance set out in SPD08 'Sustainable Building Design'. Sufficient justification has not been provided to demonstrate that the level of sustainability recommended in SPD08 could not reasonably be met.

**BH2013/01295**

**23 Honey Croft Hove**

Erection of single storey side and rear infill extension and associated works.

**Applicant:** Miss Marilyn Bishop

**Officer:** Guy Everest 293334

**Approved on 11/06/13 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 windows or doors shall be constructed in the southern elevation of the extension hereby approved without planning permission obtained from the Local Planning Authority.

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

**3) UNI**

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

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.*

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Ground, First & Roof Plans as Existing	OE150-PO1		24/04/2013
Elevations as Existing	OE150-PO2		24/04/2013
Block & Location Plans	OE150-PO3		24/04/2013
Ground, First & Roof Plans as Proposed	OE150-PO4		24/04/2013

Elevations as Proposed	OE150-PO5	24/04/2013
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**BH2013/01308**

**3 Park Rise Hove**

Erection of single storey rear extension and loft conversion incorporating front and rear dormers and 2no side rooflights.

**Applicant:** Mr David Miles

**Officer:** Steven Lewis 290480

**Refused on 20/06/13 DELEGATED**

**1) UNI**

The dormer roof extensions and rear extension by reason of their siting, scale, projection and detailing would not be sympathetic to the appearance of the building and would be an incongruous addition to the property. In addition, the dormer extensions would fail to rebalance the pair of formerly symmetrical bungalows and would not reflect the positive design qualities of the dwelling and would harm the visual amenity of the area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 1 (SPGBH1 - roof Extensions and Alterations).

**BH2013/01336**

**38 Clarke Avenue Hove**

Erection of side extensions to ground and first floor.

**Applicant:** Mr G Avey

**Officer:** Robert McNicol 292322

**Refused on 17/06/13 DELEGATED**

**1) UNI**

By virtue of their form, design and position, the proposed side extensions would give this side of the house a disjointed and piecemeal appearance that would detract from the appearance of the recipient property. By virtue of the addition of further bulk and massing to the side of the property, and due the prominent position of the house in the street scene, the proposal would result in this house becoming the principally dominating property around this road junction and in views from the south east along Clarke Avenue. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2013/01337**

**29 Lynchets Crescent Hove**

Erection of single storey rear extension and alterations to fenestration.

**Applicant:** Mr Ian Lovelidge

**Officer:** Robert McNicol 292322

**Approved on 07/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.



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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan			9 May 2013
Block plan, existing floor plan and elevations	C725		26 April 2013
Proposed floor plan and elevations	C725	1B	26 April 2013

**BH2013/01347**

**108 Dale View Hove**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Rosalind Barker

**Officer:** Robert McNicol 292322

**Approved on 20/06/13 DELEGATED**

**BH2013/01440**

**18 Applesham Avenue Hove**

Installation of dormer and rooflights to side elevation.

**Applicant:** Mr Andrew Green

**Officer:** Steven Lewis 290480

**Approved on 20/06/13 DELEGATED**

**BH2013/01442**

**2 West Way Hove**

Widening of existing driveway and creation of crossover.

**Applicant:** Mrs Pearley

**Officer:** Robert McNicol 292322

**Approved on 24/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block plan			7 May 2013
Site location plan			7 May 2013
Existing and proposed plans and elevations	9756-1		7 May 2013

**3) UNI**

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

*Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.*

**NORTH PORTSLADE**

**BH2013/00393**

**Land to rear of 60-66 Wickhurst Road Portslade**

Erection of 1no. 2 storey three bedroom detached dwelling house.

**Applicant:** Mr Karl Peete

**Officer:** Christopher Wright 292097

**Approved on 12/06/13 XXXX**

**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 a scheme to enhance the ecological value of the site, including bat and bird boxes to be attached to mature trees retained within the site, has been submitted and approved by the Local Planning Authority and fully implemented. The development shall be retained as such thereafter.

*Reason: To increase the biodiversity and nature conservation interest of the site, to mitigate any impact from the development hereby approved and to comply with policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11: Nature Conservation and Development.*

**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 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 staircase window on the southeast flank elevation of the dwelling 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 internal finished floor height, and thereafter permanently retained as such.

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

**5) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to meet Lifetime Homes' standards prior to its first occupation and shall be retained as such thereafter.

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

**6) UNI**

The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

*Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton &*

*Hove Local Plan.*

**7) UNI**

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) 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.*

**9) UNI**

The development hereby permitted shall be constructed in accordance with the approved drawings showing existing and proposed ground levels within the site and on land adjoining the site to OS Datum, by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures.

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

**10) UNI**

The waste minimisation measures set out in the Waste Minimisation Statement shall be implemented in strict accordance with the details.

*Reason: To ensure 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 WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.*

**11) UNI**

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

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 5 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 5 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**12) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall

include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development as indicated in the approved Arboricultural Report.

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

**13) UNI**

The development hereby approved shall not be 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) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

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

**15) 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.*

**16) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	WR.01b		8 Feb 2013
Site Plan	WR.02b		8 Feb 2013
Existing Block Plan	WR.03b		8 Feb 2013
Floor Plans - As Proposed	WR.07		8 Feb 2013
Block Plan with Proposed Development & Site Dimensions	WR.05	B	10 April 2013
Elevations as Proposed	WR.08	A	12 Mar 2013
Section A-A As Proposed	WR.09	C	19 April 2013
Section B-B As Proposed	WR.10	D	3 May 2013
Section C-C As Proposed	WR.12	A	3 May 2013
Topographical Survey	001	A	10 April 2013

**BH2013/01611**

**365A Mile Oak Road Portslade**

Certificate of Lawfulness for proposed single storey rear extension and loft conversion incorporating gable end roof extension to rear, side dormer and

rooflights.

**Applicant:** Miss Primrose Joy

**Officer:** Steven Lewis 290480

**Refused on 24/06/13 DELEGATED**

**1) UNI**

The rear development forms a two storey extension that projects out more than 3m and is greater than 4m in height, in addition it is greater than one storey that would extend beyond the rear wall by more than 3m, and would be within 7m of the boundary. As such it would not be permitted under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Furthermore, the submitted drawings propose the provision of multiple rooflights (within the addition to the first floor/new roof slope which forms a side elevation of the dwellinghouse, which is not shown to be obscure glazed and non-opening below a height of 1.7 metres above the floor of the room in which the rooflight would be installed.

**2) UNI2**

The proposed gable and dormer extensions are not contained within the roof of the original dwellinghouse and rely upon the use of space above an extension. Therefore the extensions are not roof extensions and cannot be considered permitted under the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**SOUTH PORTSLADE**

**BH2013/00953**

**57-58 Station Road Portslade**

Display of internally-illuminated signage including hanging and lettering signs and non-illuminated vinyl and name plate signs.

**Applicant:** Lloyds Banking Group

**Officer:** Christopher Wright 292097

**Refused on 20/06/13 DELEGATED**

**1) UNI**

The accuracy and detail of the drawings and photomontages submitted is insufficient to fully assess the impact of the proposed signage on visual amenity and the character of the area. As such, the proposal is contrary to the requirements of policy QD12 of the Brighton & Hove Local Plan 2005 and SPD07: Advertisements.

**2) UNI2**

Notwithstanding the first reason for refusal, the proposed provision of an internally illuminated lettering sign and window light strips to the St. Andrew's Road elevation would be out of keeping within the street scene, which is predominantly residential in character. In addition, the provision of a square logo sign over the front entrance doorway, would, when read with the other signage proposed, give the building an unacceptably cluttered appearance and introduce incongruous and unduly visually prominent features which are not appropriate to the site context. The proposed advertisements would therefore be detrimental to visual amenity and the character and appearance of the building and the locality in which it is situated. As such, the proposal is contrary to policy QD12 of the Brighton & Hove Local Plan 2005 and SPD07: Advertisements.

**BH2013/01052**

**37-38 Station Road, Portslade**

Display of internally illuminated ATM surround.

**Applicant:** C/O EC Harris

**Officer:** Helen Hobbs 293335

**Approved on 13/06/13 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**

Within 1 month of the installation of the ATM surround hereby consented, the existing internal vinyl advertisements to the display windows shall be removed.

*Reason: To avoid an overproliferation of advertisements on the shopfront creating unacceptable visual clutter and to accord with policy QD12 of the Brighton & Hove Local Plan.*

**BH2013/01053****37-38 Station Road, Portslade**

Installation of ATM cash machine to front elevation.

**Applicant:** C/O EC Harris

**Officer:** Helen Hobbs 293335

**Approved on 13/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Existing plan	PS/01		3rd April 2013
Proposed plan	PS/02		3rd April 2013
Existing and proposed elevation	PS/03		3rd April 2013
Location plan	PS/04		3rd April 2013
Block plan	PS/05		3rd April 2013
ATM example type B	EXA/02		3rd April 2013

**BH2013/01105****58 Church Road Portslade**

Change of use from dental practice (D1) to 1no 2 bedroom flat at ground floor level.

**Applicant:** Mr Kevin Short

**Officer:** Christopher Wright 292097

**Approved on 17/06/13 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 hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Location Plan			4 April 2013
Block Plan	10.03.13		4 April 2013
Floor Plans As Existing	12.03.13		4 April 2013
Ground Floor Plans as Existing & Proposed	11.03.13		4 April 2013

**3) UNI**

The new dwelling unit hereby permitted shall be implemented to meet Lifetime Homes standards wherever practicable prior to its first occupation, and shall be retained as such thereafter.

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

#### **4) UNI**

The development hereby permitted shall not be occupied until the sustainability measures including gas efficient boiler and water butt to collect water for toilet flushing, detailed within the Sustainability Checklist received on the 22 April 2013 have been fully implemented, and such measures shall thereafter be retained as such.

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

#### **5) 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.*

#### **6) UNI**

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

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

#### **7) UNI**

The front room on the ground floor containing a display window fronting on to Church Road shall not be used for residential purposes unless planning permission is first granted for such use of this room.

*Reason: For the avoidance of doubt and to clarify the scope of this permission in the interests of protecting existing non-residential uses and to accord with policy HO20 of the Brighton & Hove Local Plan.*

### **BH2013/01219**

#### **Emmaus Brighton & Hove Drove Road Portslade**

Application for Approval of Details Reserved by Conditions 6 and 8 of application BH2013/00176.

**Applicant:** Emmaus Brighton & Hove

**Officer:** Jason Hawkes 292153

**Approved on 20/06/13 DELEGATED**

### **BH2013/01248**

#### **83 Foredown Drive Portslade**

Erection of single storey rear extension to replace existing conservatory.

**Applicant:** Mr J Bradley

**Officer:** Mark Thomas 292336

**Approved on 20/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan			18 April 2013
Block plan			18 April 2013
Existing and proposed plans and elevations	13/832/01		26 April 2013

**BH2013/01268**

**9 Links Road Portslade**

Erection of single storey rear extension.

**Applicant:** Mrs Alison Zacher

**Officer:** Adrian Smith 290478

**Refused on 13/06/13 DELEGATED**

**1) UNI**

The proposed extension, by virtue of its overall scale, height, massing and level of projection represents an excessive and harmful enlargement that would relate poorly to the form and appearance of the main building. Furthermore, the extension would appear overbearing and lead to an oppressive sense of enclosure to the occupiers of the adjoining dwelling to the south (7 Links Road) to the detriment of their amenities. The proposals are thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**HOVE PARK**

**BH2013/00361**

**106 Woodland Drive Hove**

Alterations to terracing in rear garden to create decked area and paved area with timber and metal balustrading and a shed. (Retrospective)

**Applicant:** Mr Phil Moore

**Officer:** Robin Hodgetts 292366

**Refused on 17/06/13 DELEGATED**

**1) UNI**

The decked area by reason of its height, location and elevated position and siting would cause an unacceptable degree of harm to the amenity of the neighbouring property at 108 Woodland Drive and thus is contrary to policies QD14 and QD27 of the Local Plan.

**BH2013/00900**

**13 Lloyd Road Hove**

Erection of part single part two storey extension to the front, side and rear.

**Applicant:** Ms Sarah Dibsdall

**Officer:** Adrian Smith 290478

**Approved on 14/06/13 XXXX**

**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 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan and block plan			21/03/2013
Existing plans and elevations LR1 LR2			21/03/2013
Proposed plans and elevations LR3 LR4			17/05/2013

**BH2013/01019**

**Park House Old Shoreham Road Hove**

Application for approval of details reserved by condition 18 of application BH2013/00584.

**Applicant:** Denne Construction

**Officer:** Christopher Wright 292097

**Approved on 25/06/13 DELEGATED**

**BH2013/01084**

**57 Tongdean Avenue Hove**

Outline application with all matters reserved for the erection of a detached two storey dwelling with double garage.

**Applicant:** Mrs Zara Moussavi

**Officer:** Christopher Wright 292097

**Approved on 17/06/13 DELEGATED**

**1) UNI**

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

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

**2) UNI**

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

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

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

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

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

*Planning Act 1990.*

**3) UNI**

The development shall be carried out in accordance with the tree report from R. W. Green Ltd. dated March 2013 ref. RWG-NDJ-TAPR, received on 4 April 2013.  
*Reason: To ensure adequate protection of trees and to comply with policies QD15 and QD16 of the Brighton & Hove Local Plan 2005.*

**4) 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.*

**5) UNI**

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

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

**6) UNI**

No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 5 as a minimum for the residential unit has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**7) UNI**

The residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

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

**8) 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.*

**9) 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.*

#### **10) UNI**

The new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its first occupation and shall be retained as such thereafter.

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

### **BH2013/01155**

#### **75 Hove Park Road Hove**

Erection of single storey rear extension, extension of pitched roof and revised fenestration to rear.

**Applicant:** Mr & Mrs Longden

**Officer:** Christopher Wright 292097

**Approved on 17/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Existing Block and Location Plans	187.100		10 Apr 2013
Existing Plans, Elevations and Section a.a	187.101		10 Apr 2013
Proposed Block and Location Plans	187.102		10 Apr 2013
Proposed Plans, Elevations and Section a.a	187.103		10 Apr 2013

### **BH2013/01174**

#### **Unit 4, Goldstone Retail Park Newtown Road Hove**

Installation of 2no display windows, increased opening height of existing display window, installation of entrance to accommodate new glazing, central auto-by parting doorset to the existing front elevation and installation of double fire escape doorset to the rear of the unit.

**Applicant:** Steinhoff UK Group Property

**Officer:** Steven Lewis 290480

**Approved on 11/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	1924/LOC	A	25/04/2013
Front elevation	1924/30	B	25/04/2013
Rear elevation	1924/31		14/05/2013

**BH2013/01177**

**18 Hill Drive Hove**

Erection of single storey pitched roof rear extension.

**Applicant:** Mr & Mrs Goldsmith

**Officer:** Mark Thomas 292336

**Approved on 10/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block plan	ADC553/BP		11 April 2013
Existing plans and elevations	ADC553/01		11 April 2013
Proposed plans and elevations	ADC553/02	Rev A	11 April 2013
Proposed sections	ADC553/03	Rev A	11 April 2013

**BH2013/01182**

**27 Hill Brow Hove**

Erection of single storey front extension.

**Applicant:** Mrs Jayne Bennett

**Officer:** Robert McNicol 292322

**Approved on 06/06/13 XXXX**

**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 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block plan, site location plan, proposed floor plans and elevations	459/06		11 April 2013
Existing floor plans and elevations	459/04	A	11 April 2013

### **BH2013/01196**

#### **Land at rear of 285 Dyke Road Hove**

Erection of 1no three bedroom bungalow with access from The Droveaway.

**Applicant:** Lakeside Investments Ltd

**Officer:** Jason Hawkes 292153

#### **Refused on 20/06/13 DELEGATED**

### **1) UNI**

The scheme, by reason of its scale, excessive footprint and positioning would represent an inappropriate and unsympathetic addition and would appear as an overdevelopment of the site. The scheme is therefore deemed contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan.

### **2) UNI2**

Having regard to the close proximity of the proposed bungalow to the host property, the west facing windows and roof terrace at no.285 Dyke Road would directly overlook the east facing windows and garden of the proposed bungalow. This is not deemed an appropriate relationship and results in a loss of amenity and a poor standard of accommodation. The scheme is therefore deemed contrary to policy QD27 and HO5 of the Brighton & Hove Local Plan.

### **3) UNI3**

The scheme retains the rear garden wall and three windows serving habitable rooms for the proposed bungalow would be directly facing this wall. The proposed windows would be within 1.5m of the wall. Due to their proximity to the wall, these windows would not benefit from adequate light or outlook. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation that would provide inadequate living conditions for future occupiers. The scheme is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

### **4) UNI4**

The bungalow is positioned within 1m of the boundary wall between nos.285 and 287 Dyke Road. Having regard to the low height of the wall and the lack of vegetation, the bungalow would stand out as prominent addition and would significantly impact on the enjoyment of the garden of no.287 resulting in an unneighbourly development and an increased sense of enclosure. The scheme

is therefore deemed contrary to policy QD27 of the Brighton & Hove Local Plan.

**BH2013/01200**

**25 Dyke Road Avenue Hove**

Creation of new crossover with partial removal of front boundary wall.

**Applicant:** Mr Stephen Hardman

**Officer:** Christopher Wright 292097

**Approved on 21/06/13 DELEGATED**

**1) UNI**

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

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

**2) UNI**

No development shall commence until fences for the protection of the Monterey Cypress tree within the front garden of the application site, to be retained, have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

**3) UNI**

No development shall take place until samples of the permeable and/or porous materials to be used in the construction of the surfaces of the vehicular access driveway and parking areas 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 SU4 of the Brighton & Hove Local Plan.*

**4) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location and Block Plan	25DRA01		15 Apr 2013
Existing Site Plan Showing Front Boundary	25DRA02		15 Apr 2013
Site Plan Showing Proposed Front Boundary and Crossover	25DRA03		15 Apr 2013
Existing and Proposed Front Boundary	25DRA04		15 Apr 2013

**BH2013/01239**

**89 King George VI Drive Hove**

Erection of single storey side extension and enlargement of existing porch.

**Applicant:** Jenny Walker

**Officer:** Helen Hobbs 293335

**Refused on 12/06/13 DELEGATED**

**1) UNI**

The proposed side extension would, by reason of its design, scale and siting, result in an overextended appearance to the bungalow and would create an

unduly visually dominant building that would harm the character and appearance of the street scene and the visual amenities of the surrounding area. As such the proposal is contrary to the requirements of policy QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed extension by reason of its siting, bulk and height would represent an un-neighbourly form of development which would have an overbearing impact upon the adjoining property to the east, 91 King George VI Drive. Furthermore, the extension would result in overshadowing and loss of light to that property to the detriment of residential amenity. As such, the application is contrary with the requirements of policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/01288**

**46 Hove Park Road Hove**

Erection of single storey rear extension and associated works.

**Applicant:** Mr & Mrs Aidan Wallis

**Officer:** Steven Lewis 290480

**Approved on 13/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 in the walls or roof of the extension hereby permitted without first obtaining planning permission from the local planning authority.

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

**4) UNI**

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block & Site Location Plan	TA716/01	A	23/04/2013
Existing Floor Plans	TA716/02		23/04/2013
Existing elevations	TA716/03		23/04/2013
Existing elevations and Section AA	TA716/04		23/04/2013
Proposed Floor Plans	TA716/10	A	23/04/2013
Proposed elevations	TA716/11	B	23/04/2013
Proposed elevations and Section AA	TA716/12	A	23/04/2013
Proposed section BB	TA716/13	B	23/04/2013



**BH2013/01303****27 Tongdean Road Hove**

Roof extension to facilitate loft conversion incorporating new dormer to replace existing dormer to rear and 2no rooflights to side facing roof slope.

**Applicant:** Mr L Millyard

**Officer:** Jason Hawkes 292153

**Approved on 11/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Block Plan	1223/1		24th April 2013
Location Plan	1223/1A		24th April 2013
Existing Ground Floor	1223/2/A		24th April 2013
Existing and Proposed First Floor Plans	1223/3/A		24th April 2013
Existing and Proposed Loft Floor Plans	1223/4/C		24th April 2013
Existing and Proposed North West Elevations	1223/5/C		24th April 2013
Existing and Proposed SW and NE Elevations	1223/6/B		24th April 2013
Existing and Proposed Sections	1223/7/B		24th April 2013

**BH2013/01397****3 Orchard Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating hip to barn end roof extension, dormer to the rear elevation with a Juliet balcony and rooflights to the front elevation. Erection of a single storey rear extension.

**Applicant:** Mr & Mrs Driver

**Officer:** Adrian Smith 290478

**Approved on 07/06/13 DELEGATED**

**BH2013/01401****42A Shirley Drive Hove**

Erection of extension to create new first floor level with increased roof height.

**Applicant:** Rikton Ltd

**Officer:** Steven Lewis 290480

**Approved on 20/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of

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 windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

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

## **3) UNI**

The rear facing roof light windows in the west elevation of the development hereby permitted shall not be glazed otherwise than with obscured glass 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**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Plan and Location Plan	TA691/01	D	03/05/2013
Existing Plans	TA691/02	A	03/05/2013
Existing Street Scene	TA691/03	B	03/05/2013
Existing Elevation	TA691/04	A	03/05/2013
Existing Elevations	TA691/05	A	03/05/2013
Proposed Plans	TA691/10	A	03/05/2013
Proposed Elevations	TA691/11	B	03/05/2013
Proposed Elevations	TA691/12	A	03/05/2013
Proposed Elevations	TA691/13	A	03/05/2013

## **5) 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.*

### **BH2013/01503**

#### **267 Dyke Road Hove**

Erection of single storey porch entrance to the side of the property.

**Applicant:** Mr S Cheesman

**Officer:** Adrian Smith 290478

**Approved on 20/06/13 DELEGATED**

### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan	276/102	P1	13/05/2013
Block plan	276/103	P1	13/05/2013
Existing plans and elevations	276/100	P1	13/05/2013
	276/101	P1	13/05/2013
Proposed plans and elevations	276/104	P1	13/05/2013
	276/105	P1	13/05/2013

## **WESTBOURNE**

### **BH2012/03330**

#### **24A Westbourne Place Hove**

Conversion of outbuilding into a 1no one bedroom mews cottage.

**Applicant:** Park Avenue Estates Ltd

**Officer:** Maria Seale 292232

**Approved on 24/06/13 DELEGATED**

#### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 layout and boundaries (including the 1.8 metre high boundary wall) of the two respective properties as shown on the drawings hereby approved shall be retained.

*Reason: For the avoidance of doubt as the red line of the application site covers both dwellings and to ensure sufficient outdoor amenity space is retained for each property, to comply with policies HO5, SU2, TR14, TR1, QD14 and QD27.*

#### **3) UNI**

No extension, enlargement or other alteration of the existing dwellinghouse at 24 Westbourne Place or the proposed dwellinghouse at 24a Westbourne Place as provided for within Schedule 2, Part 1, Classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) 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 existing or adjoining 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.*

#### **4) UNI**

The development hereby permitted shall not be occupied until the sustainability measures [air source heat pumps, locally sourced materials, timber certified from

sustainable sources, natural materials, water butts, garden irrigation and sustainable drainage techniques, recycling provision, insulation and efficient boiler] detailed within the Sustainability Checklist received on 18th October 2012 have been used and fully implemented, and such measures shall thereafter be retained as such. *Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.11. The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.* *Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**5) UNI**

The development shall be carried out with the materials as indicated in the application unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure a satisfactory appearance to the development, to comply with policies QD1 and QD14.*

**6) UNI**

The new dwelling hereby permitted shall be constructed to Lifetime Homes standards 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) UNI**

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

*Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.*

**8) UNI**

Notwithstanding the cycle stores indicated on the approved drawings, the development hereby permitted shall not be commenced until details of additional secure cycle parking facilities for the occupants of, and visitors to, the existing and proposed dwellings 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: There is insufficient space for the refuse/cycle stores as shown on the submitted plans to meet both needs adequately, to ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.*

**9) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
As existing & as proposed plans & elevations	DC/24aWestPI/01	Rev 01	27/3/13

## 10) UNI

The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

*Reason: To ensure that adequate parking provision is retained and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.*

### **BH2013/00992**

#### **153 Kingsway Hove**

Extension of top floor and conversion of existing conference suite to create 9no additional guest bedrooms.

**Applicant:** Mr Martin Ailion

**Officer:** Robert McNicol 292322

**Refused on 11/06/13 DELEGATED**

## 1) UNI

The arrangement of the windows on the proposed top floor extension is unsympathetic to the arrangement of those on lower floors of the recipient property and they would not be properly positioned in relation to the central axis of the building. This would detract from the appearance of the building as well as the Hove seafront vista and the Pembroke and Princes conservation area. The proposal is therefore contrary to policies QD1, QD4, QD14 and HE6 of the Brighton & Hove Local Plan.

### **BH2013/01001**

#### **Flat 3 39 Langdale Road Hove**

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

**Applicant:** Mr David Turner

**Officer:** Mark Thomas 292336

**Approved on 11/06/13 DELEGATED**

## 1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan			16 April 2013
Block plan			11 April 2013
Numbered photographs			27 March 2013
Window survey by 'Anglian'			11 April 2013
Sectional drawings			11 April 2013

### **BH2013/01099**

#### **7-11 Sackville Gardens Hove**

Application to extend time limit for implementation of previous approval BH2010/00725 for Erection of two storey front extension with glazed conservatory link and external and internal alterations creating 5no additional bedrooms.

**Applicant:** James Lytle

**Officer:** Christopher Wright 292097

**Approved on 07/06/13 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 hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan			15 Mar 2010
Block Plan			15 Mar 2010
Ground Floor Existing			15 Mar 2010
1st and 2nd Floor Existing			15 Mar 2010
Existing Elevations			15 Mar 2010
Ground Floor Proposed			15 Mar 2010
First Floor Proposed			15 Mar 2010
Proposed Elevations			7 May 2010
Ground Floor Plan			15 Mar 2010

**3) UNI**

No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. *Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**4) UNI**

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents 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.*

**5) UNI**

No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of 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.*

**6) UNI**

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

**7) UNI**

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

**8) 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.*

**9) UNI**

The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. *Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policy TR7 of the Brighton & Hove Local Plan.*

**10) UNI**

No development should take place until the following details have been submitted to and approved in writing by the local planning authority:

- i) the treatment of the eaves.
- ii) the guttering and downpipes.
- iii) 1:20 scale sample elevations and sections and 1:1 scale joinery sections of the new sash windows and French doors, their cills and reveals.
- iv) 1:1 scale sectional profiles of the stucco mouldings.
- v) 1:20 scale elevation and section details of the proposed mock door surround to the front elevation.

The works shall be carried out in strict accordance with the approved details and maintained as such thereafter. *Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.*

**BH2013/01175**

**10 Westbourne Place Hove**

Conversion of commercial premises (B1) to form 2no three bedroom houses, including demolition of rear air raid shelter and single storey extension and addition of pitched roof to unit 2 and first floor rear extension.

**Applicant:** Creative Developments UK Ltd

**Officer:** Adrian Smith 290478

**Approved on 07/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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**

Other than the roof tiles to both houses and the boarding to the entranceway to the southern house hereby approved, 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, QD14 & HE6 of the Brighton & Hove Local Plan.*

### **3) UNI**

The landscaping scheme detailed on drawing no.TA686/11 rev A received on 21 May 2013 shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced 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 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, HE6 and QD27 of the Brighton & Hove Local Plan.*

### **5) 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.*

### **6) UNI**

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover fronting the site shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and to comply with policies TR7 and TR8 of the Brighton & Hove Local Plan.*

### **7) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on 11 April 2013 have been fully implemented, and such measures shall thereafter be retained as such.

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

### **8) 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.

**9) 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.*

**10) UNI**

(i) The development hereby permitted shall not be occupied 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 BS10175:2001; 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 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) (b) above that any remediation scheme required and approved under the provisions of (i) (b) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

a) as built drawings of the implemented scheme;  
 b) photographs of the remediation works in progress; 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) (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.*

*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) UNI**

The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site plan and block plan	TA686/01		11/04/2013
Existing plans elevations and sections	TA686/02		11/04/2013
	TA686/03		05/06/2013
	TA686/04		11/04/2013
	TA686/05		11/04/2013
	TA686/06		11/04/2013
Proposed plans elevations and sections	TA686/10	A	21/05/2013
	TA686/11	B	05/06/2013
	TA686/12	B	21/05/2013
	TA686/13	A	05/06/2013
	TA686/14		11/04/2013
	TA686/15	B	21/05/2013
	TA686/16	A	21/05/2013

**12) UNI**

No extension, enlargement, alteration or provision within the curtilage of the of

the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) 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, HE6 and QD27 of the Brighton & Hove Local Plan.*

**13) UNI**

Notwithstanding the details shown on drawing nos. TA686/11 rev B and TA686/13 rev A received on 5 June 2013, the lower half of the north facing window to bedroom 2 shall be obscure glazed and non-opening and thereafter permanently retained as such.

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

**14) UNI**

Access to the flat roofs over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roofs 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.*

**15) UNI**

The development hereby permitted shall be completed with a natural slate pitched roof and painted tongue and groove boarding in accordance with the samples received on 22 May 2013 and drawing no. TA686/16 rev A received on 21 May 2013, and shall thereafter be retained at all times.

*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, QD14 & HE6 of the Brighton & Hove Local Plan.*

**16) UNI**

All new windows shall be painted timber vertical sliding sashes to match exactly the original sash windows to the building, and the windows shall be retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 & HE6 of the Brighton & Hove Local Plan.*

**BH2013/01176**

**10 Westbourne Place Hove**

Demolition of air raid shelter and single storey extension to rear.

**Applicant:** Creative Developments UK Ltd

**Officer:** Adrian Smith 290478

**Approved on 06/06/13 DELEGATED**

**1) BH01.04**

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

*Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

**BH2013/01179**

**82A Westbourne Street Hove**

Erection of single storey rear extension and replacement of windows and doors

with UPVC double glazed units.

**Applicant:** Barrie Golds

**Officer:** Robert McNicol 292322

**Refused on 12/06/13 DELEGATED**

**1) UNI**

By virtue of its height, depth and proximity to the adjacent rear basement window of 80 Westbourne Street, the proposed rear extension would result in a significant loss of outlook and detrimental sense of enclosure in relation to the room served by that window. This would cause a significant loss of amenity for the neighbouring residents, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**2) UNI2**

Insufficient details of the design of the proposed replacement windows and doors have been provided with the application. In the absence of this information the local planning authority is not able to fully assess the impact of this element of the proposed development on the character and appearance of the application property and wider street scene, to ensure that the proposed windows and doors would be visually satisfactory. The proposals are thereby contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2013/01189**

**70 Langdale Road Hove**

Certificate of lawfulness for the proposed erection of a single storey rear extension with associated external alterations.

**Applicant:** Ian Parsons

**Officer:** Mark Thomas 292336

**Approved on 06/06/13 DELEGATED**

**BH2013/01221**

**13 Carlisle Road Hove**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs G Hetherton

**Officer:** Mark Thomas 292336

**Refused on 11/06/13 DELEGATED**

**1) UNI**

The proposed extension by virtue of its excessive bulk, scale and projection, would represent an overextension of the recipient property. The proposal for a wrap-around style extension would serve to erode the built form and building lines of the original house. The result would be a cluttered rear elevation when viewed from the rear garden and surrounding properties. As such, the development would not represent a sympathetic or subservient form of extension, and would significantly harm the character and appearance of the recipient property and the wider area. The proposals are, therefore, contrary to policy QD14 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed balcony by virtue of its size, width, projection and positioning in close proximity to the shared boundaries, would have an unacceptable impact on the amenity of the occupiers of nos.11 and 15 Carlisle Road, giving rise to the potential for harmful levels of overlooking, loss of privacy and additional noise and disturbance. The proposals are, therefore, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2013/01257**

**1 Coleridge Street Hove**

Erection of single storey rear extension and installation of extract flue to rear

roofslope.

**Applicant:** Pizzaface  
**Officer:** Mark Thomas 292336  
**Approved on 13/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Site location plan			18 April 2013
Block plan	Rev A		18 April 2013
Noise assessment by 'Acoustic Associates Sussex Ltd'			18 April 2013
Existing east elevation	Rev A		18 April 2013
Existing north elevation	Rev A		18 April 2013
Proposed east elevation	Rev A		18 April 2013
Proposed north elevation	Rev B		18 April 2013
Existing ground floor plan	Rev B		18 April 2013
Existing first floor plan	Rev A		18 April 2013
North elevation of proposed ducting	Rev B		18 April 2013
East elevation of proposed ducting	Rev A		18 April 2013
Proposed ground floor plan	Rev A		18 April 2013
Oven enclosure north section	Rev B		18 April 2013
Oven enclosure east section	Rev B		18 April 2013
Carbon filter (Katercarb) product specification			18 April 2013

**BH2013/01334**

**5 Pembroke Gardens Hove**

Erection of single storey rear extension and remodelling of ground floor to rear incorporating rooflights and new patio area, alterations to front entrance, and installation of timber framed window to replace existing crittall window to side elevation. Conversion of garage to artist studio incorporating revised entrance, mezzanine level and installation of rooflights.

**Applicant:** Mr Keith Gordon  
**Officer:** Guy Everest 293334  
**Approved on 18/06/13 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 hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location & Block Plans	AL-100	B	29/04/2013
Existing Basement Ground and First Floor Plans	AL-101		29/04/2013
Existing Roof Space and Roof Plans	AL-102		29/04/2013
Existing Elevations	AL-103		29/04/2013
Proposed Basement Ground and First Floor Plans	AL-104	D	29/04/2013
Proposed Roof Space and Roof Plans	AL-105	B	29/04/2013
Proposed Elevations	AL-106	E	29/04/2013

### **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.*

### **4) 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.*

### **5) UNI**

The hereby approved first floor 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.*

### **6) UNI**

The detached garage shall not be used other than for purposes incidental to the residential use of 5 Pembroke Gardens.

*Reason: In order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

## **BH2013/01552**

### **6 Pembroke Crescent Hove**

Application for Approval of Details Reserved by Condition 7 of application BH2012/01794

**Applicant:** Mrs Beverley Ouanounou

**Officer:** Adrian Smith 290478

**Approved on 17/06/13 DELEGATED**

## **WISH**

## **BH2013/01163**

### **6 Braemore Road Hove**

Loft conversion incorporating hip to gable roof extension, rear dormers, front rooflights and side window. Erection of new pitched roof to porch and alterations to fenestration.

**Applicant:** Paul James Consulting

**Officer:** Robert McNicol 292322

## **Refused on 20/06/13 DELEGATED**

### **1) UNI**

By virtue of its form and bulk, the proposed hip-to-gable extension would result in the recipient property dominating its adjoining neighbour and interrupting the continuity and regularity of the streetscape. By virtue of their size and bulk, the two rear dormers would dominate the rear roof slope of the building and contribute to giving the rear of the building an over-extended and piecemeal appearance. Furthermore, the triangular window design of the southern dormer would be an incongruous and unusual design. By virtue of their position, size and the number of rooflights, the front rooflights would detract from the appearance of the front elevation and dominate the front roof slope of the building. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan.

## **BH2013/01172**

### **Ground Floor 93 St Leonards Road Hove**

Certificate of Lawfulness for existing use of ground floor as residential flat with front room used as chiropody surgery (D1).

**Applicant:** Tony Camps Linney

**Officer:** Helen Hobbs 293335

**Approved on 17/06/13 DELEGATED**

## **BH2013/01185**

### **21 Glebe Villas Hove**

Loft conversion incorporating hip to gable roof extension, associated alterations to front roof slope, rear rooflights and window to side elevations.

**Applicant:** Mr Tim Davies

**Officer:** Robert McNicol 292322

**Approved on 13/06/13 DELEGATED**

### **1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	27/12 PL01		12 April 2013
Block plan	27/12 PL02		23 April 2013
Existing plans and elevations	27/12 PL03	A	12 April 2013
Proposed plans and elevations	27/12 PL10		12 April 2013

## **BH2013/01267**

### **46 Boundary Road Hove**

Creation of new entrance to provide access to living accommodation at first floor level and associated alterations to shopfront.

**Applicant:** Mrs Manjula Patel

**Officer:** Robert McNicol 292322

**Approved on 12/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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 listed below.

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

Plan Type	Reference	Version	Date Received
Existing and proposed shop front elevations and section	BR1306 101		19 April 2013
Site location plan	BR1306 102		19 April 2013
Block plan	BR1306 103		19 April 2013

**3) UNI**

The external surfaces of the proposed wall separating the new entranceway hereby permitted from the revised shopfront shall be finished in painted render to match that of the existing building. Reason: In the interests of the visual amenities of the locality and to comply with policy QD10 of the Brighton & Hove Local Plan.

**BH2013/01392**

**Ground Floor Flat 6 Worcester Villas Hove**

Erection of single storey rear extension.

**Applicant:** Korina Biggs

**Officer:** Mark Thomas 292336

**Refused on 20/06/13 DELEGATED**

**1) UNI**

The proposed extension, by virtue of: the use of external timber cladding; the inclusion of a uncharacteristic porthole window; the off-centre projecting flat-roofed bay addition; and the obscuring of an existing ground floor window, would have an unacceptable harmful impact on the character and appearance of the recipient property. The extension would appear incongruous and would not relate appropriately to the prevailing detailing or original character of the host dwelling. For the reasons as outlined, the proposals would be contrary to policy QD14 of the Brighton & Hove Local Plan.

**BH2013/01418**

**29 Jesmond Road Hove**

Removal of existing detached garage and rear lean-to utility room and erection of two storey side extension, single storey rear extension and loft conversion incorporating rear dormer and 5no rooflights.

**Applicant:** Mr James Peck

**Officer:** Adrian Smith 290478

**Approved on 17/06/13 DELEGATED**

**1) BH01.01**

The development hereby permitted shall be commenced before the expiration of 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

The windows in the north side elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the windows 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

2. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site plan and block plan	CH553/001		03/05/2013
Existing plans, elevations and sections	CH553/002		03/05/2013
	CH553/003		03/05/2013
Proposed plans, elevations and sections	CH553/004		03/05/2013
	CH553/005		03/05/2013
	CH553/006		03/05/2013
	CH553/007		03/05/2013

## **BH2013/01431**

### **7 Tandridge Road Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2012/01659

**Applicant:** Mr Chris Collins

**Officer:** Helen Hobbs 293335

**Refused on 24/06/13 DELEGATED**

### 1) UNI

The proposed use of Light Oak uPVC for the windows and doors would not ensure the satisfactory appearance to the development and would not be in keeping with the surrounding area. Furthermore, insufficient information regarding the other external materials now proposed has been submitted to fully meet the requirements of this condition and is therefore contrary to policy QD1 of the Brighton & Hove Local Plan.

### 2) UNI2

Informatives: 1. In accordance with the National Planning Policy Framework the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible. 2. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Window details (Light Oak Grain Effect)			7th May 2013

## **Withdrawn Applications**



# PLANNING COMMITTEE

## Agenda Item 37b

Brighton & Hove City Council

### PLANS LIST 17 July 2013

#### PRESTON PARK

**Application No: BH2013/01847**  
**Park Court, 28 Preston Park Avenue**

Fell 1no Sycamore (T1). Fell group of sycamores to ground and poison (G4). Fell 1no Cypress to ground (T5). The trees are all small and have no public amenity.

Applicant: Mr Nyall Thompson  
**Approved on 28 Jun 2013**

**Application No: BH2013/01848**  
**Park Court, 28 Preston Park Avenue**

Group of 9no Sycamore (G2) - crown lift to 7m. 1no Lime (T3) - pollard at 25ft high (old pollard too much weight on limbs). 1no Sycamore (T6) - reduce to previous cut points (included bark take weight out of tree).

Applicant: Mr Nyall Thompson  
**Approved on 28 Jun 2013**

**Application No: BH2013/01898**  
**29 Preston Park Avenue, Brighton**

2no Cherry trees (1 & 2 on plan) - 30% crown reduction.

Applicant: Nyall Thompson  
**Approved on 14 Jun 2013**

**Application No: BH2013/01906**  
**29 Preston Park Avenue, Brighton**

Fell one Prunus (Tree 3 on plan). The tree is not visible from any public space thus has no public amenity value.

Applicant: Nyall Thompson  
**Approved on 14 Jun 2013**

**Application No: BH2013/01923**  
**253 Preston Drove, Brighton**

Fell one Holly. Although it has some public visibility and public amenity, it is of little size and considerably overshadowed by the street Elm; thus it does not meet the criteria for a TPO.

Applicant: Mrs R Miller  
**Approved on 14 Jun 2013**

**Application No: BH2013/02001**  
**Fiveways Play Centre, 8-10 Florence Road, Brighton**

Horse Chestnut (T34) - crown reduce by approximately 30% and shape, remove trunk growth and dead wood; multi-stemmed Elm (T33) - remove three stems closest to wall and crown reduce by approximately 40%.

Applicant: Mrs V Larocque  
**Approved on 28 Jun 2013**

**Application No: BH2013/02020**  
**3 Florence Road, Brighton**

1no Leylandii - coppice one stem.

Applicant: Ms S Baier  
**Approved on 28 Jun 2013**

**Application No: BH2013/02065**  
**19 Preston Park Avenue**

Fell to ground level 2no Irish Yew (T1, T2) - causing structural damage.

Applicant: Paul Hutchings  
**Approved on 21 Jun 2013**

## **REGENCY**

**Application No: BH2013/01989**  
**10b Montpelier Road, Brighton**

Horse Chestnut - reduce in height to approximately 5 metres, i.e. 1 metre above previous pollard points.

Applicant: Mr N Shahroozi  
**Approved on 17 Jun 2013**

**Application No: BH2013/02022**  
**Flat 2, 6 Denmark Terrace, Hove**

Fell one Ash. Tree has no public amenity value and is not sustainable in its present location.

Applicant: Mr C Layfield  
**Approved on 21 Jun 2013**

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

**Application No: BH2013/01467**  
**23 & 25 Buckingham Close, Bath Street, Brighton**

Fell one Sycamore and one Wild Cherry. Trees have very limited public visibility and are clearly out-growing their location.

Applicant: Mr Carlos Daly  
**Approved on 14 Jun 2013**

**Application No: BH2013/02134**  
**Unit 7 Centenary Industrial Estate, Hughes Road**

1no Sycamore (T2) reduce crown overhanging Unit 7 of Centenary Industrial Estate by 4m and sever ivy at base. Advisory Note: Sycamore group (T1) is not subject to TPO.

Applicant: Mr Mark Haddock  
**Approved on 27 Jun 2013**

### **WITHDEAN**

**Application No: BH2013/01388**  
**1 Elms Lea Avenue Brighton**

Fell 1no Cupressus macrocarpa (T1). The tree is heavily infected with seridium cardinale thus has only a short life expectancy.

Applicant: treeandhedgeservice.co.uk  
**Approved on 14 Jun 2013**

**Application No: BH2013/01657**  
**28 Peacock Lane**

Fell to ground level 1no Elm (T3). T3 is a small etiolated tree that overhangs Peacock Lane of only short term potential.

Applicant: Ms Lesley Baker  
**Approved on 13 Jun 2013**

**Application No: BH2013/01658**  
**28 Peacock Lane**

2no Elm (T1 and T2) - reduce to top of ivy.

Applicant: Ms Lesley Baker  
**Approved on 13 Jun 2013**

**Application No: BH2013/01740**  
**Varndean Park Estate - Walnut Close**

Fell 1no Elm (T1) to ground level due to proximity to wall.

Applicant: Mr Donald Wood  
**Refused on 13 Jun 2013**

**Application No: BH2013/01822**  
**405 Ditchling Road, Brighton**

Beech in rear garden - remove dead and diseased wood, thin crown by 15-20% to remove branches within the crown giving less density, reduce lateral growth growing over the rear garden of No 407 by 2-2.5 metres, shaping in accordingly, reduce the over-extended lateral branches growing over the rear garden of No 405 by 2-3 metres, remove or cut back low branches to give a 5 metre clearance from ground level.

Applicant: Mr Sladen  
**Approved on 17 Jun 2013**

**Application No: BH2013/01856**  
**36 Dyke Road Avenue and 36A Dyke Road Avenue**

1no Sycamore (T3) in grounds of 36A Dyke Road Avenue - crown thin by 30%.

Applicant: Mr Colin Hamilton  
**Approved on 14 Jun 2013**

**Application No: BH2013/01973**  
**36 Dyke Road Avenue and 36A Dyke Road Avenue**

Fell 1no Ash (T1) and 1no Holly (T2) to ground level. The trees are not visible from any public area.

Applicant: Mr Colin Hamilton  
**Approved on 14 Jun 2013**

### **EAST BRIGHTON**

**Application No: BH2013/01473**  
**12 Chichester Place**

Fell 1no Eucalyptus (T1) in back garden. Tree has no public visibility.

Applicant: Mr Robert Gordon  
**Approved on 14 Jun 2013**

### **QUEEN'S PARK**

**Application No: BH2013/01871**  
**Royal Spa Nursery, Park Hill, Brighton**

Thorn (T1) - crown lift low branches and thorns above eye level; Norway Maple (T3) - crown lift low limbs over road to 5.5m; Plane (T5), Sycamore (T6) & Elm (T7) - remove dead wood and hanging branches; Horse Chestnut (T8) - shorten heavy limb to north by 3 metres; Horse Chestnut (T10) - reduce crown by 3 metres.

Applicant: R W Green Ltd  
**Approved on 14 Jun 2013**

**Application No: BH2013/01913**  
**6 South Avenue, Brighton**

2no Robinia - crown reduce by 30%.

Applicant: Mr N Thompson  
**Approved on 14 Jun 2013**

### **BRUNSWICK AND ADELAIDE**

**Application No: BH2013/01960**  
**115 Lansdowne Place**

1no multi-stem Sycamore (T1) - reduce crown to give at least 2m clearance of all buildings. Remove smallest trunk nearest neighbours wall and crown thin by 25%. Tree is not visible from any public area thus has no public amenity.

Applicant: Mr Philip Else  
**Approved on 14 Jun 2013**

**Application No: BH2013/02003**  
**Flat 1, 26 Holland Road, Hove**

2no trees in rear garden - crown raise and 30% all over reduction, cutting to healthy growth parts.

Applicant: Mr S Crisp  
**Approved on 21 Jun 2013**

**Application No: BH2013/02058**  
**65 Brunswick Street West**

1no Poplar (T1) - 30% canopy reduction and lift to 2m. 1no Sycamore (T2) and 1no Ash (T4) - 30% canopy reduction. 1no Horse Chestnut (T3) - 20% canopy reduction. 1no Hawthorn (T5) - 20% canopy reduction and lift to 2m. 1no Whitebeam (T6) - 15% canopy reduction and lift to 2m.

Applicant: Mr Peter Fuller  
**Approved on 27 Jun 2013**

**Application No: BH2013/02059**  
**15 Second Avenue**

Fell 1no Poplar (T1) due to instability. The Poplar is not visible from any public space thus has no amenity value.

Applicant: Mr Peter Fuller  
**Approved on 28 Jun 2013**

**Application No: BH2013/02060**  
**15 Second Avenue**

1no Apple (T2) - 25% canopy reduction.

Applicant: Mr Peter Fuller  
**Approved on 28 Jun 2013**

**Application No: BH2013/02061**  
**Sylvia Court, 26 Wilbury Road**

Fell to base and treat stump 1no Horse Chestnut (T4) sapling and 1no Ash (T5) sapling. Trees are too small to warrant a TPO.

Applicant: Mr Nick Jones  
**Approved on 27 Jun 2013**

**Application No: BH2013/02062**  
**Sylvia Court, 26 Wilbury Road**

1no Goat Willow (T1) - coppice to a height of 1m. 1no Holly (T2) - reduce and reshape by 25% and crown lift over steps. 1no Elm (T3) crown lift low branches. 2no Portugal Laurel (T6) - reduce over the gardens by up to 25%.

Applicant: Mr Nick Jones  
**Approved on 27 Jun 2013**

### **CENTRAL HOVE**

**Application No: BH2013/01892**  
**8 Albany Villas, Hove**

Sycamore in rear garden - crown thin and reduction to allow more light into the garden.

Applicant: Mr Andrew Langridge  
**Approved on 21 Jun 2013**

### **GOLDSMID**

**Application No: BH2013/01766**  
**Philip Court, Wilbury Road, Hove**

Fell one Holm Oak as close to ground level as possible, apply systemic herbicide to treat stump to prevent re-growth. The close proximity of T1 to the adjoining property renders this tree unsustainable in the short term thus does not warrant a TPO.

Applicant: Stanmer Nursery  
**Approved on 13 Jun 2013**

**Application No: BH2013/01818**  
**Philip Court, Wilbury Road, Hove**

2no Holm Oak - crown thin by 20%, crown balance, including neighbouring property.

Applicant: Stanmer Nursery  
**Approved on 13 Jun 2013**

## **HOVE PARK**

**Application No: BH2013/01746**  
**53 Dyke Road Avenue, Hove**

Fell 2no Monterey Cypress (T1), 2no Lawson Cypress (T2 on plan) and 1no Western Red Cedar (G3 highlighted yellow). T2 although has public visibility it is infected with seridium cardinale thus is only of short term potential. T1 - its position is not sustainable and is only of short term potential. G3 is not visible from a public area and thus is not eligible for a TPO.

Applicant: Mr Carlos Daly  
**Approved on 14 Jun 2013**

**Application No: BH2013/01799**  
**53 Dyke Road Avenue, Hove**

2no Western Red Cedar (G3), Leyland Cypress (T4), 3no Western Red Cedar (T6), 2no Western Red Cedar (T7) - reduce in height by approx one-third & shape all around to balance; Cherry Laurel (T5) - crown reduce by approx 30%; Monterey Cypress (T8) crown reduce by approx 25%; Western Red Cedar row (T9) - reduce in height by approx one-third & trim back to flatten off; 4no Ash (T10) - crown reduce by approx 30% & shape, remove ivy & dead wood; 1no Poplar (T11) - reduce crown overhanging house by 5m.

Applicant: Mr Carlos Daly  
**Approved on 14 Jun 2013**

## **WESTBOURNE**

**Application No: BH2013/02002**  
**4 Pembroke Avenue, Hove**

Tree of Heaven - 30% overall reduction.

Applicant: Mr G Acklan  
**Approved on 21 Jun 2013**

**Application No: BH2013/02021**  
**51 Pembroke Crescent, Hove**

1no Sycamore in rear garden - 30% reduction - 4m height, 2-3m width reduction, partial crown raise.

Applicant: Mr M Haddock



**Approved on 21 Jun 2013**

Report from: 12/06/2013 to: 02/07/2013

