





**Brighton & Hove
City Council**

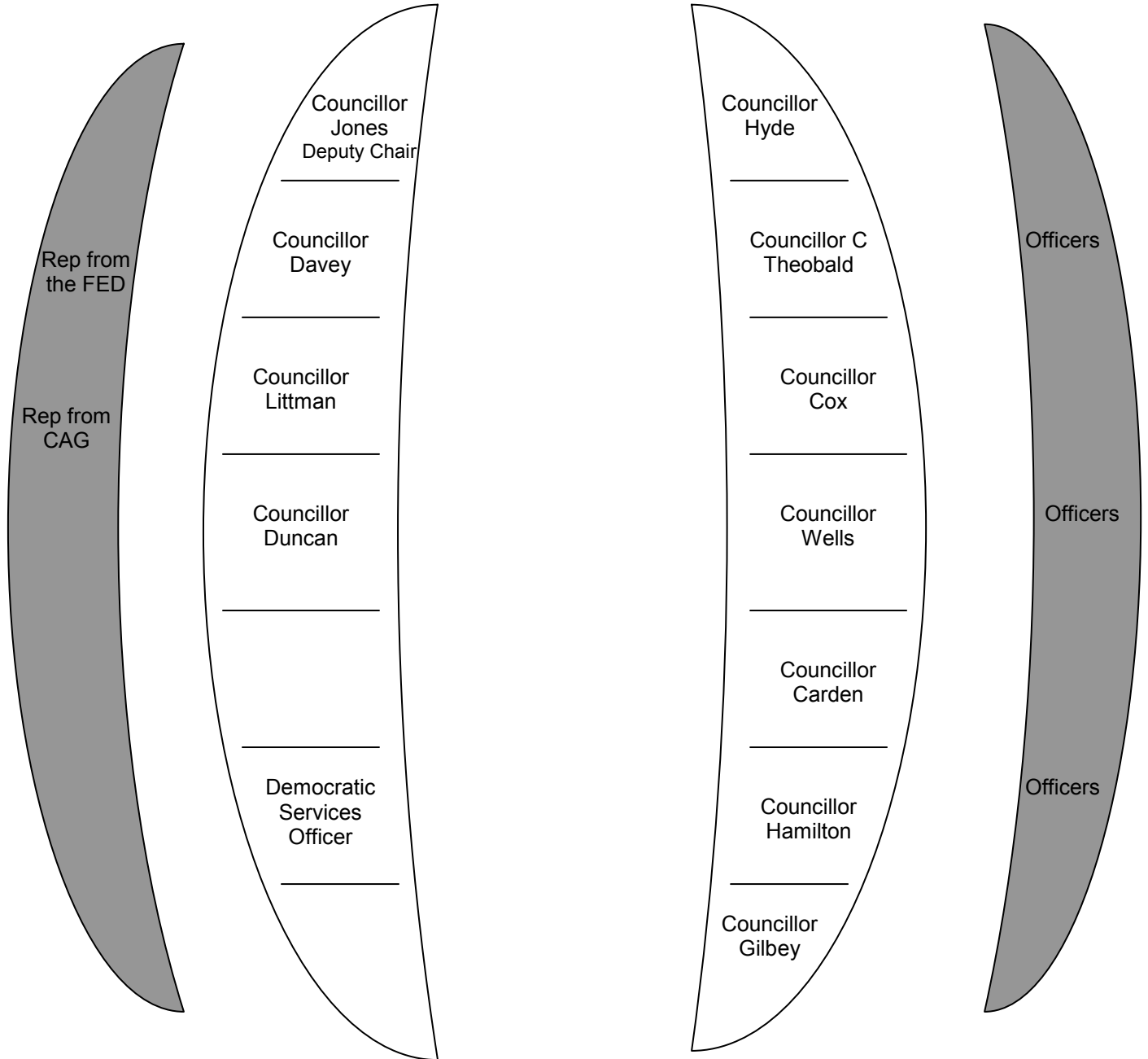
Planning Committee

Title:	Planning Committee
Date:	2 April 2014
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Duncan, Gilbey, Hamilton, Littman, C Theobald and Wells</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Ross Keatley Acting Democratic Services Manager 01273 291064 ross.keatley@brighton-hove.gov.uk</p>

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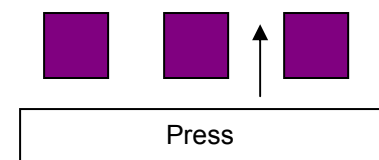
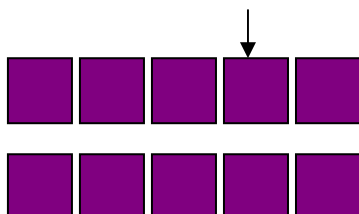
Democratic Services: Planning Committee

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

172. 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.

(d) Use of mobile phones and tablets: Would Members please ensure that their mobile phones are switched off. Where Members are using tablets to access agenda papers electronically please ensure that these are switched to 'airplane mode'.

PLANNING COMMITTEE

173. MINUTES OF THE PREVIOUS MEETING

1 - 14

Minutes of the meeting held on 12 March 2014 (copy attached).

174. CHAIR'S COMMUNICATIONS

175. PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 26 March 2014.

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

177. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

Please note that the published order of the agenda may be changed; major applications will always be heard first; however, the order of the minor applications may be amended to allow those applications with registered speakers to be heard first.

MAJOR APPLICATIONS

A. BH2013/03930 - Bowling Green, Dyke Road Park, Dyke Road, Hove - Full Planning 15 - 30

Change of use of bowling green (D2) to open air theatre (sui generis) with associated alterations including landscaping and erection of acoustic wall.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hove Park

MINOR APPLICATIONS

B. BH2013/03142 - The Mill House, 131 Mill Lane, Portslade - Removal of Variation of Condition 31 - 42

Application for variation of conditions 3, 4 and 5 of application BH2013/01223 (Erection of single storey rear extension with associated external alterations) to allow the extension to be open between 07.00am to 11.00pm Mondays to Saturdays inclusive and 07.00am to 11.00pm Sundays, Bank or Public Holidays, to allow off sales of alcohol to be made to customers in the new extension and to allow the use of machinery and plant between the hours 7.00am and 11.00pm Mondays to Saturdays inclusive and from 7.00am until 10.00pm on Sundays, Bank or Public Holidays.

RECOMMENDATION – GRANT CONDITIONS 3 AND 5 REFUSE CONDITION 4

Ward Affected: South Portslade

PLANNING COMMITTEE

- C. BH2013/02798 -13A-14 Stone Street & 19A Castle Street, Brighton - Full Planning 43 - 70**
- Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units.
- RECOMMENDATION – MINDED TO GRANT**
Ward Affected: Regency
- D. BH2013/02799 - 13A-14 Stone Street & 19A Castle Street, Brighton -Listed Building Works 71 - 84**
- Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units.
- RECOMMENDATION - GRANT**
Ward Affected: Regency
- E. BH2013/03624 - The Westbourne, 90 Portland Road, Hove - Full Planning 85 - 94**
- Alterations to layout of doors and windows, new canopies to front elevation, raised garden level and installation of fixed aluminium planters to west elevation of garden.
- RECOMMENDATION - GRANT**
Ward Affected: Westbourne
- F. BH2013/01128 - 158 Tivoli Crescent North, Brighton - Householder Planning Consent 95 - 106**
- Erection of a two storey extension at lower ground and ground floor levels and an extension at first floor level to rear elevation with associated alterations. Addition of windows and rooflights to side elevations (Part-Retrospective).
- RECOMMENDATION – GRANT**
Ward Affected: Withdean
- G. BH2013/03456 - 39 & 41 Withdean Road, Brighton - Full Planning 107 - 124**
- Demolition of existing houses and erection of 3no detached houses with associated landscaping.
- RECOMMENDATION - GRANT**
Ward Affected: Withdean

PLANNING COMMITTEE

- H. BH2014/00228 - 1 Meadow Close, Rottingdean - Full Planning 125 - 134**
- Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores. (Part-retrospective).
- RECOMMENDATION - GRANT**
Ward Affected: Rottingdean Coastal
- I. BH2014/00431 - 31 Isfield Road, Brighton - Full Planning 135 - 144**
- Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis) including insertion of window to north east elevation.
- RECOMMENDATION - GRANT**
Ward Affected: Hollingdean & Stanmer
- J. BH2013/03993 - Park Manor, London Road, Patcham - Full Planning 145 - 162**
- Roof extension to form 4no three bedroom penthouse flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store.
- RECOMMENDATION - GRANT**
Ward Affected: Withdean
- K. BH2013/04299 - 22 & 24 Carden Avenue, Brighton - Full Planning 163 - 186**
- Demolition of existing day care centre and chalet bungalow and erection of 4no semi-detached and 1no detached four bedroom houses (C3).
- RECOMMENDATION - GRANT**
Ward Affected: Patcham
- L. BH2013/03400 - 112 Carden Avenue, Brighton - Full Planning 187 - 198**
- Demolition of existing garages to rear and erection of 3no. bedroom detached dwelling with associated landscaping and access from existing driveway off Carden Avenue.
- RECOMMENDATION – REFUSE**
Ward Affected: Patcham

PLANNING COMMITTEE

- M. BH2013/03914 - 61-107, 109-155, 206-252 Donald Hall Road & 13-59, 61-107 Bowring Way, Brighton - Full Planing 199 - 208**

Installation of render to all elevations, replacement of existing windows and balcony doors with UPVC windows and balcony doors, new felt covering to roof and associated external alterations and landscaping to 5no blocks of flats.

RECOMMENDATION – GRANT

Ward Affected: East Brighton

- 178. 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

- 179. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 209 - 210**

(copy attached).

- 180. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 211 - 340**

(copy attached)

- 181. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 341 - 344**

(copy attached).

- 182. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 345 - 346**

(copy attached).

- 183. APPEAL DECISIONS 347 - 416**

(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>

PLANNING COMMITTEE

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

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

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

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

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

Date of Publication - Tuesday, 25 March 2014

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 12 MARCH 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Duncan, Gilbey, Hamilton, Littman, Randall, Wealls and Wells

Officers in attendance: Paul Vidler (Deputy Development Control Manager); Steven Lewis (Senior Planning Officer); Kate Brocklebank (Senior Team Planner); Pete Tolson (Principal Transport Officer); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

PART ONE**160. PROCEDURAL BUSINESS****160a Declarations of substitutes**

160.1 Councillor Wealls was present in substitution for Councillor C. Theobald, and Councillor Randall was present in substitution for Councillor Davey.

160b Declarations of interests

160.2 There were no declarations of interests or lobbying in matters listed on the agenda.

160c Exclusion of the press and public

160.3 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.

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

160d Use of mobile phones and tablets

160.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

161. MINUTES OF THE PREVIOUS MEETING

161.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 19 February 2014 as a correct record.

162. CHAIR'S COMMUNICATIONS

162.1 The Chair noted that there had been a late request for a pre-application presentation on 1 April 2014 for Land at Meadow Vale, Ovingdean.

162.2 The Chair also reminded that there would be Committee Training on Tuesday 22 April 2014.

163. PUBLIC QUESTIONS

163.1 There were no public questions.

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

164.1 There were no requests for site visits for matters listed on the agenda.

165. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A. BH2013/04263 - Aldi, 7 Carlton Terrace, Portslade - Removal or Variation of Condition

Application for variation of condition 12 of application BH2011/02857 (Application for variation of conditions 11 & 12 of application BH2010/01684) (original permission BH2006/00834)) to amend the hours of free parking at Portslade Shopping Centre from two hours to one and a half hours.

(1) The Senior Planning Officer, Steven Lewis, introduced the report and gave a presentation by reference to photographs, plans and elevational drawings. The application related to the Aldi store and car park in the Boundary Road and Station Road shopping area of Portslade; the original development had been 14 flats; the Aldi supermarket and smaller separate store. The original permission had been amended in 2006 in relation to hours of use; car parking and deliveries. This application sought to vary the hours of free parking from 2 hours to 1.5 hours, and this had previous been

refused as it was felt the applicant had not addressed the impact on the vitality and viability of the shopping centre. Since the refusal additional information had been gathered by the applicant, using number plate recognition technology, to demonstrate the level of visitors that would be disadvantaged through the proposed change of hours. The data had indicated that up to 25 users could be disadvantaged each day; however, this was weighted against the greater turnover and effective use of the car park. The Transport Team had suggested this would allow for an extra 150 trips per day. The information provided by the applicant demonstrated the benefits to visitors and the wider shopping area. Whilst it was regrettable that some users would be disadvantaged it was considered that the potential for increased use would meet the aims of the original planning condition. For the reasons set out in the report the application was recommended for approval.

Questions for Officers

- (2) Councillor Hamilton asked about the spaces reserved for residents of the flats that had formed part of the original planning application. In response the Senior Planning Officer explained that as part of the application five spaces were to be allocated residents; currently two such spaces had been laid out, and a recent application to change these into use for the wider car park had been refused. It was added that the residential company was currently in dispute with the supermarket operator about the purchase of these spaces, but this was a separate matter to the application before the Committee. The Enforcement Team had investigated the parking matters had not felt it appropriate to take action.
- (3) In response to Councillor Duncan the Principal Transport Officer explained that the safe capacity of the car park would have been assessed at the time of the original application, but had not formed part of the analysis in relation to this application as it would not be material. It was added that based on the projected increased use there would be some increase in traffic.
- (4) In response to Councillor Wealls the Senior Planning Officer explained that the surveys had used number plate recognition technology to assess the arrival time and length of stay of vehicles, but there was no data in relation to how far shoppers might travel locally whilst their vehicles were parked. It was also clarified that there was a penalty fine of £70 currently if a stay exceeded 2 hours.
- (5) It was confirmed for Councillor Littman that the surveys conducted by the applicant were publically viewable as part of the planning application.
- (6) The Principal Transport Officer confirmed for Councillor Mac Cafferty that the data in relation to the increased use had been compiled from a survey of shoppers at the Aldi store, and the additional data backed up this position.

Debate and Decision Making Process

- (7) Councillor Carden highlighted the existing traffic problems at the site and in the wider area; he stated that it could take up to 15 minutes to access the car park and park.

- (8) Councillor Hamilton noted that Aldi continued to be in breach of conditions on the original planning application. He stated that he had no strong views in relation to the application, but was concerned about the potential for additional car trips each day. He reiterated the problems accessing and exiting the site, and noted his view that the supermarket had outgrown the site.
- (9) The Deputy Development Control Manager, Paul Vidler, noted some of the concerns in relation to enforcement matters, and provided assurance that the status of these matters could be confirmed outside of the meeting.
- (10) In response to Councillor Duncan the Senior Solicitor, Hilary Woodward, confirmed that the enforcement history was not material to this application, and consideration should only be given to the application before the Committee.
- (11) Councillor Hyde noted that the hours of free parking had been reduced from the initial 3 hours; however, she failed to see that this could be of benefit to the wider shopping parade, and felt that 1.5 hours would not be an adequate period of time to use both the supermarket and the shopping centre.
- (12) Councillor Gilbey highlighted that it was already difficult to park in the area, and this was made worse by the frequency of trains which affected the level crossing nearby. She expressed concerns that 1.5 hours would not be enough time to visit shops in the centre. She went on to add that she was not satisfied enough information had been provided in relation to the benefits for the wider community.
- (13) Councillor Wealls highlighted that the potential number of disadvantaged shoppers could in the region of 10,000 each year.
- (14) Councillor Littman noted that the proposed changes would disproportionately impact elderly people who may take more time to shop.
- (15) A vote was taken and the Officer recommendation to grant planning permission was not carried on a vote of 9 against and 3 abstentions. Councillor Hyde proposed reasons for the refusal and these were seconded by Councillors Duncan and Littman. A short recess was held to allow the Chair, Councillor Hyde, Councillors Duncan, Councillor Littman, the Deputy Development Control Manager, the Senior Solicitor and the Senior Planning Officer to draft the reasons in full. These reasons were then read to the Committee, and it was agreed that they reflected what had been put forward by Members. A recorded vote was then taken with the proposed reasons for refusal and Councillors: Mac Cafferty, Hyde, Cox, Randall, Duncan, Gilbey, Littman, Wealls and Wells voted that planning permission be refused; Councillors: Jones, Carden and Hamilton abstained from the vote.
- 165.1 **RESOLVED** – That the Committee considered the Officer recommendation to refuse planning permission, but resolves to **REFUSE** planning permission for the reason set out below:
- i. The applicant has failed to demonstrate that the reduced hours would allow sufficient time for combined trips by the wider community between the store and the Boundary Road/Station Road District Shopping Centre and it has not been proven that the

viability and the vitality of the district shopping area would not be unduly harmed by the hours proposed. The proposed development is not sustainable development in accordance with paragraph 14 of the National Planning Policy Framework as the adverse impacts significantly and demonstrably outweigh any benefits.

MINOR APPLICATIONS

B. BH2013/03782 - Land to Rear of 67-81 Princes Road, Brighton - Full Planning Permission

Construction of 6no two and three storey, 2no bedroom terraced houses with pitched roofs & solar panels. Provision of private and communal gardens, waste & refuse facilities & cycle store. Erection of a street level lift gate house.

- 1) The Senior Team Planner, Kate Brocklebank, introduced the report and gave a presentation by reference to photographs, plans and elevational drawings; attention was also drawn to matters on the Late List and a verbal update to amend the wording of condition 15, but this would not impact its meaning. The application site related to a rectangular plot of land in the Round Hill Conservation Area; the site was set at a lower level and accessed via a steep slope from Princes Road. The site sloped steeply, and to the east was an industrial estate; the railway line and the waste transfer site area to the north. There was currently permission on the site for six 2-bedroom dwellings, and the current application made some alterations to the scheme – most notable the land levels; the height and the loss of one of the properties' basements. The considerations focused on the impact of the proposed changes and the increased hours at the waste transfer site. It was noted that the access for pedestrians and cyclesbikes would stay the same. Although the scheme had increased by a maximum of 1.5 metres in height it remained lower than the 2007 refusal – with the exception of one property. The application was recommended to be minded to grant for the reasons set out in the report and subject to a deed of variation of the S106 agreement.

Questions for Officers, Debate and Decision Making Process

- 2) It was confirmed for Councillor Randall that 'easy going stairs' were low, deep steps.
- 3) The Chair highlighted that the application was a minor material amendment to an approved scheme and the principle of the development had been established.
- 4) A vote was taken and the Officer recommendation that permission be granted was approved on a vote of 10 in support with 1 against.

165.2 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to be **MINDED TO GRANT** planning permission subject to conditions and a s106 agreement.

Note: Councillor Duncan was not present during the consideration and vote on this application.

C. BH2013/03528 - 54 New Church Road, Hove - Full Planning Permission

Alterations to boundary wall, formation of terrace with canopies and additional play structures.

- 1) The Senior Team Planner, Kate Brocklebank, introduced the report and gave a presentation by reference to photographs, plans and elevational drawings. The site related to a two-storey detached property with accommodation in the roof space. Permission was sought for a retrospective application for alterations to the boundary wall and external terrace, canopies and play structures. It was noted that some of the structures protruded over the boundary wall, but it was felt that impact on the Sackville Gardens Conservation Area was limited and they were acceptable; it was also felt that the alterations to the wall were carefully and well executed. There were conditions in relation to managing the play activities and the application was recommendation for approval for the reasons set out in the report.
- 2) A vote was taken and the eleven Members present voted that unanimously that planning permission be granted.

166.3 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.

Note: Councillor Duncan was not present during the consideration and vote on this application.

D. BH2013/03658 - 17 Dean Court Road, Rottingdean, Brighton - Householder Planning Consent

Demolition of existing detached garage to rear and erection of detached double garage to side elevation incorporating revised driveway and installation of timber entrance gate. (Amended plans).

- 1) The Senior Team Planner, Kate Brocklebank, introduced the report and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a two-storey detached chalet bungalow property fronting onto Dean Court Road with access from Northfield Rise. Permission was sought for a detached double garage and the removal of the linked extension. It was noted that the mature hedge on the east elevation helped screen the proposed garage, but it could not be secured in perpetuity and could be removed at any time. It was felt that the application had not addressed the reasons for refusal in a similar application, and the garage would be in a prominent position and would harm the street scene.

Public Speaker(s) and Questions

- 2) Ms Christina Harrison-Flynn spoke in support of the application in her capacity as the applicant. She stated that she had lived in the property for over 10 years, and the neighbours had all supported the application. The application sought to provide additional security. It was noted that there was very little rear garden and the proposed site of the garage was currently difficult to use. The original 1950s conservatory had been replaced, and new flint walls and terraces had been installed at the front. It was

argued that the proposal would be in-keeping with the street scene and provide additional security.

- 3) The applicant confirmed in response to Councillor Hyde that the garage would be stepped back further than the existing wall.

Questions for Officers

- 4) In response to Councillor Wells the Senior Team Planner confirmed that approximately 0.5 metres of the forward projection of the existing wall would be lost, and the height of the garage would be approximately 0.6 metres higher than the existing wall.
- 5) In response to Councillor Duncan it was explained that only a solid boundary treatment could be conditioned; in this instance additional planting could be secured through a landscaping condition dictating that the vegetation be replaced within five years if it died. It was noted that such a condition could be added if the Committee were minded to grant the application. This was then put to the vote and the Committee unanimously agreed to add this condition if the application were recommended for approval.
- 6) In response to Councillor Gilbey it was explained that the building line was usually a matter of judgment, but would take a point from the main bulk of the building, rather than the protruding conservatory in this case.

Debate and Decision Making Process

- 7) Councillor Cox noted that the householder had made great efforts to improve the property, and the neighbours had not expressed opposition to the scheme. The neighbours on Northfield Road would have an improved outlook, and it was highlighted there had been no comment from the Parish Council or the Local Ward Councillors; with all this in mind he would not support the Officer recommendation.
- 8) Councillor Wells stated that it been apparent from the site visit that the wall protruded at the front of the property, and if the garage were built it would not be visually damaging as it would follow the building line. He stated that he would not support the Officer recommendation.
- 9) Councillor Duncan stated that he noted the support from the neighbours, and he would not support the Officer recommendation.
- 10) Councillor Randall stated that the application seemed reasonable if the hedge was retained, and he would not support the Officer recommendation.
- 11) Councillor Hyde stated that it was her view there was already a protrusion at the front with the location of the conservatory; she agreed with the comments made by others and would not support the Officer recommendation.
- 12) A vote was taken and the Officer recommendation to refuse planning permission was unanimously not carried. Councillor Hyde proposed reasons for the approval and these were seconded by Councillor Cox. These reasons were then read to the Committee, and it was agreed that they reflected what had been put forward by Members. A

recorded vote was then taken with the proposed reasons for refusal and Councillors: Mac Cafferty, Jones, Hyde, Carden, Cox, Randall, Duncan, Gilbey, Hamilton, Littman, Wealls and Wells voted that planning permission be granted.

- 166.4 **RESOLVED** - That the Committee has taken into account the Officer recommendation to refuse planning permission, but resolves to authorise the Head of Development Control to grant planning permission for the reason set out below, subject to the imposition of such conditions as she considers appropriate but which will include a landscaping condition which shall be approved in consultation with the Chair, Deputy Chair and Opposition Spokespersons.

Reasons for Approval:

- i. The proposed development by reason of its scale and siting would not affect the street scene detrimentally and would therefore comply with policies QD2 and QD14 of the Brighton & Hove Local Plan 2005 and SPD 12: Design Guide for Extensions and Alterations.

E. BH2013/03968 - St Andrews Day and Resource Centre, St Andrews Road, Brighton - Full Planning Permission

Demolition of existing single storey building and garages and erection of 4no three bedroom houses and 3no two bedroom houses with associated car parking.

- 1) The Senior Team Planner, Kate Brocklebank, introduced the report and gave a presentation by reference to photographs, plans and elevational drawings; attention was also drawn to matters on the Late List. The application site related to a narrow strip of land which was currently the site of a single storey detached building with vehicular access to the south of the site; it was also noted the land levels differed on the site. Permission was sought for the erection of seven 2-storey dwellings and associated parking; the application followed the refusal of two previous applications for similar type schemes. The most recent appeal had only been dismissed for reasons in relation to the neighbour impact from the three properties at the rear. In order to address these concerns the existing boundary wall had been retained in this application, and the bulk at the rear would be contained below this boundary wall. There were conditions set out in the report in relation to spot heights and a method statement for the retention of the existing walling. For the reasons set out in the report the application was recommended for approval.

Public Speaker(s) and Questions

- 2) Ms Cathy Mason spoke in objection to the scheme in her capacity as a local resident; she stated that when the previous application had been refused the developer had mentioned that they would work with the local community; however, she had not any such contact to help address residents concerns. She noted that in the inspector decision particular attention had been paid to the group of properties at the front of the site, but she was of the view that the same level of attention should be equally paid to all the proposed properties. The new height of the wall and the ridge of the roof would create a sense of cramping and feel overbearing. The boundary wall and the new walls would be close to the bottom of the gardens of the existing properties, and the

proposed bay windows would compromise privacy and impact on light. Whilst effort had been made to provide cross sections this had not been undertaken for all parts of the site, and this was representative of the impact on the existing buildings.

- 3) In response to the Chair it was confirmed by Ms Mason that she objected to the handling of the plans; the issues surrounding the boundary wall and the loss of light.
- 4) In response to Councillor Jones it was clarified by Ms Mason that she had directly approached the developer herself, and that the proposed development would impact on her back garden.
- 5) Mr Paul Burgess spoke in support of the application in his capacity as the agent acting on behalf of the applicant. The application would provide much needed family housing and would contribute towards housing in the city; the application was also supported by the Heritage Officer. In relation to the appeal of the previous refusal it was reiterated that the Inspector had raised no objection to the principle of the development; the layout or the design. Since then the scheme had been amended to address the sole reason for refusal in relation to neighbour amenity, and this had been achieved through the retention of the boundary walls which prevented the development being overbearing. The dwellings would also be dug down into the site, and the roof pitch had been moved further away from each boundary. It was felt that the application would help preserve the amenity, and the Committee were invited to approve the application.
- 6) In response to the Councillor Wealls it was confirmed that there was a small alleyway that went behind the first two houses, and the projected bays had been designed with views looking forward and back to protect amenity.
- 7) Councillor Jones asked the application about the communication with local residents; in response it was explained that the agent had attended the Inspector's site visit and discussed matters with residents at this time. It was also added that there had not been any request from residents to meet with the application.

Questions for Officers

- 8) In response to Councillor Randall the Deputy Development Control Manager, Paul Vidler, confirmed that conditions in relation to access and lifetime homes standards had been included in the report and recommendation. Councillor Randall stated it was satisfied with the response from the Officer and he would support the recommendation.
- 9) It was confirmed for Councillor Duncan that the application was too small to request S106 contributions.
- 10) Councillor Littman asked about the visual impact on the conservation area and the Senior Team Planner explained that work had been undertaken to look at the acceptable standard for the loss of the historic building; the new buildings would not be expected to reflect the existing character, but should be subservient and the palette complimentary.

- 11) It was confirmed for Councillor Hyde that the proposed materials would be painted render and zinc roof cladding.
- 12) In response to the Councillor Gilbey it was confirmed that the existing access would be retained, and there was a redundant cross over that would have the kerb reinstated as part of the application.
- 13) In response to Councillor Wealls the Senior Team Planner confirmed that a daylight study had not been deemed necessary, but the developed had passed the standard '25 degree' test.

Debate and Decision Making Process

- 14) Councillor Duncan stated that he would support the Officer recommendation, but it was a shame no contributions for S106 monies could be secured.
 - 15) Councillor Wells stated that this was a good use of the site, and he welcomed family type houses being built; for these reasons he would be supporting the Officer recommendation.
 - 16) Councillor Cox noted he agreed with both of the previous speakers; he has sympathy for the local resident who had spoken in objection, but felt that this type of development was necessary in the city to meet housing targets. He stated that the Inspector's position was quite clear on the matter and for these reasons he would support the Officer recommendation.
 - 17) Councillor Randall stated that the scheme was reasonable, and the applicant had gone to lengths to ensure it was not overbearing.
 - 18) Councillor Jones stated he had sympathy with the local objectors, but he felt it was appropriate for the site to be developed, and it was become increasingly necessary for developers to look at these types of sites. He noted the local concerns, but stated he would support the Officer recommendation.
 - 19) Councillor Hyde stated she would support the Officer recommendation, but she stated her general dislike of zinc roofs as they did not weather well and were unsightly.
 - 20) A vote was taken and the Officer recommendation to approve planning permission was granted on a vote of 11 in support with 1 abstention.
- 165.5 **RESOLVED** - That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to **GRANT** planning permission subject to conditions and informatives.

F. BH2014/00073 - 73 Balsdean Road, Brighton - Householder Planning Consent

Erection of single storey infill extension to front with pitched roof.

- 1) The Senior Team Planner, introduced the report and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a three

bedroom detached predominately single property with a garage on the lower ground floor. Currently there was an existing terrace to the front of the property, and permission was sought for an extension to infill this area. The application followed two previous refusals and the latest had been dismissed at appeal; the Inspector had set out that the character was varied in the street, but most of the properties had an 'L' shaped feature at the front; removing this would also create a sense of overbearing and affect the rhythm of the street. For the reasons set out in the report the application was recommended for refusal.

- 2) It was noted that the listed public speaker in support of the application, Mr Dieter Haslam, had not attended the meeting.

Debate and Decision Making Process

- 3) Councillor Wells stated that the site visit had showed that the application would improve the property, and he did object to the loss of the 'L' shape.
- 4) Councillor Hyde stated that she would not be supporting the Officer recommendation as she had not agreed with the view of the Inspector.
- 5) Councillor Wealls stated he would not support the Officer recommendation as he felt the site visit had demonstrated that the impact on light and amenity would be negligible.
- 6) Councillor Gilbey stated that she had agreed with the view of Inspector from the undertaking the site visit and she would support the Officer recommendation.
- 7) Councillor Randall stated he agreed with the views of Councillors Hyde and Wells and he would not support the Officer recommendation.
- 8) Councillor Littman stated he could not identify any harm that would be caused by the application. He also noted that both neighbours directly either side supported the application.
- 9) The Deputy Development Control Manager, Paul Vidler, highlighted that there had been very strong comments from the Inspector which is was important the Committee take into account, and officers had not felt the small amendment to create a recess was sufficient to recommended approval.
- 10) A vote was taken and the Officer recommendation to refuse planning permission was not carried on a vote of 4 in support with 7 against. Councillor Hyde proposed reasons for the approval. These reasons were then read to the Committee, and it was agreed that they reflected what had been put forward by Members; the Deputy Development Control Manager also recommended conditions in relation to a three year implementation period; listing the submitted drawings and matching materials. A recorded vote was then taken with the proposed reasons for refusal and Councillors: Mac Cafferty, Hyde, Cox, Randall, Littman, Wealls and Wells voted that permission be granted and Councillors: Jones, Carden, Gilbey and Hamilton voted that permission be refused.

- 166.6 **RESOLVED** - That the Committee has taken into consideration the Officers recommendation to refuse, but resolves to **GRANT** permission for the reason set out:

Reasons for Approval:

- ii. The proposed front extension by virtue of its form would not disrupt the rhythm of the immediate properties in the street and is therefore in accordance with policies QD2 and QD14 of the Brighton & Hove Local Plan 2005.

Note: Councillor Duncan was not present during the consideration and vote on this application.

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

- 166.1 There were no further requests for site visits for matters listed on the agenda.

167. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

- 168.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & 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.]

169. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

170. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

171. APPEAL DECISIONS

171.1 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.

The meeting concluded at 4.41pm

Signed

Chair

Dated this

day of

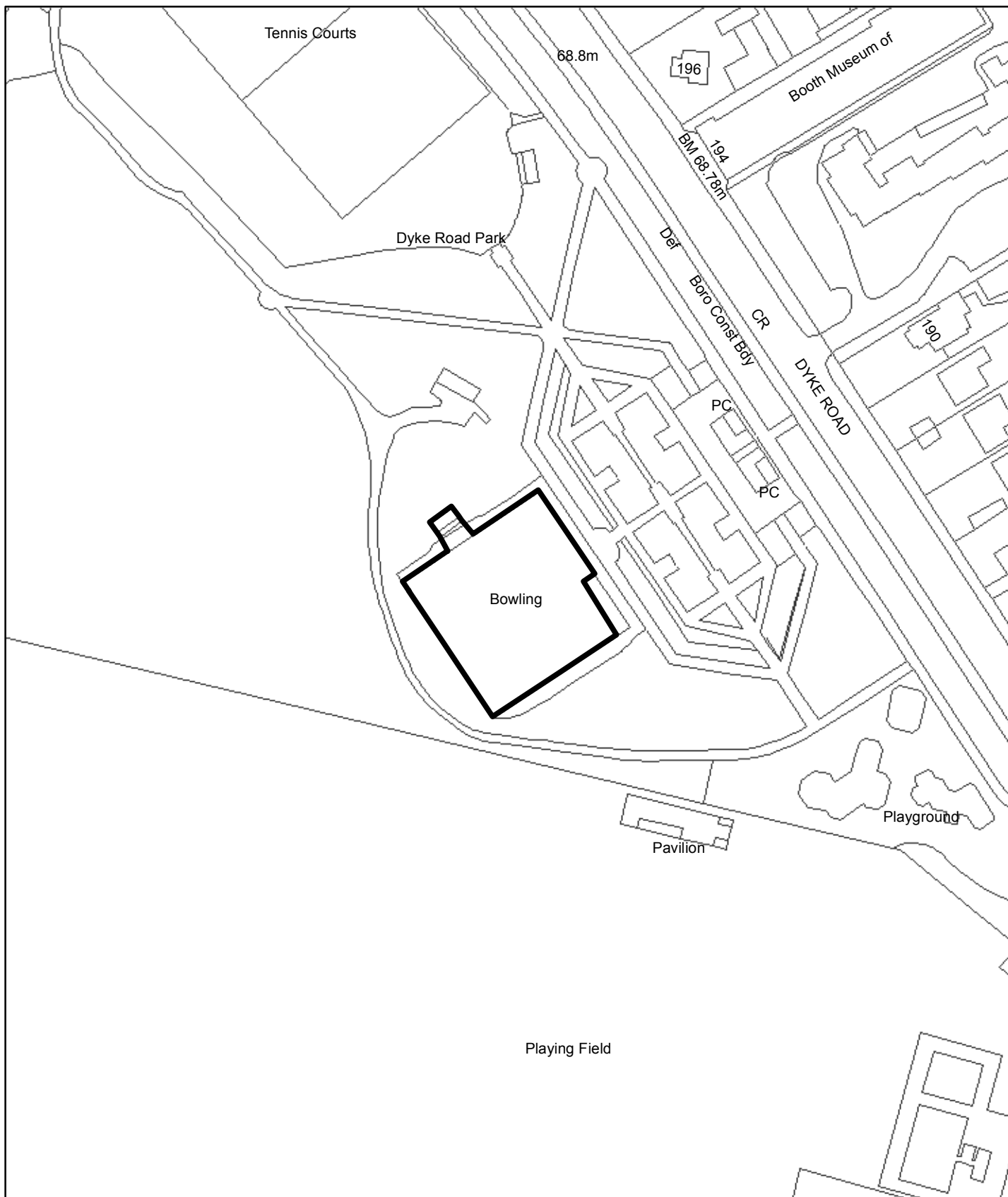
ITEM A

**Bowling Green, Dyke Road Park, Dyke Road,
Hove**

**BH2013/03930
Full planning**

02 APRIL 2014

BH2013/03930 Bowling Green, Dyke Road Park, Dyke Road, Hove



Scale: 1:1,250

<u>No:</u>	BH2013/03930	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Bowling Green Dyke Road Park Dyke Road Hove		
<u>Proposal:</u>	Change of use of Bowling Green (D2) to open air theatre (sui generis) with associated alterations including landscaping and erection of acoustic wall.		
<u>Officer:</u>	Clare Simpson/Paul Earp 292454	Tel	<u>Valid Date:</u> 28 November 2013
<u>Con Area:</u>	N/A		<u>Expiry Date:</u> 27 February 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Miller Bourne Architects , 332 Kingsway, Hove BN3 4QW		
<u>Applicant:</u>	Brighton Open Air Theatre CIO, Maritime House , Basin Road North Hove BN41 3WR		

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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the former bowling green which is located to the south west corner of Dyke Road Park. The green is a flat piece of land with vegetation around the side and rear boundaries giving a feeling of seclusion. It is accessed from the rose garden. High fencing runs along the front of the bowling green and the gate is currently locked preventing any access in to the space. The existing redundant bowling green has an area of 1444m² and the wider site, including the adjacent hut and surrounding landscape, adds a further 667m² giving the application site a total area of 2111m².

3 RELEVANT HISTORY

BH2003/00808/FP: Replacement bowls pavilion – approved 02/05/2003.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the bowling green (D2) to an open air theatre (sui generis) with associated alterations including landscaping and erection of acoustic wall to form the Brighton Open Air Theatre (BOAT).
- 4.2 The site is owned by the City Council who closed the bowling green on 1 April 2013 due to budget pressures and diminishing membership of the club. City Parks stopped maintaining the green and the area has been permanently fenced off since that time. Subsequently the Council asked the local community to submit alternative plans for the use of the bowling green. Two schemes were originally proposed but after initial interest from the Friends of Dyke Road Park who wanted to establish a community garden, the group now support the

applicants BOAT (Brighton Open Air Theatre) and this is now the only proposal for the site. BOAT is in the process of registering as a charitable incorporated organisation with the aim to promote the arts through the establishment of an open air theatre in the city for use of residents and visitors.

- 4.5 The theatre would be a grassed amphitheatre with terraces leading down to a flat lawned stage. The site would be “cut and filled” to form the amphitheatre on the area of the bowling green with the stage being 1.45m below the adjoining footpath, and the highest point of the seating terraces 1.49m above the footpath. The facility would be below the level of the adjacent Dyke Road. Timber sleepers would be used to stabilise the front of the terraces and Astroturf used to edge the horizontal seating areas. The grass terracing and embankments themselves, together with additional planting in small areas not needed for circulation and seating, would form landscaping. The theatre is proposed to have a maximum seating capacity of 425. An acoustic wall 3m in height would be located to the rear of the stage, and a new gate would be formed in the existing fence in the northern corner of the site to provide the main access.
- 4.6 Temporary lighting will be erected when required. The stage would be lit by conventional luminaries which are robust enough to be used outdoors. These fixtures would be grouped six at a time onto internally-wired scaffolding bars which can be affixed to portable wind up stands or upright truss fixed into permanently set floor plates. They will be powered by portable generators. Lighting to the entrance will be provided when required.
- 4.7 The theatre would operate from May to September each year and will provide a space for local artists, schools, colleges and community groups alongside touring productions. The programme will primarily be theatre and spoken word and will operate as both a main Brighton Festival and a Fringe during May. BOAT will also have an educational focus in June, linking in the curriculum requirements as well as providing performance space for outdoor classrooms for local schools and associated groups. It is anticipated that there will be one-week runs with performances running from Wednesday to Saturday, finishing no later than 10pm.
- 4.8 The space is intended to be open to the public during the day as a sitting out area and will only be closed at night for security reasons and when general access is difficult for health and safety reason during setting up operations, or because there is a ticketed show. In due course the space is intended to have free Wi-fi.
- 4.9 The existing Bowling Green Pavilion, which has a floorspace of 24m², would be used as ancillary office, providing hot desk facilities and workshop spaces for the local and visiting performers.
- 4.10 The proposal has been the subject of pre-application discussions and a presentation was made to members of planning committee in November 2013.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Twelve (12)** letters of representation have been received from **1 Ashdown Road, 16 Bute Street, 61 Chester Terrace, 127a Ditchling Road, 17 Franklin Road, 73 Highfield Crescent, 22 Montefiore Road, 88 Montgomery Street, 1 Norfolk Square, flat 2 - 14 Stafford Road, 32 Stanford Road, 23 Upper Rock Gardens,** supporting the application for the following reasons:

- This location would provide a perfect permanent setting for outdoor performances and represent a huge asset to the cultural stock of the City and a welcome addition to the Brighton arts and theatre scene,
- Regeneration of the park,
- The proposal for this underused area would bring people to the park and help it realise its full potential,
- There is little in the way of cultural venues in this area of Brighton,
- It will help in the City's aim to promote arts and culture,
- It is a forward thinking project,
- More people will use it than the bowling green,
- The location would provide a perfect permanent setting for outdoor theatre performances,
- It would benefit schools and amateur theatre production,
- Additional disabled parking bays should be made available in Dyke Road, alongside the park.

5.2 **Brighton & Hove Archaeological Society:** No objection. The area around this part of Dyke Road has in the past produced a significant amount of archaeological findings including flint work from the Neolithic period. It is possible that vestiges of an ancient landscape may still be present.

5.3 **County Archaeologist** No objection subject to conditions. The site is situated within an Archaeological Notification Area of prehistoric and Saxon activity. Large concentrations of prehistoric flint tools were found in close proximity of the site in the early 20th century, suggesting the site of a settlement or activity area. As the proposal will involve cut and fill groundwork, mitigation of damage to archaeological remains will be required. The development of the area should be the subject of a programme of archaeological works.

5.4 **Theatres Trust:** Support. The Trust supports the application in principle because it provides a new and unique theatre space not currently provided in the local catchment area that could become a valued arts facility specialising and nurturing professional local talent and promoting new work.

5.5 **City Parks:** Support the schemes as long as the project is self sustaining and would not have an adverse affect on the park or place burden regarding litter clearing around events etc. The green was abandoned as there is no longer the demand for its use. The applicant needs to provide robust evidence that the use is viable and sustainable in the long term, and if built and proves to be unsuccessful, an exit strategy so that the facility does not leave the park with a

liability. There is no proposal to provide additional sports facilities to replace the loss of this space.

5.6 **East Sussex Fire Rescue Service** No objection.

5.7 **Environment Agency:** No comment.

Internal:

5.8 **Environmental Health:** No objection. Conditions should be applied to control the days and times of future performance. Any noise complaints would be investigated under Statutory Nuisance legislation.

5.9 **Planning Policy:** Comment: The principle of this proposal in respect of the offer it will provide the city is supported. Proposals which seek to expand the diverse range of experiences, enhance and enable more effective and appropriate use of open space are welcomed and accord with policies QD20 and CP16. Since the submission of the application further information has been submitted in response to queries raised (eg loss of outdoor sport space, reduction in future flexibility in use due to the proposed permanent ground level changes, future maintenance arrangements, proposed intensity of use, future use of the hut. It had been suggested it would help in the determination of this application if the following were submitted/addressed: a funded maintenance plan and sinking fund, a business plan, a strategy to justify the loss of outdoor sports space, measures to mitigate for the potential reduction in flexibility of use/ability to revert to sport use.). It is considered the proposal does not comply with policy QD20 and SR20 (or CP16 and CP17). It therefore depends on whether it justifies an exception to policy (eg will its benefits override the loss of the sports spaces and where there is uncertainty in respect of the benefits can solutions be found to facilitate a favourable decision).

5.10 **Sustainable Transport:** Comment. The Highway Authority has no objection to the application subject to the inclusion of necessary conditions and that the applicant contributes £26,250 towards sustainable transport improvements on Dyke Road secured through S106. Payment should be subject to a trigger, which could be that if the average number of people attending per week was higher than 1064 people in any given year. This would allow the theatre to operate 5 nights at full capacity and 10 other events per month. The trigger could either require a total payment of £26,250 once this scenario occurs or be phased over 5 years so if it happens in year one the applicant pays £5250 and so on for each year this happens. This requirement on the developer would expire after 5 years or when the all highway works are completed. As part of the Travel Plan the applicant must enter into a monitoring framework for a minimum of 5 years to record the number of attendees for each event and submit the results annually to the Council's Travel Plan officer. This must include the average weekly number of attendees.

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) is a material consideration.
- 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
TR7	Safe development
TR8	Pedestrian routes
TR9	Pedestrian priority areas
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
TR20	Coach parking
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and noise control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD2	Design – key principles for neighbourhoods
QD15	Landscape design

QD16	Trees and hedgerows
QD20	Urban open space
QD25	External lighting
QD26	Floodlighting
QD27	Protection of Amenity
QD28	Planning obligations
SR20	Protection of public and private outdoor recreation space
HO19	New community facilities
HE12	Scheduled ancient monuments and other important archaeological sites

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD06 Trees & Development Sites

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP5 Culture and tourism

CP16 Open Space

CP17 Sports provision

Waste & Minerals Local Plan

WMP3d Minimising and managing waste during construction, demolition and excavation

WMP3e Waste management in new development

Open Space and Recreation Study 2008

Open Space and Recreation Study Update 2011

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the loss of the existing sports use, the acceptability of the proposed use and physical alterations to the land, the impact upon the amenities of the occupiers of surrounding properties of the proposed use by way of noise and light intrusion, impact on the biodiversity of the site, transport and sustainability issues, and proposed future maintenance arrangements.

Principle of Development:

- 8.2 The site forms part of Dyke Road Park and whilst the bowling green has been out of use since April 2013 it is able to contribute to the outdoor sports needs of the city.
- 8.3 Planning policies QD20 and SR20 seeks to retain existing open space in order to help meet current and future open space requirements, and the thrust of emerging policy CP16 Open Space and CP17 Sports Provision is to retain current open space and sports provision in the city. Policy HO19 encourages

the provision of new community facilities which would have no adverse impact on residential amenity and is readily accessible with adequate car and cycle parking, including provision for people with disabilities.

- 8.4 The Open Space Studies and the City Plan identifies that by 2030 more than 200 hectares of additional open space is needed to meet the requirements of an increasing population. However City Parks have resolved that there is no strategy in place to provide additional sport facilities to replace the loss of this outdoor sports space and in the current financial climate it is likely the site could only be maintained as mown grass without formal sports demarcation or equipment. The proposal could therefore enable a more effective use of the open space if managed and maintained appropriately. Whilst Hove Park Ward, within which the site lies, is meeting its outdoor sport standard, the adjacent Goldsmid ward, and Brunswick and Adelaide, Regency and St Peter's and North Laine to the south, have existing deficiency of all typologies of open space provision including outdoor space. It is considered that due to its unique use, the proposed theatre could help draw people from these areas with open space deficiency to use the sports provision within the park.
- 8.5 The compatibility of the proposed use with other aspects of the park is considered important. The site will remain accessible to the public whilst ticketed performances are not being held. The proposed new land use and facility would be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality compared to the bowling green and when assessed in terms of the contribution to the attractiveness and functionality of the wider Dyke Road Park, the proposed use is considered to be compatible with the enjoyment of this space.

Site selection

- 8.6 Whilst it is acknowledged that the proposal would result in the loss of a piece of level land to terracing, site selection has been explored within the application. Stammer Park, Whitehawk Hill and Queens Park were considered as potential options but it has been stated that the Council could not make the sites available. The redundant bowling green at Queens park was given some consideration, but being close to a dense residential area and with little seclusion there was a concern over the wider impact of a theatre provision in this space.
- 8.7 Whilst it is acknowledged that the terracing of the land may result in a loss of flexibility to other sports uses, it could also be seen to provide an attractive outdoor space. Funding is to be set aside so that the land could be restored to a level surface, to enable future uses, should the theatre use fail.
- 8.8 No alternative site for the sports space is being proposed. It is therefore considered that whilst this proposal is contrary to SR20 and QD20 in that there would be a loss of a sports facility, there needs to be consideration to the likelihood of the existing open space and sports provision being offered up again for public use. Given the adequate outdoor sports provision within the ward, the lack of demand for bowling facilities in the area and the fact that the land will be made available as an outdoor landscaped area to the public when not in use as a

theatre, it is considered that the provision of the proposed cultural venue outweighs the loss of the bowling green and make full an effective use of the site. In this respect the proposed use would conform with policy HO19 by providing a unique open air facility which would make a welcome contribution to the stock of cultural venues within the city. The application has attracted eleven letters of support which state that the proposed open air theatre would benefit everyone from schools to the Brighton Festival, adding to the city's vibrant enthusiasm for the arts.

- 8.9 The applicant has confirmed the use of the hut will be ancillary to the use of the open space providing a hot-desk facility and office space for users.

Impact on Amenity:

- 8.10 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.

- 8.11 The nearest residential premises are to the east of the site on the opposite side of Dyke Road. A distance of over 90 metres separates the proposed theatre from these residents. This is considered to be a sufficient distance to prevent the development feeling imposing or un-neighbourly for the occupiers of the properties. The theatre would be below the level of Dyke Road and not readily visible from neighbouring properties at ground floor level given the planting existing planting in the park which would provide a visual buffer.

- 8.12 The theatre would be in use Wednesday to Saturday, finishing no later than 10pm. The maximum seating capacity is 425. The rest of the time the area would be open to use by the public as part of the park. The Environmental Health Team has not raised any objection to the scheme. Planning conditions to control the days and hours of use of performances are recommended to ensure performances are not carried through to the late night.

- 8.13 Whilst lighting does not form part of the planning application, details are contained in the supporting information which states that when lighting is required it will be in the form of temporary installations specific to the performance needs. Given the distance to neighbouring properties, it is not considered that light would cause a nuisance to neighbours.

Physical alterations / waste management:

- 8.14 The proposal involved cut and fill to form the amphitheatre. Policy QD2 relates to design and requires all new development to enhance the positive qualities of the neighbourhood, taking into account factors including the natural and developed background against which the development will be set. Policy WMP3d of the Waste and Minerals Local Plan, and SPD03 Construction and Demolition Waste require developments to minimise the amount of waste from construction, demolition and excavation activities.

- 8.15 Whilst the application is not accompanied with a Waste Minimisation Statement the cross sections on the submitted drawings show that the works are likely to

have a neutral cut and fill impact. It is anticipated that the soil removed to lower the level of the ground shall be sufficient to form the terracing although a small amount of soil may have to be imported. In this location against the backdrop of the park, it is not considered that the proposed reshaping of the land would have an adverse impact on the setting of the area.

Sustainable Transport:

- 8.16 Policy TR1 of the Local Plan requires development proposals to provide for the demand for travel which they create and maximise the use of public transport, walking and cycling. Policy TR7 will permit developments that would not increase the danger to users of adjacent pavements, cycle routes and roads. Policies TR14, TR18, and TR19 requires the provision of adequate cycle parking, parking for people with mobility related disability, and car parking, respectively. Policy QD28 seeks planning obligations where necessary to secure the provision of contributions towards the provision of public transport and pedestrian and cycle route infrastructure where necessary.
- 8.17 The Sustainable Transport Team have not objected to the application but acknowledged that the proposed change of use is likely to have a material impact on the highway due to an increase in trip generation. With regard to servicing, the park has a vehicular access from Dyke Road which is used by Council vehicles in relation to maintaining the park rather than the general public. Given that the proposed transport scheme for Dyke Road may introduce loading restrictions on Dyke Road it is unlikely that loading/unloading will be able to occur from the adopted highway. It is therefore recommended that a Delivery and Servicing Management Plan be secured by condition.
- 8.18 Whilst it was recommended at the pre-application stage that a Transport Statement to forecast the likely trip generation associated with the site should accompany the application, none has been submitted. Based on the operational times of the theatre and seating capacity, and making allowance for the existing trips generated by the use as a bowling green, and that some performances would not operate at full capacity, it is calculated that the development could generate around 175 new trips. Assuming this level of new trips, based on the Council's standard S106 formula, a contribution of £26,250 towards providing pedestrian and cycle improvements on Dyke Road is sought by S106.
- 8.19 As a charity BOAT have expressed concerns that they are unable to pay the contribution and negotiations have taken place to seek a way forward. Based on the number of operational days the use has the potential for 16 performances per month, 80 per year, with a maximum capacity of 425 people per performance. The applicants have submitted projected performance figures which help inform the impact of the use on the transport network. Whilst performances would take place in the evening outside rush hour and school dropping-off/picking up times, the use has the potential for large movements of people and traffic generation at the start and finish of performances, adding to pressure on the transport network. It is recommended that to manage and mitigate the impact of the proposed development on the highway network that the financial contribution be made with phased contributions triggered by a level of use. Therefore details of attendance numbers shall be submitted annually to

the Councils Travel Plan Officer as part of an ongoing monitoring scheme as part of the Travel Plan. The Travel Plan would also to be secured as part of the S106 as it is linked to the financial contribution. The Plan will also promote the use of walking, cycling and public transport use to and from the site.

- 8.20 In relation to parking, no car parking is proposed due to the nature and constraints of the site which is within a park. However there is the potential for the BOAT users to park in the car parks for BHASVIC and Cardinal Newman School which are both within close walking distance to the venue. With many of the performances expected in the summer months this could have the potential for coinciding with school holidays. Letters of support from both schools have been submitted with the application and BHASVIC state that they may be able to offer assistance with regard to car-parking.
- 8.21 A cycle parking scheme could also be secured by condition.

Ecology/Nature Conservation/Landscaping:

- 8.22 The application is accompanied with a Biodiversity checklist which indicates that the development should have little impact on the natural environment. None of the indicators on the Checklist have been triggered, and the area is to remain as a green open space which it to be enhanced with further landscaping.

Archaeology

- 8.23 Policy HE12 states that development proposals must preserve and enhance sites of known and potential archaeological interest and their setting. The site is situated within an Archaeological Notification Area of prehistoric and Saxon activity and large concentrations of prehistoric flint tools were found in close proximity of the site in the early 20th century. Both the Brighton & Hove Archaeological Society and the County Archaeologist recommend conditions to ensure that as the proposal involves cut and fill groundwork, that mitigation of damage to archaeological remains are attached.

Financial issues

- 8.24 A Business Plan which covers the development management, and operational programmes and financial projections up to 2016 accompanies the application. This sets out capital build and start-up costs, finance and fund-raising plan and financial projections. It is anticipated that the theatre will cost £75,000 to build and with a capital of £45,000, fundraising is required. Projected income has been calculated on a prediction of 50% capacity in the first year rising to 75%. It is proposed to build a Sinking Fund of £5,000 by the end of the third year which will help to return the site to flat earth as an emergency contingency. A reserve of a minimum of £10,000 (3 months running costs) as a maintenance and contingency fund is sought by 2018.
- 8.25 Issues relating to maintenance, and litter collection would be considered as part of the lease with the Council as landowners.

9 CONCLUSION

- 9.1 The principle of the acceptability of the change of use is considered to be balanced. The site is not in use and there appears to be no plans to bring the site back to providing a sports facility. The proposed community facility would remain publically accessible and provide a new cultural offering which has received some local support. The proposal would expand on the range of activities offered in the park and is considered an appropriate use of open space. The loss of the sports facility has not been fully justified but given the proposed provision of a community facility, it is considered the proposal complies with the broad objectives of policy QD20.
- 9.2 With regard to transport matters, whilst the proposed use has the potential for large movements of people at one time, it is considered that the financial contribution sought, which would be used to improve pedestrian and cycle provision on Dyke Road, would mitigate the impact. A phased programme of contributions is seen as appropriate as full payment in one sum is likely to make the scheme undeliverable.
- 9.3 Subject to compliance with the suggested conditions and S106 Obligation it is considered that the proposed open air theatre would provide a suitable alternative public use for the site, ensuring that it remains as a community facilities whilst not impacting negatively on neighbouring properties or the local transport network. Approval is recommended.

10 EQUALITIES

- 10.1 The park has wheelchair access and venue has been designed to be fully accessible to wheelchair users.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- A contribution of £26,250 to help finance pedestrian and cycle improvements on Dyke Road. A trigger for these payments will be linked to the monitoring framework within the Travel Plan, as set out in the comments made by the Highway Authority.
- A Travel Plan to assist in the mitigation of the likely transport impact of the development. The Plan shall include a monitoring framework where the applicant is required to submit a record of the number of attendees for a minimum of 5 years, and

subject to the following Conditions and Informatives:

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.

PLANNING COMMITTEE LIST- 02 APRIL 2014

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

Plan Type	Reference	Version	Date Received
Site Location Plan	4344 AD20		18 th November 2013,
Existing Block Plan and Section	4344 AD24		27 th November 2013
Photomontage	4344 AD23		18 th November 2013
Section AA	4344 AD22		18 th November 2013
Design and Access Statement			18 th November

11.3 Pre-Commencement Conditions:

3. No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
4. No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
5. 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 fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be 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.
7. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the

development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

8. Any topsoil to be removed from the site shall be retained and used within the park. **Reason:** In the interests of sustainability and waste elimination and to comply with policy SU13 of the Brighton & Hove Local Plan.
9. No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation. **Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.
10. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and that provision for analysis, publication and dissemination of results and archive deposition has been secured. **Reason:** To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

11. The development hereby approved shall hold a maximum of 15 performances/events each calendar month of which 10 of these performances shall be limited to a maximum of 250 people attending. **Reason:** To ensure that the development has an acceptable impact upon the operation of the transport network and to comply with policy TR1 of the Brighton & Hove Local Plan.
12. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
13. Prior to the first use of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to

and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan. **Reason:** In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 of the Brighton & Hove Local Plan.

14. The use hereby permitted shall only be open to customers on Wednesdays to Saturdays and at no time later than 10pm. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
15. The use of the hut/pavilion shall remain ancillary to the use of the open space and not used as an independent unit. **Reason:** To safeguard accommodation needed in association with the use of the land as a community facility and to comply with policy QD20 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:-

The proposed use would provide a new cultural facility and expand the range of activities within the park. An open air theatre is considered an appropriate use of this open space and the provision of a community facility complies with the objectives of policy QD20.

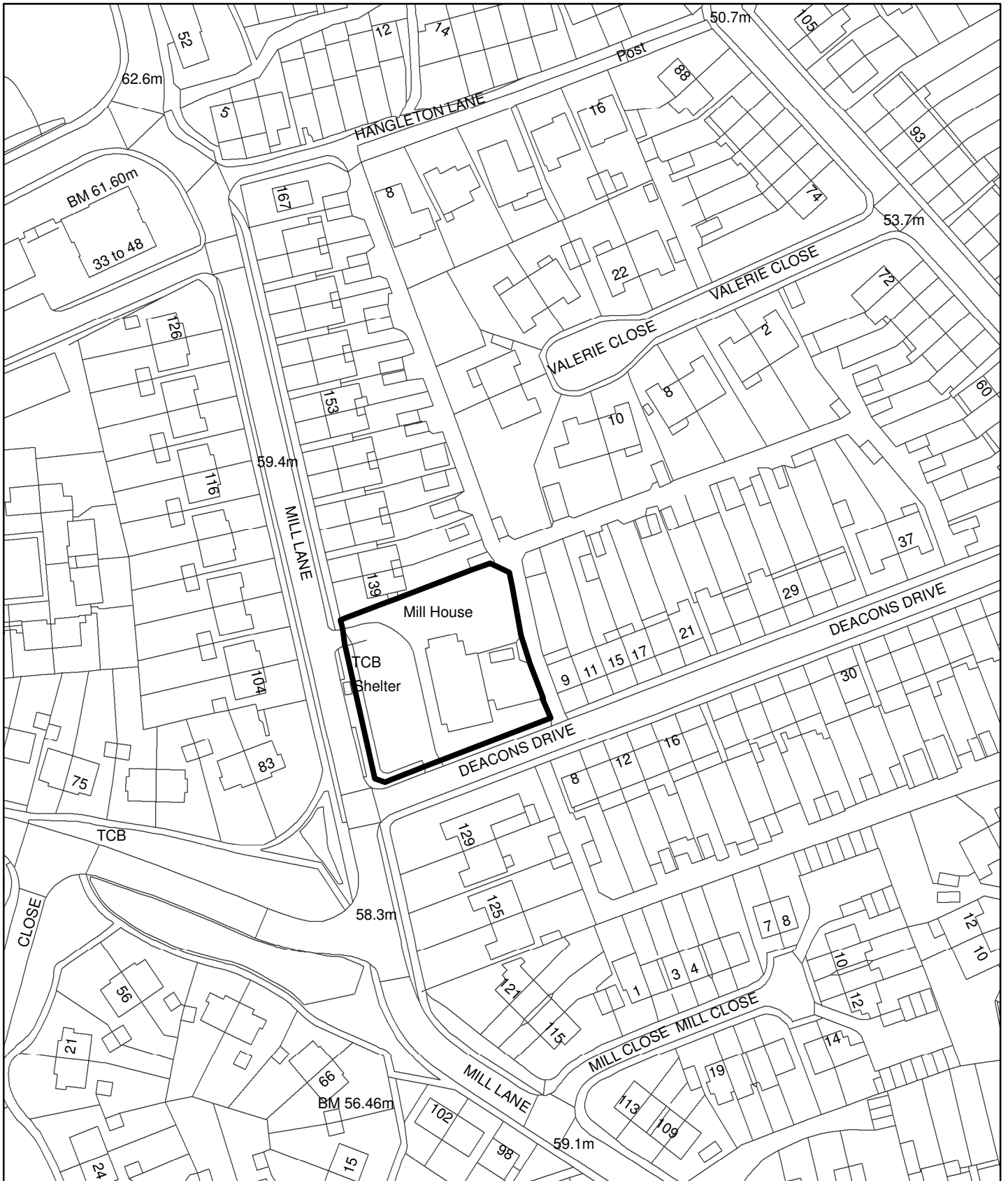
ITEM B

The Mill House, 131 Mill Lane, Portslade

BH2013/03142
Removal or variation of condition

02 APRIL 2014

BH2013/03142 The Mill House, 131 Mill Lane, Portslade.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03142	<u>Ward:</u>	SOUTH PORTSLADE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	The Mill House 131 Mill Lane Portslade		
<u>Proposal:</u>	Application for variation of conditions 3, 4 and 5 of application BH2013/01223 (Erection of single storey rear extension with associated external alterations) to allow the extension to be open between 07.00am to 11.00pm Mondays to Saturdays inclusive and 07.00am to 11.00pm Sundays, Bank or Public Holidays, to allow off sales of alcohol to be made to customers in the new extension and to allow the use of machinery and plant between the hours 7.00am and 11.00pm Mondays to Saturdays inclusive and from 7.00am until 10.00pm on Sundays, Bank or Public Holidays.		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	16 September 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 November 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, 2 Port Hall Road, Brighton BN3 5SG		
<u>Applicant:</u>	TFRE2, C/O Lewis & Co Planning, 2 Port Hall Road, Brighton BN3 5SG		

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 **APPROVE** the variation of conditions 3 and 5 and **REFUSE TO VARY** condition 4.

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 public house is currently closed and the windows have been boarded up with security panels.
- 2.4 The local area is predominantly residential.

3 RELEVANT HISTORY

BH2013/01223 – Erection of single storey rear extension with associated external alterations. Approved 19 July 2013.

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:-

1. 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.

2. 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 Planning permission is sought for the variation of conditions 3, 4 and 5 of application BH2013/01223. The conditions stated:-

4.2 Condition 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.

4.3 Condition 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 area 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.

4.4 Condition 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 Saturdays 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.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Twelve (12) letters or representation have been received from 8, 9, 14, 17 Deacon's Drive; 104, 108, 139, 141 Mill Lane (x2), 149 Mill Lane; and 22 Fairfield Gardens (x2), objecting to the application on the following grounds:-**

- Increased noise and disturbance.
- 7am during the week is too early for noise and smells generated.
- No need for breakfast service in this area.
- More traffic.
- Harmful to existing local shops.
- Back door way of getting approval for 'Off Licence' alcohol sales.
- Public order impact of off-sales.
- Variation of the conditions could be making way for a supermarket.

5.2 **Councillor Hamilton** provided comments on the application. A copy of the email is attached.

5.3 **Sussex Police:** No objection.

5.4 **Brighton & Hove Archaeological Society:** No objection.

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

5.5 **County Archaeologist:** No objection.

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

Internal:

5.6 **Sustainable Transport:** No objection.

The proposals to increase the opening hours could result in additional trips in the morning but this would not be of a level to warrant a refusal of planning permission on highway grounds.

5.7 **Environmental Health:** No objection.

With regards to any additional noise, odour or other environmental impact upon the area, whilst the site is in close proximity to residential properties, there will be no detrimental impact upon the locality as a result of the proposed changes to the existing planning conditions.

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) is a material consideration.

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 2005:

SU10 Noise nuisance

SR12 Large Use Class A3 (food and drink) venues and Use Class A4 (pubs and clubs)

QD27 Protection of amenity

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 acceptability of varying conditions 3, 4 and 5 of application BH2013/01223.

8.2 Conditions 3 and 5:

The applicant proposes to open the extension to the public house 2 hours earlier than permitted, from 7.00am. This would enable breakfast, tea and coffee to be served in the early mornings.

8.3 The applicant wishes the timings of machinery and plant use to start from 7.00am to be considered with the desired variation of condition 3, above.

8.4 The application site is situated in a predominantly residential area and the approved extension would be situated close to residential dwellings in Deacon's Drive.

8.5 Activities arising from the pub opening at 7.00am, along with the associated use of machinery and plant at such an early hour in the morning would not materially intensify the use of the land or disrupt the quiet, suburban character of the neighbourhood to the detriment of residential amenity. There is no objection from Environmental Health to the proposals.

8.6 The proposed variation of these conditions would be compliant with policies SU10 or QD27 of the Local Plan.

8.7 Condition 4:

The applicant's case for re-wording the condition to allow for off-sales of alcohol is not considered acceptable.

8.8 In accordance with policy SR12 of the Local Plan, the condition was imposed originally because, due to the resulting floor area, the development would otherwise constitute a large drinking establishment and the proposed extension would be contrary to the requirements of paragraphs c. and d. of policy SR12.

8.9 The proposed variation of condition 4 is contrary to the requirements of policy SR12 of the Local Plan and would increase the potential for noise, disturbance and public disorder that would be detrimental to neighbour amenity and the character of the locality, contrary to policies SU10, QD27 and SR12 of the Brighton & Hove Local Plan.

8.10 Off-sales of alcohol may continue to be made from the original part of the pub building, which is not covered by condition 4.

8.11 In view of the above it is recommended condition 4 is not varied and that it is restated on the new decision notice.

8.12 Other matters:

The comments from Councillor Hamilton are noted. Ownership of the site has been correctly identified in the application. The proposals to extend the hours of opening of the premises are not considered to be material should the owner exercise their permitted rights change use from pub to retail. The conditions relate to the extension of the pub. Should the pub become a retail use the conditions would no longer be applicable.

9 CONCLUSION

9.1 The proposed variation of conditions 3 and 5 is considered acceptable and would allow the pub to open two hours earlier in the mornings.

9.2 The proposed variation of condition 4 is contrary to the requirements of policy SR12 of the Local Plan and would increase the potential for noise, disturbance and public disorder that would be detrimental to neighbour amenity and the character of the locality.

9.3 Accordingly approval is recommended for variation of conditions 3 and 5 and refusal is recommended for variation of condition 4.

10 EQUALITIES

Not applicable.

11 APPROVE VARIATION OF CONDITIONS 3 AND 5 / CONDITIONS / REASONS / INFORMATIVES

11.1 Regulatory Conditions

1. The development hereby permitted shall be commenced on or before 19 July 2016.

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
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
Proposed First Floor Layout	12-1870-132	P2	16 Apr 2013

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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 7.00am and 11.00pm from Mondays to Saturdays inclusive, and from 7.00am until 11.00pm 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 7.00am and 11.00pm from Mondays to Saturday inclusive, and from 7.00am 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 increased hours of opening and use of machinery and plant would not materially intensify the use of the land or disrupt the character of the neighbourhood to the detriment of residential amenity.

REFUSE VARIATION OF CONDITION 4

Reason for refusal:

- 11.4 The off sales of alcohol from the extension would increase the potential for noise, disturbance and public disorder detrimental to the residential amenity of the locality, contrary to policies SU10, SR12 and QD27 of the Brighton & Hove Local Plan.

From: Leslie Hamilton
Sent: 02 October 2013 14:20
To: Christopher Wright
Subject: The Mill House pub BH2013/03142

Chris, I write with regard to the recent planning application, detail above. I am not commenting on the application with regard to support or opposition, but to give you some background information.

The Council gave consent for a rear extension on July 19th. On July 21st the owners gave the landlord notice. On July 31 the pub closed. Gaming machines were removed. At the end of August the owners, who specialise in housing and retail but not catering, allegedly sold the store to the Co-op, to become a food store. I realise that this does not require planning permission.

These proposed condition changes are in my view designed for the store and not a pub/restaurant. The 7am start is so that the store can open at 7am and be able to sell alcohol at 7am. The hours requested are the hours that the proposed store no doubt wishes to open. All that about opening at 7 to provide breakfast is just a camouflage of the real intention, as is the need to have the machinery hours extended to the same times as the opening hours. The owners are preparing the ground for the pub to become a retail food and alcohol outlet without being honest about their intentions.

Les

Cllr Les Hamilton
Labour & Co-operative Councillor
South Portslade

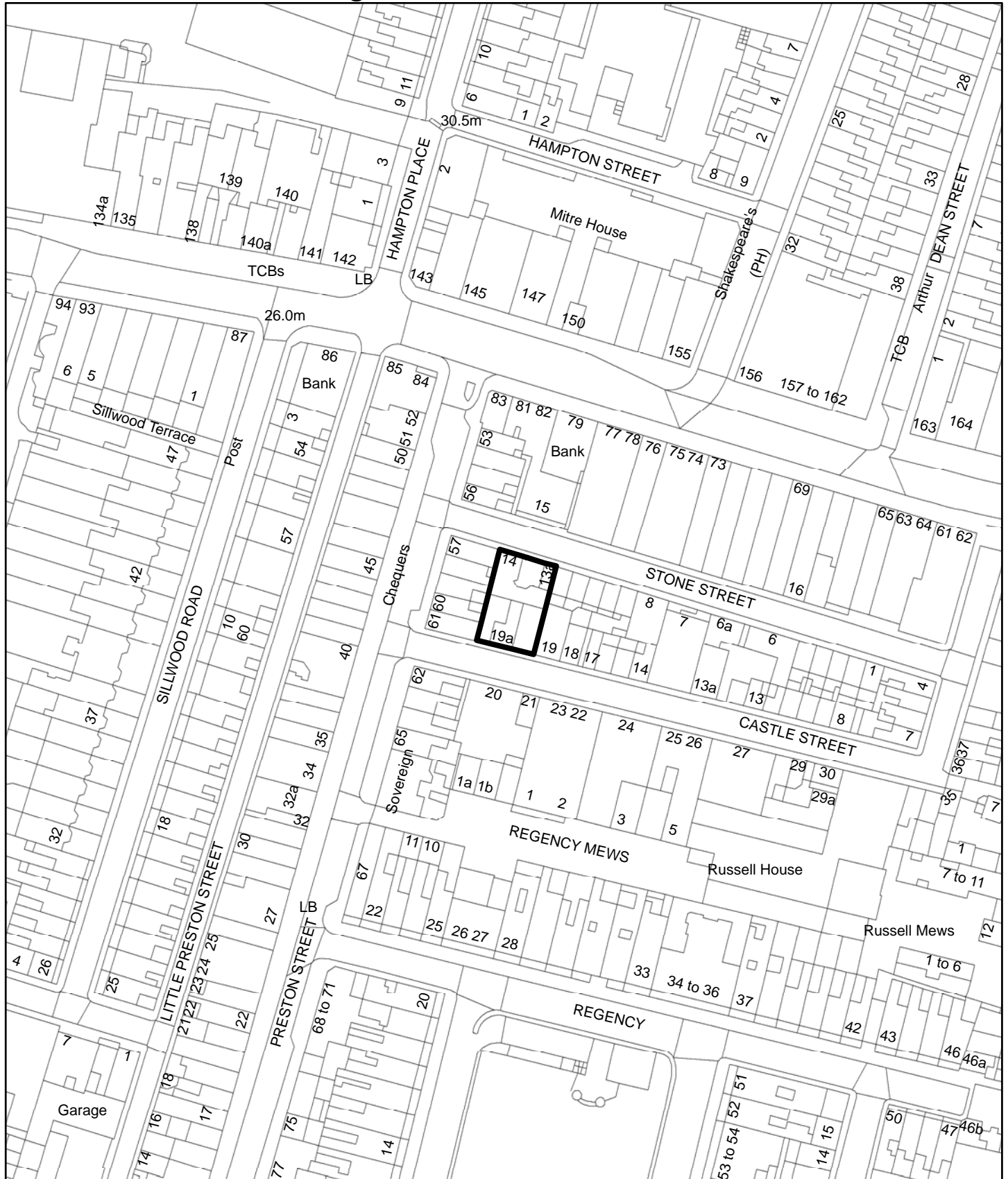
ITEM C

**13A- 14 Stone Street & 19A Castle Street,
Brighton**

**BH2013/02798
Full planning**

02 APRIL 2014

BH2013/02798 13A-14 Stone Street & 19A Castle Street, Brighton



Scale: 1:1,250

<u>No:</u>	BH2013/02798	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	13A-14 Stone Street & 19A Castle Street Brighton		
<u>Proposal:</u>	Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units.		
<u>Officer:</u>	Jason Hawkes Tel 292153	<u>Valid Date:</u>	14 August 2013
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	09 October 2013
<u>Listed Building Grade:</u>	13A-14 Stone Street is Grade II listed		
<u>Agent:</u>	Mackellar Schwerdt Architects, The Old Library, Albion Street, Lewes, BN7 2ND		
<u>Applicant:</u>	Just Developments Ltd, Timbers, Rookery Way, Haywards Heath, West Sussex, RH16 4RE		

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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site can be divided into two distinct parts. The first part relates to a two-storey building fronting Stone Street. The address of this part of the site is 13A-14 Stone Street. This site includes a central yard area between two single-storey buildings. The other part of the site is to the rear and faces south onto Castle Street. The address of this part of the site is 19A Castle Street. This site includes a two-storey pitched roof flint building and a single-storey building. These buildings are also divided by a yard area. The two sites at Castle Street and Stone Street form one unit with an internal link between the two. The whole of the site was formerly occupied by Hill Bros, a roofing and building contractors. Hills Bros have relocated to another premises in Hove and the site has been vacant for a number of years. All of the buildings on site are in a poor state of repair.
- 2.2 The north building on Stone Street is Listed, Grade II. The building was listed in August 2012. The south building on Castle Street is also protected by the listing by virtue of being a pre-1947 building within the curtilage of the Listed Building. The site also falls within the Regency Square Conservation Area.
- 2.3 The buildings were formerly used as purpose-built stables and a carriage house dating from the early 19th Century (probably the early 1840s). The Stone Street "fly" carriage stables are particularly interesting because of their

symmetrical layout. They comprise a two-storey rear range with central coach house flanked by slightly projecting wings, splayed at the inner corners with first-floor haylofts and ground-floor stabling, partially obscured by single-storey projecting coach houses enclosing a yard. Originally, as shown on the 1877 Ordnance Survey map, the north side had gates. The exterior has been changed by the replacement of windows apart from an original east first floor pivoting casement although most window openings have not been enlarged. The west first floor window opening on the splay was enlarged and has a sash window with vertical glazing bars. The ground floors have cambered door openings in the splay. The east coach house wing has boarded doors. There is much non-original internal partitioning. Internally no fittings survive to the stables except for some brick flooring and one coach house retains some plank dado panelling.

- 2.4 The buildings on Castle Street comprise a range of three two-storey livery stables set endwise onto the street with a detached single coach house in the north-west corner of the yard. The stable range is built of flint cobbles with brick dressings and coach house is rendered. The stable range has been patched in 20th century brick and one third has been rebuilt in concrete block and refaced in render in the 20th century. The windows and doors have been altered and the gable end rendered. The coach house has an early 20th century extension built on to the front. The three stables do not retain any internal fittings and there are none to the coach house.
- 2.5 Stone Street and Castle Street are of mixed character with both residential terraced houses, historic commercial buildings and some modern buildings, mostly in render but with some brick. 13A-14 Stone Street is on the council's Building at Risk register, and is in a very poor condition.

3 RELEVANT HISTORY

BH2013/00250: 13A-14 Stone Street & 19A Castle Street. Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units. Withdrawn May 2013.

BH2013/00249: 13A-14 Stone Street & 19A Castle Street. Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units. Withdrawn May 2013.

BH2011/02547: 13A-14 Stone Street & 19A Castle Street. Demolition of existing buildings to Stone Street & Castle Street. Withdrawn November 2011.

BH2011/02546: 13A-14 Stone Street & 19A Castle Street. Demolition of existing two storey buildings and erection of 2no two bed houses on Stone Street and 2no two bed flats and 1no three bed flat on Castle Street. Withdrawn November 2011.

BH2009/01911: 13A-14 Stone Street & 19A Castle Street. Demolition of existing two storey buildings and yard (excluding the flint building) and

erection of a 3 storey building containing 6no. self-contained flats and 2no. retail units. Withdrawn October 2009.

BH2009/01912: 13A-14 Stone Street & 19A Castle Street. Demolition of existing two storey roofing contractors office (B1/B8). Withdrawn October 2009.

4 THE APPLICATION

4.1 Planning permission is sought for the following:

- The conversion of the existing two storey office and storage building on Stone Street into 1 three bedroom dwelling with associated alterations and refurbishment.
- The demolition of the existing two storey building on Castle Street and the erection of three storey student accommodation block of 14 units including cycle parking.

4.2 A concurrent listed building application is being considered under ref: **BH2013/02799**.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Twenty Two (22)** letters of representation have been received from **9, 13, 16 Flat 1, Flat 3, Flat 4, Flat 6, 16 Stone Street; 5, 13, 19, 20, 21, 33 (x2), 35, 42 & 55 Castle Street; 57, 57A, 58, 59 Preston Street & 14 Crown Street, Brighton & Hove Heritage Commission** objecting to the application for the following reasons:

- Stone Street is slowly being upgraded to residential with several new flat developments. The last thing this area needs is a youth / student accommodation unit with all the disruption that this entail including street drinking, late night shouting and parties.
- Other areas near these hostels have all suffered similar experiences with consequent drop in property values and living conditions.
- There is already concern with the brothel nearby and poor lighting on the street.
- The Preston Street area has been run down for many years and is only just beginning to come back to life.
- Castle Street is a particular haven for drunks and the unemployed making it more difficult for local businesses to present the region in a good light.
- Castle Street already has many privately owned properties that are rented to students which cause a lot of noise disturbance and disruption.
- The accommodation is for language students. Language students will always be here for short stays only and so the development will never be part of the community.
- If the Language School closes the development will be empty and possibly used for the homeless as a hostel. A further increase in hostel accommodation would be detrimental to the area.
- The scheme would be detrimental for the area due the increase in people, vehicles and more rubbish.

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- The Conservation Area should be retained with its original features. The Castle Street building is not in keeping with area. The Castle Street buildings should be retained and protected.
- The development will overshadow the surrounding buildings. The three-storey building is too high for the area. The Castle Street development will be cramped and overdevelopment of the area.
- There is concern that the footings for a building of this size will compromise the basements of the adjoining small houses.
- If approved, the construction works are likely to have a detrimental impact on the amenity of adjacent properties.
- The increased population and proximity to others properties will inevitably reduce privacy for everyone.
- The proposed building does not have satisfactory access for people with disabilities.
- The Castle Street site is more suitable for residential development, such as affordable housing, and not student housing. Student housing would not meet Lifetime Homes standards.
- The cycle parking proposed for the student accommodation is not in line with policy TR1 of the Brighton & Hove Local Plan as it not easily accessible and is too small.
- Due to the increased building size and increased activity, there will be an increase in pollution from emissions such as gas.
- The submitted statement states that the renovation of the Stone Street building to a dwelling is dependant on funds from the Castle Street student accommodation. A condition should be secured to ensure the listed buildings do not fall into any further disrepair.
- The idea of permeable paving is unacceptable as this will detrimentally affect the structure of the basement of the adjacent property.
- The red line shown on the location plan is incorrect.
- The adjacent property at 13 Stone Street will need careful protection during the works as it is closely linked to 13A Stone Street.
- The sites are in the same ownership but are of such widely differing type and on different streets. A request is made to split the sites into two, to consider the proposed building on its separate merits.
- This would allow the granting of approval to the Stone Street development, which is not controversial, and at the same time allow the design approach of the Castle Street site, which is highly controversial among local residents and has been rejected by CAG.
- The key factors for a rethink to Castle Street would include:
 - Retention of elements from the original 19th Century stables structure.
 - Retention of at least a part of the courtyard space which is essential for the maintenance of the character of the Regency Square Conservation Area. This would require moving the lightwell from the back of the site to the front allowing its use as a courtyard. This would also require designing an irregular roof. The proposed monolithic roof results in an oppressive line of masonry which is out of keeping with the urban landscape.
- The buildings at Preston Street do not need a lightwell as no windows belonging to a living space back onto it.

- In line with the approvals for Hannington Lane and the City College, a condition should be added for the installation of historic street names. This would enhance this part of Regency Square Conservation Area.
- 5.2 **Conservation Advisory Group: Objection**. Whilst the Group welcome the development of Stone Street, concerns were raised about the proposed student residence on Castle Street. Most of the buildings along the road are small family houses and residents are unhappy about the proposal. The Group feel the existing architecture on the Castle Street building should be maintained and restored as much as possible.
- 5.3 The proposed development on Castle Street is unacceptable and should incorporate a courtyard fronting the street and should, if possible, incorporate elements of the existing historic building.
- 5.4 **Regency Square Area Society: Objection**
- The plan to introduce student residence to a street that enjoys a tightly knit community of people who live in small terraced cottages and flats will have a negative effect on the area.
 - The scale of the 14 language student residences is out of line with anything else here and goes against the urban grain of the area.
 - The Castle Street building is an important building. Its street facing courtyard is a survival of a pattern of early commercial architecture that is now rare in Brighton.
 - The current proposal does not reflect the architectural standards required for a conservation area. The replacement structure is a bland and featureless large block of uniform size and height, flat onto the street. The proposed building will be highly destructive to the urban landscape of Regency Square Conservation Area. A better design solution should be sought.
 - The lightwell is unnecessary to the west because there are no living spaces which face to the East of the Preston Street buildings.
 - The scheme should be redesigned to incorporate a front lightwell, retain and reproduce elements of the stables buildings, remove some of the living units and allow a more complex design with an interesting and creative mix of old and new structures.
 - The Stone Street application is uncontroversial and welcomed.
- Internal:**
- 5.5 **Heritage: No objection**.
- **Alterations to the Stone Street Listed Building:** The principle of retaining, refurbishing and converting the Stone Street Grade II Listed Buildings into a single dwelling is welcomed, subject to appropriate design and detailing, particularly given that the building is on the council's Building at Risk register. The scheme as originally submitted required a number of amendments and additional details. The required amended details were submitted and no objection is raised to the conversion of the Stone Street building subject to appropriate conditions to ensure the preservation of this Listed Building.

- **Demolition of existing buildings on Castle Street:** A report supporting that 19A Castle Street is beyond economic repair has been submitted. This outlines that the building has numerous structural defects, and has also been altered greatly over time; including the rebuilding of the gable end and end bay in concrete block and other areas in fletton brick. It appears that the amount of work required to retain the form and appearance of this building would necessitate the rebuilding of a vast proportion. Given the structural condition, its loss is considered acceptable provided its demolition is undertaken in conjunction with the restoration of 13A-14 Stone Street, and rebuilding on the site. This would allow this important listed building to be removed from the council's building at risk register. A copy of the historic building recording and archive should be deposited with the County Archaeologist before any demolition work proceeds.
 - **New building on Castle Street:** The proposed building is of an acceptable height and a flat roofed building would be acceptable in this location. The windows respect the floor heights and proportions of windows in the area. The design as originally submitted was considered unacceptable and required amendments. Amended plans were subsequently submitted which indicated amendments including a buff brick to the central bay and alterations to the windows and front door. The amended plans are deemed acceptable by the Conservation Officer and addressed concerns regarding the details of the design.
- 5.6 **Economic Development:** Objection. The scheme does not include sufficient marketing to justify the loss of the employment use.
- 5.7 **Environmental Health:** No objection subject to the submission of a full contaminated land condition.
- 5.8 **Planning Policy:** No objection. The proposal will result in the loss of a vacant employment type which is in a *sui generis* use. Policies EM3 of the Local Plan and CP3 of the City Plan seek to retain employment and industrial sites, but do not directly address the loss of *sui generis* builder's yards. Further information should be sought regarding the management of the student accommodation.
- 5.9 **Sustainable Transport:** No objection subject to the following:
- 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.
 - The development hereby permitted shall not be commenced until full details of secure cycle parking facilities for the development as a whole 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.
 - The development hereby permitted shall not be begun 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 with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

- Prior to commencement of the development, details of a scheme of works to raise the existing kerb and footway of the proposed dwelling are to be submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the development hereby permitted and shall thereafter be retained.
- The development shall not be occupied until details of a Student Move In Move Out Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be fully implemented from first occupation of the development hereby permitted and shall thereafter be retained for use at all times.
- The developer shall enter into a Section 106 legal agreement with the Council to secure a financial contribution of £5,000 towards improving walking facilities within the vicinity of the site.

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) is a material consideration.
- 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
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
QD14	Extensions and alterations
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
HE1	Listed Buildings
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of Conservation Areas
HE8	Demolition in Conservation Area

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH11	Listed Building Interiors
SPGBH13	Listed Building – General Advice

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP21	Student Housing and Housing in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the loss of the employment use, the design and appearance of the proposed development and its impact on the Listed Building and surrounding Conservation Area, impact on residential amenity, standard of accommodation, the acceptability of the student accommodation, transport and highway concerns, land contamination and sustainability.

Loss of Employment Use:

- 8.2 The premises was formerly occupied by Hill Bros, a roofing and building contractors and included former offices, storage areas and yard areas onto Stone Street and Castle Street. Hills Bros have relocated to another premises in Hove and the site has been vacant since 2011. It is stated that Hills Bros vacated the premises due to the state of the premises. Since Hills Bros left, the premises has remained vacant and has further deteriorated. It is now in a poor state of repair and some areas now appear structurally unsound. Under the Use Class Order, the site is classed as a 'builder's yard' and is considered to be a *sui generis* use.
- 8.3 Policies EM3 of the Brighton & Hove Local Plan seeks to retain employment and industrial sites, but does not directly address the loss of *sui generis* builder's yards and therefore its loss cannot be considered contrary to local plan policies.
- 8.4 The Listed Building is in a poor state of repair and at risk of deteriorating further. The building has been recently listed by English Heritage, and securing its preservation is an important consideration. It is therefore considered that the benefits of preserving and bringing back into use this at-risk Listed Building is an important consideration in this application.

Design:

- 8.5 Policies QD1 & QD2 of the Brighton & Hove Local Plan states that all proposals must demonstrate a high standard of design and make a positive contribution to the visual quality of the surrounding area. Policy QD1 states that it does not seek to restrict creative design provided that new development can still be integrated successfully into its context. Policy HE6 states that proposals should preserve and enhance the character and appearance of Conservation Area.
- 8.6 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.

Alterations to Stone Street Building:

- 8.7 The site can be divided into two clear sections with the buildings for the site facing onto Stone Street to the north and the buildings facing south onto Castle Street. The Stone Street buildings at 13A-14 Stone Street have recently been listed. Consent is sought to retain these buildings with alterations to allow the use of this part of the site as a single-dwelling.
- 8.8 13A and 14 Stone Street are stated in the listings as being mid 19th Century rendered fly stables with haylofts over and projecting coach houses. The

scheme retain the buildings on this part of this site which are to be refurbished throughout.

- 8.9 The proposal indicates that the original internal historic walls forming the central area are to be retained to form the enclosure for a new staircase. There are limited historical features within the building with exception of trusses to the main roof. The first floor trusses are to be retained and repaired as part of the repair and renovation of the roof structure. It is also proposed to remove an area of original brick paving to allow a new floor structure to be laid with a damp proof membrane. The scheme indicates that the bricks are to be relaid as part of the new floor.
- 8.10 The windows are a mixture of style with the oldest at first floor level. To the first floor is one 8 pane pivot window, one four pane vertical sliding sash and two fixed windows. It is proposed to refurbish all the windows and to replace the fixed windows with a new 4 pane pivot window. The ground floor windows are of either a fixed or casement style and are of a much later date. The scheme proposes the installation of partly glazed timber doors and windows onto the courtyard area.
- 8.11 All internal stud and plasterboard partitions and recent blockwork would be removed. Externally, the existing painted render would be repaired and redecorated to match existing. It is proposed to take up the existing tarmac surface to the courtyard area and replace with chequered brick pavers from the Castle Street area.
- 8.12 The scheme includes a new rendered wall, with a pier, and timber gates built between the two existing front stable extensions. The new rendered wall and pier would match the existing on the west side of the site. It is proposed to retain the folding timber doors of stable doors which are to be fixed shut.
- 8.13 The Conservation Officer has commented that the principle of retaining, refurbishing and converting the Stone Street Grade II Listed Buildings is welcomed, subject to appropriate design and detailing, particularly given that the building is on the council's Building at Risk register.
- 8.14 The Conservation Officer made the following comments on the scheme as originally submitted:
- A pier from the original front boundary wall survives to the west of the current entrance gates. The reconstructed boundary wall should match the height and detailing of this pier and portion of wall (rendered with incised joints, square section coping). The new double gates should sit just below the height of the coping to the piers. It should have a traditional open iron barred top section to permit the building to be seen from the street. These amendments were subsequently submitted and deemed acceptable.
 - The detailing to the gable end of each wing should be matched to that to the west wing. Matching the existing rainwater goods would also be appropriate. These amendments were subsequently submitted and deemed acceptable.

- The reduction in height of the wall will require the reduction in height of the flat-roofed extension to the west wing. The detail of the courtyard elevation is also inappropriate, particularly the window proportions and design. The most appropriate solution would be to locate French doors/bifolding doors in this location, to the same design as other doors on the site. This would be more in keeping with the stabling history of the site, but would also (particularly when the doors are open) allow the entirety of the yard to be read as a once-open space. These amendments were subsequently submitted and deemed acceptable.
- The windows to the first floor are generally appropriate, as they aim to match the surviving small paned pivot window. The detailing of these can be secured by condition to ensure they exactly match the design and dimensions of this window. The application however indicates that these will be finished with a timber stain. This was deemed inappropriate. All windows should be painted white. This amendment is shown on revised drawings.
- The size of the openings to each splayed reveal at ground floor level is significant (to allow horses to enter). The size of the openings should not be altered (as proposed).
- It is proposed that the double doors at first floor level has opening upper windows. It would be appropriate for these to be fixed shut, so that the detailing of these doors can exactly match the other doors at this level. Ideally they would be solid boarded, but it is acknowledged that this may give insufficient light levels.
- The scheme originally proposed sunpipes to the roof of the main building. As the sunpipes appear to be proposed for rooms at first floor level, and it is understood that rooms at this level are intended to be open to the roof pitch (trusses exposed), the Conservation Officer commented that rooflights are likely to be more appropriate in appearance, and just as effective. Revised plans were subsequently submitted which indicate rooflights to replace the proposed sunpipes.
- As originally submitted, rooflights were proposed to the internal facing wings of the stable buildings. The Conservation Officer commented that these should be located in the outer roof slope in both cases so that they are readily visible from the street scene. Revised plans were subsequently submitted to address this concern.
- Internally, the majority of original walls appear to be retained, and therefore the original plan form will largely be readable. The loss of non-original partitions is welcomed.
- Any surviving plank dado panelling or other historic features should be retained and reinstated.

8.15 Having regard to the scheme, as amended, the proposal has addressed the concerns raised by the Conservation Officer. Subject to conditions, the proposal would preserve the architectural and historic character and appearance of this building which is at risk.

Demolition of Castle Street Building:

8.16 The applicant has submitted a Structural Engineer's Report supporting the application. This outlines that all of the buildings on site have numerous

structural defects and has also been altered greatly over time. This includes the rebuilding of the gable end and end bay of the Castle Street flint building in concrete block and other areas in flint brick. It appears that the amount of work required to retain the form and appearance of this flint building would necessitate the rebuilding of a vast proportion of it anyway.

- 8.17 Given the structural condition, the Conservation Officer has commented that its loss is considered acceptable provided its demolition is undertaken in conjunction with the restoration of 13A-14 Stone Street, and rebuilding on the site. This would allow this important Listed Building to be removed from the council's building at risk register.

New Building on Castle Street:

- 8.18 To replace the demolished flint building and single-storey buildings, a three-storey building is proposed to provide student accommodation. The building would be three-storeys high with a flat parapet roof. The building is contemporary in design. The building is proposed in an 'L' shape with courtyard area to the area adjacent to an existing courtyard to the rear of 59 and 60 Preston Street.
- 8.19 Fronting Castle Street, the building would appear lower than the side elevation of 61 Preston Street to west and would be higher than the immediate two-storey building at 19 Castle Street. The proposed building would form an appropriate addition between the two buildings onto Castle Street. It should also be noted that Castle Street includes a number of three-storey buildings and the proposed scale of the building would match the scale of the buildings on the street.
- 8.20 The building is proposed with a rendered finish with an inset central panel in buff brick. The proposed windows are aluminium framed sash windows set back into the façade with stone cills. The main door is also proposed in aluminium frames and includes two small side lights either side.
- 8.21 The Conservation Officer has commented that the proposed building is of an acceptable height and a flat roofed building would be acceptable in this location. The windows respect the floor heights and proportions of windows in the area.
- 8.22 Properties in the street are generally two bays wide, and the flanking white rendered two bay portions to each side reflect this. The render should come all the way down to meet the pavement, and there should be no drip moulds or expansion joints. As amended, the scheme includes buff brick to the central section. The windows and doors to the central section would include a brick soldier course. The addition of the buff brick and soldier courses give the scheme some visual interest which was deemed lacking by the Conservation Officer in the original submission.
- 8.23 Overall, it is felt that the design, as amended, of the three-storey building is acceptable and would preserve the character and appearance of the

adjacent listed building and would match the character and appearance of the street scene.

Impact on Amenity:

- 8.24 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.
- 8.25 The scheme would most affect the immediate properties which adjoin and are adjacent to the Stone Street and Castle Street buildings. In respect of the site at Stone Street, the scheme would retain and renovate the existing Listed Buildings and does not propose any extensions which would detrimentally affect the amenity of any adjacent residential properties. Additionally, the use of the Stone Street buildings as a dwelling would not detrimentally affect the amenity of any adjacent properties in respect of noise disturbance.
- 8.26 The proposal includes rooflights to the roofslopes of the Stone Street single-storey buildings facing east and west. The rooflights facing east would face the side wall of 13 Stone Street and would not result in any loss of privacy or overlooking. The rooflights facing west are adjacent to no.57 Preston Street. 57 Preston Street includes a first floor flat (57A Preston Street) which has a rear balcony. The balcony would allow views into the rooflights which serve a kitchen. To stop overlooking into the proposed kitchen area, it is recommended that these rooflights are obscure glazed.
- 8.27 Turning to the Castle Street side of the site, the scheme proposes the demolition of the existing buildings on site and the construction of a three-storey building to form student accommodation. The building is 'L' shaped and includes a courtyard area to the rear. The proposed courtyard area is adjacent to the existing rear courtyard at 59 & 60 Preston Street.
- 8.28 The main bulk of the proposed building would be set adjacent the boundaries with 19 Castle Street and 61 Preston Street. Set adjacent the two-storey building at 19 Castle Street, the scheme would not detrimentally affect the amenity of the residents of this property. Similarly, set adjacent the rear three-storey elevation of no.61 Preston Street and with the proposed courtyard in place, the proposed three-storey building would not significantly affect the amenity of any of the immediate adjacent properties at 59-61 Preston Street.
- 8.29 The potential impact of the use of the Castle Street building for student accommodation is addressed below.

Student Accommodation:

- 8.30 There are no specific policies in the current Brighton & Hove Local Plan which relate to the provision of student accommodation. However, the provision of new student accommodation is covered by policy CP21 of the emerging City Plan.

- 8.31 The policy states that the council will encourage the provision of purpose built accommodation to help meet the housing needs of the city's students. Proposals for new purpose built student accommodation will need to demonstrate that the following criteria have been addressed:
1. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;
 2. High density developments will be encouraged but only in locations where they are compatible with the existing townscape (see CP12 Urban Design);
 3. Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other educational establishments by walking, cycling and existing or proposed bus routes;
 4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;
 5. Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;
 6. Schemes should have the support of one of the city's two Universities or other existing educational establishments within Brighton and Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;
 7. Permanent purpose built student accommodation will not be supported on sites with either an extant planning permission for residential development or sites identified as potential housing sites.
- 8.32 The applicant has submitted evidence and information that shows that the scheme would meet the above criteria. The British Study Centre: School of English has committed to taking on the student accommodation for the use by their language students. This is in accordance with criterion 6 which requires schemes to be supported by an existing educational establishment.
- 8.33 Criterion 1 states that proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance. Criterion 6 states also states that the council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively. This can be secured through a Section 106 Agreement.
- 8.34 The site at Castle Street is in close proximity to residential properties and, if not controlled properly, its use as student accommodation could result in a detrimental impact on the amenity of adjacent properties. This concern is reflected in the objections received from neighbouring properties.
- 8.35 To address this concern, the applicant has submitted a Management Plan for the use of the student accommodation. The Plan outlines the following measures:

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- The accommodation will be managed by Harringtons Lettings who have experience in dealing with student accommodation in the city, delivering high standards.
- Harringtons include a administration team based in office open through the week and there is also a 24 hour call out service in the case of emergencies.
- Harringtons undertake a weekly inspection of the site.
- Rooms are allocated to interested parties who can prove their student status. Student registration numbers are registered by Harringtons.
- Access to the building will be via a secured intercom. Staff can access student rooms if required in exceptional circumstances.
- The Management Company positively discourages the use of cars by the students. Students are required to arrange a moving in time to avoid traffic congestion.
- The Management team have clear rules and policies in encouraging responsible behaviour.
- Keeping the environment clean and not abusing the facilities is high on the list of management principals.
- Harrington Lettings is clearly aware of the need to be a good neighbour and is alert to the needs of the wider communities. Adjacent residents have entitlement to access internal complaints procedure and Harringtons have a duty to ensure adjacent residents are aware of this procedure.
- Students are encouraged to respect the peace and quiet enjoyment of the neighbours when entering and leaving accommodation, travelling to and from the University or accessing the City in general.
- The control of music systems or other sound generated media is monitored and kept under control, with particular emphasis on making sure windows are closed when music is being played.
- Harringtons Lettings would consider any persistence after a warning in breach of the tenancy agreement and students will be asked to leave the accommodation.
- The development will be maintained and serviced in respect of fire safety, window cleaning, emergency light and portable appliance testing.
- In the event of a complaint, the management team follow a strict procedure.

8.36 With the above Management Plan in place, the scheme is deemed in accordance with criterion 1 and 6 and the use of the student accommodation would not result in a detrimental impact on the amenity of any adjacent residential properties. The proposal is also in accordance with the above policy in that this central area is suitable for high density development, with good transport links and that there is no extant planning permission for a residential use of this site. The scheme is also deemed appropriate in respect of its demand for travel as outlined below.

8.37 Having regard to the above, the scheme is deemed in accordance with policy CP21 of the emerging City Plan.

Standard of Accommodation:

- 8.38 Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers.
- 8.39 In respect of the conversion of the 13A-14 Stone Street, the conversion of this property is worked around the existing plan form of the listed building. To some extent this impedes on the standard of accommodation for this building whereby some habitable rooms would have limited light and outlook through windows. The applicant has addressed this concern through the addition of rooflights which would allow additional light to some of the habitable rooms. Taking into account the addition of the rooflights and the need to preserve the historic and architectural character of the listed building, the standard of accommodation for 13a-14 Stone Street is deemed acceptable in this instance.
- 8.40 Turning to the student accommodation onto Castle Street, each student room would include a window and each room would have its own bathroom. Each floor of the student accommodation also includes a common area / kitchen.
- 8.41 Policy HO5 requires the provision of private amenity space in new residential development where appropriate to the scale and character of the development. In accordance with the policy, 13a-14 Stone Street includes a yard area for the proposed dwelling and 19A Castle Street includes a small yard. Given the restraints of the site, the amenity spaces provided are deemed acceptable.
- 8.42 Policy HO13 responds to the objectives of securing equal to housing for people with disabilities and meeting the needs of households as their occupants grow older or circumstances change. As 13A-14 Stone Street is a listed building and also a conversion of an existing property, the conversion of this property would not be required to fully meet Lifetime Homes standards.
- 8.43 Policy SU2 requires the provision of space and general facilities for refuse storage and waste recycling. This area is served by communal bin stores on the street. Additionally, there is outside space within the residential and student accommodation proposed which could house additional refuse storage. These details can be secured by an appropriate condition.

Sustainable Transport:

- 8.44 In accordance with policy TR1, any development should provide for the demand for travel it creates and maximise the use of public transport, walking and cycling.
- 8.45 The Highway Authority has raised no objections to the proposal, subject to conditions and the submission of further details. The scheme is in a central location with access to good transport links. The scheme indicates one off-

street car parking space for the dwelling at 13A-14 Stone Street and space for 14 bicycles for the student accommodation.

- 8.46 In line with policy TR14, cycle parking must be secure, convenient, well lit, well signed and where practical sheltered. The Highway's Authority preference is for the use of Sheffield type stands. The Highway Authority has commented that the proposed cycle parking standards for the student accommodation does not meet the required standards. Whilst the amount proposed is acceptable, the details indicate that users of the stands would be unable to secure their bicycle frame. On this basis, a condition is recommended requiring the submission of further details to secure appropriate cycle parking for the student accommodation. A condition is also recommended requiring details of cycle parking for the dwelling at 13A-14 Stone Street.
- 8.47 Currently, both sides of the site onto Castle Street and Stone Street are served by crossovers. With this proposal in place, the Castle Street crossover would be redundant. The 13A-14 Stone Street crossover would also need to be narrowed. In the interests of highway safety and the appearance of the area, a condition is recommended for the Stone Street crossover to be reinstated and for the Castle Street crossover to be amended.
- 8.48 Policy HO7 states that planning permission will be granted for car free housing in locations with good access to public transport and local services where there are complimentary on-street parking controls. In this central location, it is appropriate for the student accommodation to be car free. As the conversion of 13A-14 Stone Street includes an off-street car parking space, this part of the development cannot be car free. A condition is therefore recommended requiring the submission of details to ensure that the student accommodation is car free and maintained as such.
- 8.49 To comply with the Brighton & Hove Local Plan 2005 policies TR1 and QD28 and the Council Interim Guidance on Developer Contributions approved by Cabinet on the 17th February 2011, the Transport Manager has commented that the applicant should make a financial contribution of £5,000 to help finance off-site highway improvement schemes in the area.

Land Contamination:

- 8.50 Policy SU11 of the Brighton & Hove Local Plan states that proposals for the development of known or suspected polluted land will ensure that the application is accompanied by a site / building assessment and details for the treatment, containment and / or removal of the source of contamination.
- 8.51 The Council's Environmental Health department has commented that the properties involved have been identified as potentially contaminated land. 14 Stone Street was once a coal and coke merchants and 19 Castle Street was once a motor car engineers, an electrical engineers and fertiliser manufacturer. Due to the possibility of localised land contamination resulting

from these past uses, a full land contamination condition is recommended as part of this permission.

Sustainability:

- 8.52 Policy SU2 of the Brighton & Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials.
- 8.53 For the purposes of sustainability the proposed student accommodation is defined within SPD08 is considered to be a medium scale development. The SPD states that as new build non-residential, the scheme is required to meet 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good'. A condition is recommended requiring the submission of these details prior to commencement of works at the design stage and also at completion of the works prior to occupation.
- 8.54 In respect of the new dwelling at Stone Street, a condition is recommended requiring details of sustainability measures to be submitted and approved by the Local Planning Authority prior to commencement of works.
- 8.55 Brighton & Hove Local Plan policy SU13 requires the minimisation and re-use of construction waste. Further detail of the information required to address this policy is set out in SPD03 Construction and Demolition Waste. The applicant has submitted a waste minimisation statement. The statement does not go into detail regarding waste minimisation measures. Given the amount of demolition involved, a condition is recommended requiring the submission of a further more detailed statement to be approved by the Local Planning Authority prior to commencement of works.

Other Considerations:

- 8.56 The applicant's have stated that the funds raised by the student accommodation at Castle Street would fund the redevelopment of the Stone Street Listed Building. If the development at Castle Street was seen as enabling development, then a condition or legal agreement could be put in place to secure the redevelopment of Stone Street through the funds raised through the student accommodation.
- 8.57 As outlined in English Heritage's guidance (Enabling Development and the Conservation of Heritage Assets), 'enabling development' is seen as development which 'would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy. Such proposals are put forward on the basis that the public benefit of rescuing, enhancing or even endowing the heritage asset would outweigh harm to other material interests and so justify their being carried out,'
- 8.58 As outlined above, the Castle Street student accommodation is not considered enabling development as it is considered acceptable in its own right and accords with the relevant Local and National plan policies. As an acceptable form of development, the student accommodation cannot therefore be considered as enabling development. Consequently, it would be

unwarranted to secure the development of the Stone Street conversion through the funds raised by the student accommodation.

9 CONCLUSION

- 9.1 Subject to conditions, the alterations to the Stone Street buildings would preserve the architectural character and appearance of the Listed Building. Given the structural integrity of the flint building onto Castle Street, the demolition of this building is deemed acceptable. Additionally, the new build to Castle Street is deemed acceptable in terms of its appearance and would preserve the character and appearance of the adjacent Listed Building.
- 9.2 The scheme is also deemed appropriate in respect of standard of accommodation, sustainability and impact on parking and demand for travel. Subject to the implementation of a student Management Plan, the proposal would not result in a significant impact on the amenity of any adjacent residential properties.

10 EQUALITIES

- 10.1 The new dwelling is required to comply with Part M of the Building regulations and the Council's Lifetime Homes policy.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

- 11.1 Section 106 agreement to secure:
- Contribution of £5,000 towards improving sustainable highway infrastructure in the area.
 - A restriction on the occupation of the student accommodation to only those attending courses at an educational provider in Brighton & Hove.
 - A Student Accommodation Management Plan to be submitted and agreed prior to first occupation, to include details of student management and the written agreement of both the education provider and the management company.
- 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
Stone Street Elevation (existing)	0609/504/1		14 th August 2013

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Castle Street Elevation (existing)	0609/504/2		14 th 2013	August
Roof Plan (Existing)	0609/504/3		14 th 2013	August
Location Plan, Proposed Block Plan / Site Plan	8647/01	B	19 th 2013	November
Proposed Lower and Upper Ground Floor	8647/02	E	13 th 2014	January
Proposed First Floor and Second Floor	8647/03	E	13 th 2014	January
Proposed Roof Plan	8647/04	D	19 th 2014	January
Proposed South Elevation (Castle Street) and North Elevation (Stone Street)	8647/05	F	13 th 2014	January
Existing Lower and Upper Floor Plans	8647/06	A	14 th 2013	August
Existing First Floor Plan	8647/07	A	14 th 2013	August
Demolition Plan and Elevations	8647/08	A	14 th 2013	August
Proposed Sections	8647/10	A	14 th 2013	August
Courtyard Elevations	8647/11	B	13 th 2014	January

- 3) 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 the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 4) The west facing rooflights for the Stone Street building adjacent 57 & 58 Preston Street shall be obscured glazed and thereafter retained as such.
Reason: To protect the amenity of the future occupiers of the new residential unit and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 5) The render to the Castle Street building shall be smooth rendered down to ground level and shall not have bell mouth drips above the damp proof course or above the window openings and the render work shall not use metal or plastic expansion joints.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.
- 6) 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

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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.

- 7) All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron to match existing and shall be painted to match the colour of the background walls and 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.
- 8) Any re-rendering to the Stone Street building and front boundary wall will be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building and shall be maintained as such thereafter.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 9) 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.
- 10) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 11) 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.

11.3 Pre-Commencement Conditions:

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

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

- 12) The works of demolition to the buildings on Castle Street hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: To ensure a suitable development and preserve the appearance and character of the Regency Square Conservation Area in accordance with policies HE and HE6 of the Brighton & Hove Local Plan.

- 13) 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.

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

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

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.

- 15) 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 the 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.

- 16) 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.

- 17) 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 student accommodation, 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.

- 18) No development shall commence until full details of the existing and proposed land levels of the proposed student accommodation in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 19) No works shall take place until samples of the materials (including render) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 & HE6 of the Brighton & Hove Local Plan.
- 20) Notwithstanding the submitted details, 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.

11.4 Pre-Occupation Conditions:

- 21) Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers to Castle Street and partly to Stone Street 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.
- 22) 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.

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:-

Subject to conditions, the alterations to the Stone Street buildings would preserve the architectural character and appearance of the Listed Building. Given the structural integrity of the flint building onto Castle Street, the demolition of this building is deemed acceptable. Additionally, the new build to Castle Street is deemed acceptable in terms of its appearance and would preserve the character and appearance of the adjacent listed building.

The scheme is also deemed appropriate in respect of standard of accommodation, sustainability and impact on parking and demand for travel. Subject to the restriction in the occupation of the student accommodation and the Management Plan, the proposal would not result in a significant impact on the amenity of any adjacent residential properties.
3. The applicant is advised that the scheme required to be submitted by Condition 17 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.
4. The applicant is advised that the proposed 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).

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5. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
6. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
7. The applicant is advised that the above condition on land contamination has been imposed because 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. To satisfy the condition a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of (i) (b) and (i) (c) of the condition. It is strongly recommended that in submitting details in accordance with this condition the applicant has reference to Contaminated Land Report 11, Model Procedures for the Management of Land Contamination. This is available on both the DEFRA website (www.defra.gov.uk) and the Environment Agency website (www.environment-agency.gov.uk).

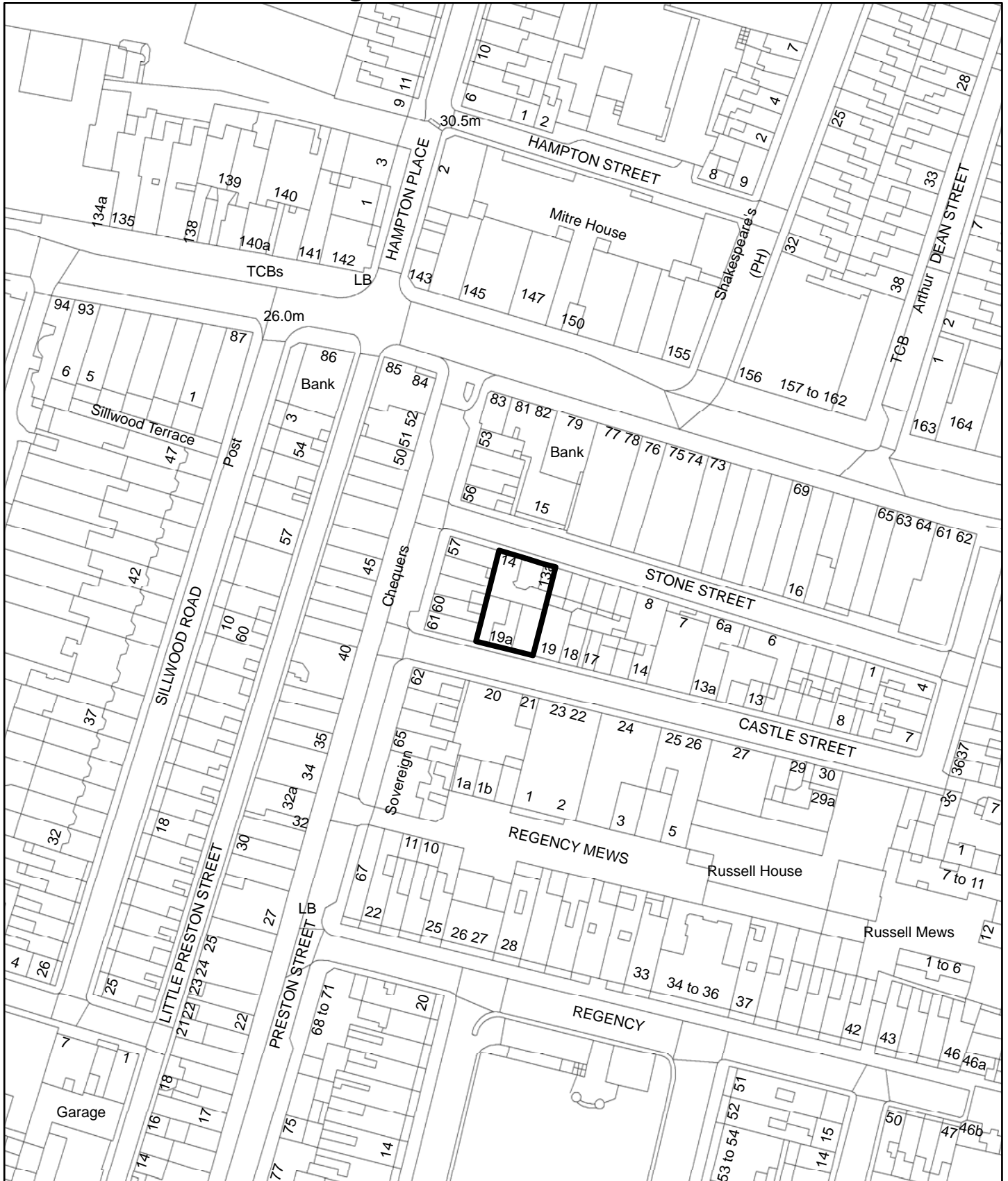
ITEM D

**13A-14 Stone Street & 19A Castle Street,
Brighton**

**BH2013/02799
Listed building works**

02 APRIL 2014

BH2013/02799 13A-14 Stone Street & 19A Castle Street, Brighton



Scale: 1:1,250

<u>No:</u>	BH2013/02799	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	13A-14 Stone Street & 19A Castle Street Brighton		
<u>Proposal:</u>	Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units.		
<u>Officer:</u>	Jason Hawkes	<u>Valid Date:</u>	14 August 2013
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	09 October 2013
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Mackellar Schwerdt Architects, The Old Library, Albion Street, Lewes, East Sussex, BN7 2ND		
<u>Applicant:</u>	Just Developments Ltd, Timbers, Rookery Way, Haywards Heath, West Sussex, RH16 4RE		

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** Listed Building Consent subject to the Conditions and Informatives set out in section 11

2 SITE LOCATION & DESCRIPTION

- 2.1 The site can be divided into two distinct parts. The first part relates to a two-storey building fronting Stone Street. The address of this part of the site is 13A-14 Stone Street. This site includes a central yard area between two single-storey buildings. The other part of the site is to the rear and faces south onto Castle Street. The address of this part of the site is 19A Castle Street. This site includes a two-storey pitched roof flint building and a single-storey building. These buildings are also divided by a yard area. The two sites at Castle Street and Stone Street form one unit with an internal link between the two. The whole of the site was formerly occupied by Hill Bros, a roofing and building contractors. Hills Bros have relocated to another premises in Hove and the site has been vacant for a number of years. All of the buildings on site are in a poor state of repair.
- 2.2 The north building on Stone Street is Listed, Grade II. The building was listed in August 2012. The south building on Castle Street is also protected by the listing by virtue of being a pre-1947 building within the curtilage of the Listed Building. The site also falls within the Regency Square Conservation Area.
- 2.3 The buildings were formerly used as purpose-built stables and a carriage house dating from the early 19th Century (probably the early 1840s). The Stone Street "fly" carriage stables are particularly interesting because of their symmetrical layout. They comprise a two-storey rear range with central coach house flanked by slightly projecting wings, splayed at the inner corners with first-floor haylofts

and ground-floor stabling, partially obscured by single-storey projecting coach houses enclosing a yard. Originally, as shown on the 1877 Ordnance Survey map, the north side had gates. The exterior has been changed by the replacement of windows apart from an original east first floor pivoting casement although most window openings have not been enlarged. The west first floor window opening on the splay was enlarged and has a sash window with vertical glazing bars. The ground floors have cambered door openings in the splay. The east coach house wing has boarded doors. There is much non-original internal partitioning. Internally no fittings survive to the stables except for some brick flooring and one coach house retains some plank dado panelling.

- 2.4 The buildings on Castle Street comprise a range of three two-storey livery stables set endwise onto the street with a detached single coach house in the north-west corner of the yard. The stable range is built of flint cobbles with brick dressings and coach house is rendered. The stable range has been patched in 20th Century brick and one third has been rebuilt in concrete block and refaced in render in the 20th Century. The windows and doors have been altered and the gable end rendered. The coach house has an early 20th Century extension built on to the front. The three stables do not retain any internal fittings and there are none to the coach house.
- 2.5 Stone Street and Castle Street are of mixed character with both residential terraced houses, historic commercial buildings and some modern buildings, mostly in render but with some brick. 13A-14 Stone Street is on the council's Building at Risk register, and is in a very poor condition.

3 RELEVANT HISTORY

BH2013/00250: 13A-14 Stone Street & 19A Castle Street. Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units. Withdrawn May 2013.

BH2013/00249: 13A-14 Stone Street & 19A Castle Street. Conversion of existing two storey office and storage building on Stone Street into 1no three bedroom dwelling with associated alterations and refurbishment. Demolition of existing two storey building on Castle Street and erection of three storey student accommodation block of 14no units. Withdrawn May 2013.

BH2011/02547: 13A-14 Stone Street & 19A Castle Street. Demolition of existing buildings to Stone Street & Castle Street. Withdrawn November 2011.

BH2011/02546: 13A-14 Stone Street & 19A Castle Street. Demolition of existing two storey buildings and erection of 2no two bed houses on Stone Street and 2no two bed flats and 1no three bed flat on Castle Street. Withdrawn November 2011.

BH2009/01911: 13A-14 Stone Street & 19A Castle Street. Demolition of existing two storey buildings and yard (excluding the flint building) and erection of a 3 storey building containing 6no. self-contained flats and 2no. retail units. Withdrawn October 2009.

BH2009/01912: 13A-14 Stone Street & 19A Castle Street. Demolition of existing two storey roofing contractors office (B1/B8). Withdrawn October 2009.

4 THE APPLICATION

4.1 Listed Building Consent is sought for the following:

- The conversion of the existing two storey office and storage building on Stone Street into 1 three bedroom dwelling with associated alterations and refurbishment.
- The demolition of the existing two storey building on Castle Street and the erection of three storey student accommodation block of 14 units with cycle parking.

4.2 A concurrent planning application is being considered under ref: **BH2013/02798**.

5 PUBLICITY AND CONSULTATIONS

External

5.1 **Neighbours: Two (2) letters of representation have been received from Flat 4, 16 Stone Street and Brighton & Hove Heritage Commission objecting** to the application for the following reasons:

- 14 self contained flats would be inappropriate for the area and have a very negative impact on the residents in this street. The units are likely to evolve rapidly into a hostel in view of its configuration. Either way, students or those reliant on hostel type accommodation will have a very negative impact on a street already blighted with overloaded bins, vermin, a brothel, drug dealers and noise from heavy road traffic. 14 self contained, small and cheap units will amplify the current problems.
- The sites are in the same ownership but are of such widely differing type and on different streets. A request is made to split the sites into two, to consider the proposed building on its separate merits.
- This would allow the granting of approval to the Stone Street development, which is not controversial, and at the same time allow the design approach of the Castle Street site, which is highly controversial among local residents and has been rejected by CAG.
- The key factors for a rethink to Castle Street would include:
 - Retention of elements from the original 19th Century stables structure.
 - Retention of at least a part of the courtyard space which is essential for the maintenance of the character of the Regency Square Conservation Area. This would require moving the lightwell from the back of the site to the front allowing its use as a courtyard. This would also require designing an irregular roof. The proposed monolithic roof results in an oppressive line of masonry which is out of keeping with the urban landscape.
- The buildings at Preston Street do not need a lightwell as no windows belonging to a living space back onto it.

5.2 **Conservation Advisory Group: Objection**. Whilst the Group welcome the development of Stone Street, concerns were raised about the proposed student residence on Castle Street. Most of the buildings along the road are small family houses and residents are unhappy about the proposal. The Group feel the existing architecture on the Castle Street building should be maintained and restored as much as possible.

The proposed development on Castle Street is unacceptable and should incorporate a courtyard fronting the street and should, if possible, incorporate elements of the existing historic building.

5.3 Regency Square Area Society: Objection

- The plan to introduce student residence to a street that enjoys a tightly knit community of people who live in small terraced cottages and flats will have a negative effect on the area.
- The scale of the 14 language student residences is out of line with anything else here and goes against the urban grain of the area.
- The Castle Street building is an important building. Its street facing courtyard is a survival of a pattern of early commercial architecture that is now rare in Brighton.
- The current proposal does not reflect the architectural standards required for a Conservation Area. The replacement structure is a bland and featureless large block of uniform size and height, flat onto the street. The proposed building will be highly destructive to the urban landscape of Regency Square Conservation Area. A better design solution should be sought.
- The lightwell is unnecessary to the west because there are no living spaces which face to the East of the Preston Street buildings.
- The scheme should be redesigned to incorporate a front lightwell, retain and reproduce elements of the stables buildings, remove some of the living units and allow a more complex design with an interesting and creative mix of old and new structures.
- The Stone Street application is uncontroversial and welcomed.

Internal:

5.4 Heritage: No objection.

- **Alterations to the Stone Street Listed Building:** The principle of retaining, refurbishing and converting the Stone Street Grade II listed buildings into a single dwelling is welcomed, subject to appropriate design and detailing, particularly given that the building is on the council's Building at Risk register. The scheme as originally submitted required a number of amendments and additional details. The required amended details were submitted and no objection is raised to the conversion of the Stone Street building subject to appropriate conditions to ensure the preservation of this Listed Building.
- **Demolition of existing buildings on Castle Street:** A report supporting that 19A Castle Street is beyond economic repair has been submitted. This outlines that the building has numerous structural defects, and has also been altered greatly over time; including the rebuilding of the gable end and end bay in concrete block and other areas in fletton brick. It appears that the amount of work required to retain the form and appearance of this building would necessitate the rebuilding of a vast proportion. Given the structural condition, its loss is considered acceptable provided its demolition is undertaken in conjunction with the restoration of 13A-14 Stone Street, and rebuilding on the site. This would allow this important listed building to be removed from the council's

building at risk register. A copy of the historic building recording and archive should be deposited with the County Archaeologist before any demolition work proceeds.

- **New building on Castle Street:** The proposed building is of an acceptable height and a flat roofed building would be acceptable in this location. The windows respect the floor heights and proportions of windows in the area. The design as originally submitted was considered unacceptable and required amendments. Amended plans were subsequently submitted which indicated amendments including a buff brick to the central bay and alterations to the windows and front door. The amended plans are deemed acceptable by the Conservation Officer and addressed concerns regarding the details of the design.

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) is a material consideration.

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:

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HE1	Listed Buildings
HE4	Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11	Listed Building Interiors
SPGBH13	Listed Building – General Advice

Supplementary Planning Documents:

SPD09	Architectural Features
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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 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 site can be divided into two clear sections with the buildings for the site facing onto Stone Street to the north and the buildings facing south onto Castle Street. The Stone Street buildings at 13A-14 Stone Street have recently been listed. Listed building consent is sought to retain these buildings with alterations to allow the use of this part of the site as a single-dwelling.
- 8.4 The south building on Castle Street is also protected by the listing by virtue of being a pre-1947 building within the curtilage of the listed building. Listed Building consent is sought for the demolition of the buildings fronting Castle Street and the construction of a three-storey building to form student accommodation.

Alterations to Stone Street Building:

- 8.5 A and 14 Stone Street are stated in the listings as being mid 19th Century rendered fly stables with haylofts over and projecting coach houses. The scheme retains the buildings on this part of this site which are to be refurbished throughout.
- 8.6 The proposal indicates that the original internal historic walls forming the central area are to be retained to form the enclosure for a new staircase. There are limited historical features within the building with exception of trusses to the main roof. The first floor trusses are to be retained and repaired as part of the repair and renovation of the roof structure. It is also proposed to remove an

area of original brick paving to allow a new floor structure to be laid with a damp proof membrane. The scheme indicates that the bricks are to be relaid as part of the new floor.

- 8.7 The windows are a mixture of style with the oldest at first floor level. To the first floor is one 8 pane pivot window, one four pane vertical sliding sash and two fixed windows. It is proposed to refurbish all the windows and to replace the fixed windows with a new 4 pane pivot window. The ground floor windows are of either a fixed or casement style and are of a much later date. The scheme proposes the installation of partly glazed timber doors and windows onto the courtyard area.
- 8.8 All internal stud and plasterboard partitions and recent blockwork would be removed. Externally, the existing painted render would be repaired and redecorated to match existing. It is proposed to take up the existing tarmac surface to the courtyard area and replace with chequered brick pavers from the Castle Street area.
- 8.9 The scheme includes a new rendered wall, with a pier, and timber gates built between the two existing front stable extensions. The new rendered wall and pier would match the existing on the west side of the site. It is proposed to retain the folding timber doors of stable doors which are to be fixed shut.
- 8.10 The Conservation Officer has commented that the principle of retaining, refurbishing and converting the Stone Street Grade II Listed Buildings is welcomed, subject to appropriate design and detailing, particularly given that the building is on the council's Building at Risk register.
- 8.11 The Conservation Officer made the following comments on the scheme as originally submitted:
- A pier from the original front boundary wall survives to the west of the current entrance gates. The reconstructed boundary wall should match the height and detailing of this pier and portion of wall (rendered with incised joints, square section coping). The new double gates should sit just below the height of the coping to the piers. It should have a traditional open iron barred top section to permit the building to be seen from the street. These amendments were subsequently submitted and deemed acceptable.
 - The detailing to the gable end of each wing should be matched to that to the west wing. Matching the existing rainwater goods would also be appropriate. These amendments were subsequently submitted and deemed acceptable.
 - The reduction in height of the wall will require the reduction in height of the flat-roofed extension to the west wing. The detail of the courtyard elevation is also inappropriate, particularly the window proportions and design. The most appropriate solution would be to locate French doors/bifolding doors in this location, to the same design as other doors on the site. This would be more in keeping with the stabling history of the site, but would also (particularly when the doors are open) allow the entirety of the yard to be read as a once-open space. The material used

to cover the flat roof should be clarified. These amendments were subsequently submitted and deemed acceptable.

- The windows to the first floor are generally appropriate, as they aim to match the surviving small paned pivot window. The detailing of these can be secured by condition to ensure they exactly match the design and dimensions of this window. The application however indicates that these will be finished with a timber stain. This is inappropriate. All windows should be painted white. This amendment is shown on revised drawings.
- The size of the openings to each splayed reveal at ground floor level is significant (to allow horses to enter). The size of the openings should not be altered (as proposed).
- It is proposed that the double doors at first floor level has opening upper windows. It would be appropriate for these to be fixed shut, so that the detailing of these doors can exactly match the other doors at this level. Ideally they would be solid boarded, but it is acknowledged that this may give insufficient light levels.
- The scheme originally proposed sunpipes to the roof of the main building. As the sunpipes appear to be proposed for rooms at first floor level, and it is understood that rooms at this level are intended to be open to the roof pitch (trusses exposed), the Conservation Officer commented that rooflights are likely to be more appropriate in appearance, and just as effective. Revised plans were subsequently submitted which indicate rooflights to replace the proposed sunpipes.
- As originally submitted, rooflights were proposed to the internal facing wings of the stable buildings. The Conservation Officer commented that these should be located in the outer roof slope in both cases so that they are readily visible from the street scene. Revised plans were subsequently submitted to address this concern.
- Internally, the majority of original walls appear to be retained, and therefore the original plan form will largely be readable. The loss of non-original partitions is welcomed.
- Any surviving plank dado panelling or other historic features should be retained and reinstated.

8.12 Having regard to the scheme, as amended, the proposal has address the amendments required by the Conservation Officer. Subject to conditions, the proposal would preserve the architectural and historic character and appearance of this building which is at risk.

Demolition of Castle Street Building:

8.13 The applicant has submitted a Structural Engineer's Report supporting the application. This outlines that all of the buildings on site have numerous structural defects and has also been altered greatly over time. This includes the rebuilding of the gable end and end bay of the Castle Street flint building in concrete block and other areas in fletton brick. It appears that the amount of work required to retain the form and appearance of this flint building would necessitate the rebuilding of a vast proportion of it anyway.

8.14 Given the structural condition, the Conservation Officer has commented that its loss is considered acceptable provided its demolition is undertaken in

conjunction with the restoration of 13A-14 Stone Street, and rebuilding on the site. This would allow this important Listed Building to be removed from the council's building at risk register.

New Building on Castle Street:

- 8.15 To replace the demolished flint building and single-storey buildings, a three-storey building is proposed to provide student accommodation. The building would be three-storeys high with a flat parapet roof. The building is contemporary in design. The building is proposed in an 'L' shape with courtyard area to the area adjacent to an existing courtyard to the rear of 59 and 60 Preston Street.
- 8.16 Fronting Castle Street, the building would appear lower than the side elevation of 61 Preston Street to west and would be higher than the immediate two-storey building at 19 Castle Street. The proposed building would form an appropriate addition between the two buildings onto Castle Street. It should also be noted that Castle Street includes a number of three-storey buildings and the proposed scale of the building would match the scale of the buildings on the street.
- 8.17 The building is proposed with a rendered finish with an inset central panel in buff brick. The proposed windows are aluminium framed sash windows set back into the façade with stone cills. The main door is also proposed in aluminium frames and includes two small side lights either side.
- 8.18 The Conservation Officer has commented that the proposed building is of an acceptable height and a flat roofed building would be acceptable in this location. The windows respect the floor heights and proportions of windows in the area.
- 8.19 Properties in the street are generally two bays wide, and the flanking white rendered two bay portions to each side reflect this. The render should come all the way down to meet the pavement, and there should be no drip moulds or expansion joints. As amended, the scheme includes buff brick to the central section. The windows and doors to the central section would include a brick soldier course. The addition of the buff brick and soldier courses give the scheme some visual interest which was deemed lacking by the Conservation Officer in the original submission.
- 8.20 Overall, it is felt that the design, as amended, of the three-storey building is acceptable and would preserve the character and appearance of the adjacent listed building and would match the character and appearance of the street scene.

9 CONCLUSION

- 9.1 Subject to conditions, the alterations to the Stone Street buildings would preserve the architectural character and appearance of the Listed Building. Given the structural integrity of the flint building onto Castle Street, the demolition of this building is deemed acceptable. Additionally, the new build to Castle Street is deemed acceptable in terms of its appearance and would preserve the character and appearance of the adjacent Listed Building. The

proposal is therefore in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.

10 EQUALITIES

10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2) The render to the Castle Street building shall be smooth rendered down to ground level and shall not have bell mouth drips above the damp proof course or above the window openings and the render work shall not use metal or plastic expansion joints.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 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) All existing architectural features including 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.
- 5) 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 the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
- 6) All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron to match existing and shall be painted to match the colour of the background walls 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.

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- 7) Any re-rendering to the Stone Street building and front boundary wall will be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building and shall be maintained as such thereafter.

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

5.1 Pre-Commencement Conditions:

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

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

- 9) 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 doors, garage doors, windows (including cills and reveals), parapet, boundary walls, railings and stair have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

11.3 Informatives:

1. This decision is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Stone Street Elevation (existing)	0609/504/1		14 th August 2013
Castle Street Elevation (existing)	0609/504/2		14 th August 2013
Roof Plan (Existing)	0609/504/3		14 th August 2013
Location Plan, Proposed Block Plan / Site Plan	8647/01	B	19 th November 2013
Proposed Lower and Upper Ground Floor	8647/02	E	13 th January 2014
Proposed First Floor and Second Floor	8647/03	E	13 th January 2014
Proposed Roof Plan	8647/04	D	19 th November 2013
Proposed South Elevation (Castle Street) and North Elevation (Stone Street)	8647/05	F	13 th January 2014

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Existing Lower and Upper Floor Plans	8647/06	A	14 th 2013	August
Existing First Floor Plan	8647/07	A	14 th 2013	August
Demolition Plan and Elevations	8647/08	A	14 th 2013	August
Proposed Sections	8647/10	A	14 th 2013	August
Courtyard Elevations	8647/11	B	13 th 2014	January

2. This decision to grant Listed Building Consent 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 conditions, the alterations to the Stone Street buildings would preserve the architectural character and appearance of the Listed Building. Given the structural integrity of the flint building onto Castle Street, the demolition of this building is deemed acceptable. Additionally, the new build to Castle Street is deemed acceptable in terms of its appearance and would preserve the character and appearance of the adjacent listed building. The proposal is therefore in accordance with policies HE1 and HE4 of the Brighton & Hove Local Plan.

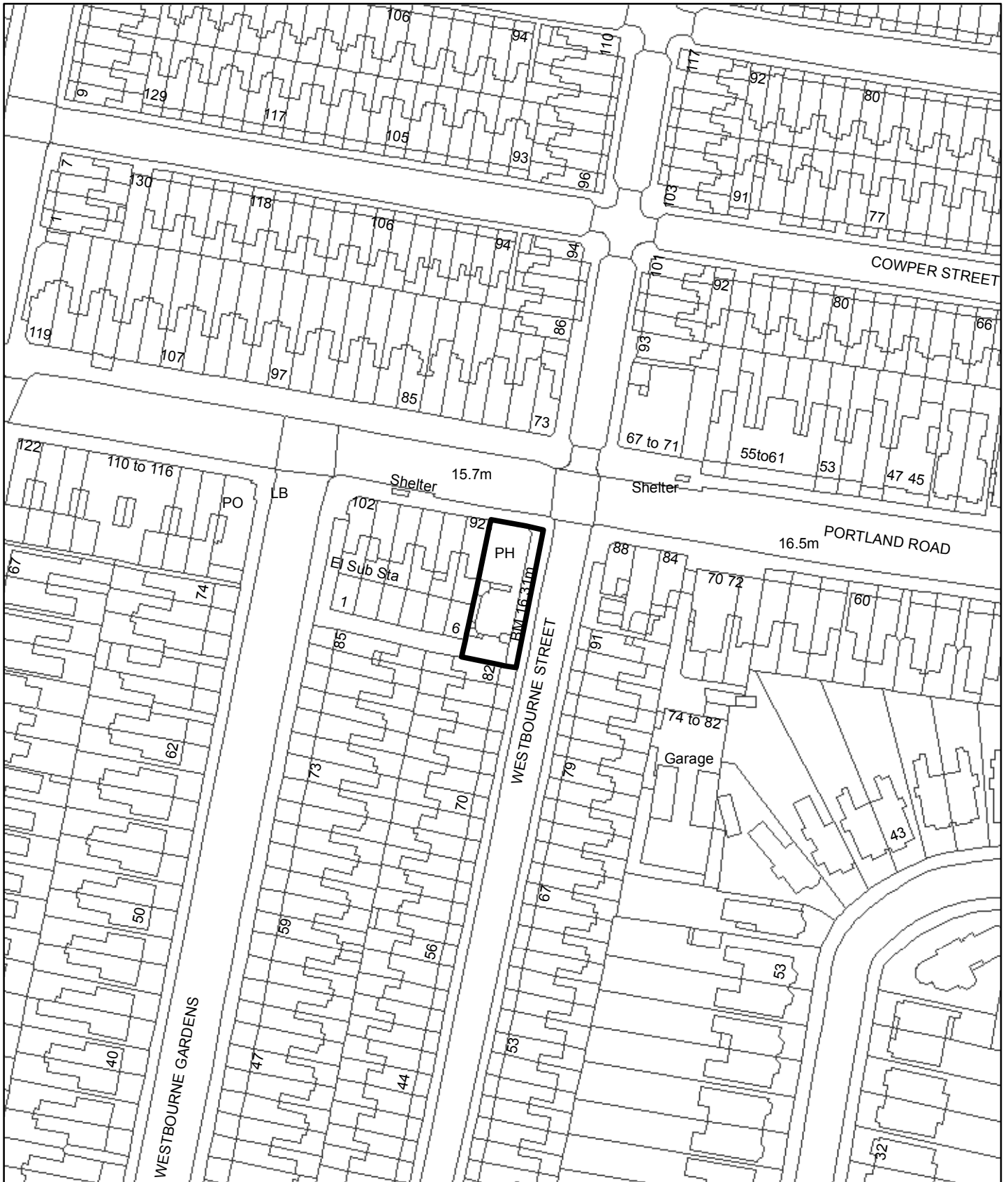
ITEM E

The Westbourne, 90 Portland Road, Hove

**BH2013/03624
Full planning**

02 APRIL 2014

BH2013/03624 The Westbourne, 90 Portland Road, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03624	<u>Ward:</u>	WESTBOURNE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Westbourne 90 Portland Road Hove		
<u>Proposal:</u>	Alterations to layout of doors and windows, new canopies to front elevation, raised garden level and installation of fixed aluminium planters to west elevation of garden.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	28 October 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23 December 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	ABIR Architects Ltd, Unit 1 Beta House, St John's Road, Hove BN3 2FX		
<u>Applicant:</u>	Ms Emma Lundin, The Westbourne, 90 Portland Road , Hove BN3 5DN		

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 public house situated on the western corner of Portland Road and Westbourne Street. The building is two storeys, and forms the end of the terrace comprising 90-102 Portland Road. The rear wing of the building and the sunken rear garden is situated adjacent to properties on Westbourne Grove to the south and west, and the garden provides a separation between the application property and no. 82 Westbourne Street the adjacent property to the south.

3 RELEVANT HISTORY

BH2013/02574 - Alterations to layout of doors and windows, new canopies to front elevation, raised garden level and erection of timber screen on West elevation of garden. Refused 09/10/2013. This application was refused because of the visual impact of the timber screen and new windows.

4 THE APPLICATION

- 4.1 Planning permission is sought for the raising of the rear garden level through the construction of raised decking and incorporating the erection of a bamboo screen on the west side of the garden area. Consent is also sought for new/replacement windows/doors, the installation of a canopy to the front (north) elevation and other associated works.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Ten (10)** letters of representation have been received from **Flat 2, 71, 78A, 82A, 83A** and **Top Flat 91 Westbourne Street** and **75, 83 (x2), 85 (x2) Westbourne Gardens** objecting to the application for the following reasons:

- Due to the raising of the garden level, do not believe that raising it to meet the existing floor level of the pub is raising it 'slightly' as stated in the application,
- Increased noise to garden. In an already heavily built up residential area feel it's unnecessary to bring more noise to the area. Use of bottle recycling is already a disturbance to daily life,
- Loss of privacy and increased overlooking,
- Not much has changed since the last application, the previous objections have not been addressed,
- The proposed alterations would have a massive impact on the sound transference from the pub, especially at night,
- The plans describe openings in the rear elevation which currently do not exist; they are in fact small non-opening windows which to some extent retain the noise of the bar within the building. The proposed external openings would create a totally different environment for the surrounding residential neighbours,
- The rear bar is a very large area with the potential for very significant noise, request that it be maintained in the building,
- Bamboo screening surely cannot be considered to be a suitable screen in terms of overlooking or sound transfer,
- There would be greater area for the pub customers to scatter outside the pub, could be unbearable to pedestrians, and
- The pub already has ample space in its pavement areas to accommodate smokers,

Internal

5.2 **Environmental Health:**

(Original comment) Have no comments subject to the attachment of informatives regarding the Environmental Protection Act and Licensing Act.

5.3 (Further comments) The last significant complaint about noise was regarding a live band back in 2008. This was resolved by the Councils Noise Patrol service that night. There have been no complaints about noise from the beer garden over the last 10 years.

5.4 Currently there are no conditions on the premises licence restricting the hours of use of the garden.

5.5 If the hours of use of the garden are restricted, the premises licence would need to be changed. This would require either the licence holders voluntarily submitting a minor variation to the licence or the Council trying to force a variation by calling a review of the premises licence and requesting to a panel of councillors that a reduction in hours of use is necessary under the licensing

objective of the prevention of public nuisance. But the fact is that currently there are no grounds or the evidence required to be successful in trying to do this.

- 5.6 With regards to the proposed access doors in the Southern elevation, when for instance live bands are playing in the pub, it may be necessary to have these doors closed to prevent the breakout of music noise disturbing local residents. But it is believed that the current lack of complaints suggests that it would not be necessary to restrict their opening/use by condition. The operators of the premises should be able to manage the doors themselves, having regard to preventing public nuisance and not causing unreasonable disturbance to local residents.
- 5.7 In any case, as advised in original memo, whilst the requisite planning permission may be granted, this does not preclude this department from carrying out an investigation under the provisions of the Environmental Protection Act 1990, should any complaints be received with regards to disturbance caused by any of the alterations.
- 5.8 **Sustainable Transport:** Support the application as have no objections to the application. The canopy would be 2.4m above the footway service level and more than 450mm from the kerb edge.

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) is a material consideration.
- 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
QD14 Extensions and alterations
QD27 Protection of amenity

Supplementary Planning Documents:

- SPD12 Design guide for extensions and alterations

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in favour of sustainable development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issues of consideration relate to the impact of the development on the character and appearance of the building and the wider area, and the effect on the residential amenity of neighbouring properties.

Design:

Raised Garden

- 8.2 The application seeks consent for the raising of the level of the rear garden area, by approximately 1.1m, so that it is level with the altered internal floor area of the pub (such internal works are not subject of the application). The new garden level would comprise a new beam and block structural floor with a resin bound gravel finish. It is stated that the raising of the garden area is to allow level access for wheelchair users from the bar area.
- 8.3 This element of the proposal in itself would have a limited impact on the character and appearance of the recipient building or the wider area. The design, materials and scale of the proposed structure is not considered incongruous in this location, and would nevertheless be largely screened from the surrounding area by existing solid boundary treatments.
- 8.4 The existing stairs located adjacent to the southern elevation of the property would be relocated to run along the western boundary of the site in order to accommodate the proposed increase in height of the garden level.
- 8.5 Bamboo screens (comprising Fargesia Rufa/Fountain Bamboo) within a fixed aluminium planter, with a combined height of approximately 1.7m would be installed on the western side of the raised garden area in order to safeguard the amenities of properties/ gardens to the west of the garden area. It is not considered that the proposed screening would be of detriment to the visual amenities of the parent property, the related street scenes or the wider area

despite it being acknowledged that its height would exceed that of the western boundary of the garden by approximately 0.7m.

- 8.6 An existing gated opening in the southern part of the eastern boundary of the garden area would be removed and the opening in-filled to match the rest of the retained wall.
- 8.7 The access into the garden area from Westbourne Street located on the northern part of the eastern boundary of the garden would also be altered as part of the proposal namely the reduction in height of part of the existing wall and the provision of new piers and a new gate. A new step would also be located on the eastern side of the wall with mild steel handrails and guarding provided.
- 8.8 Overall it is not considered that the above proposed external alterations to the property would have a detrimental impact upon the visual amenities of the parent property, the Portland Road, Westbourne Street or Westbourne Grove street scenes or the wider area.

North East Corner

- 8.9 A partially glazed timber panelled door and related fixed fanlight would be inserted in the north-eastern corner of the building to provide access from the front bar onto the corner of Portland Road and Westbourne Street. The existing ramp/pavement area in front of the proposed new doorway would be altered in order to allow for the provision of a level threshold into the front bar area. It is not considered that this would have a detrimental impact upon the visual amenities of the parent property, the related street scenes or the wider area.

New/Replacement Windows and Doors

- 8.10 Two new sets of out-ward opening glazed doors are proposed to the rear elevation to provide access to the proposed raised garden area. These doors would relate well to the size and proportions of doors elsewhere on the building, and the use of timber frames would relate well to the host property. Similarly, the alterations to windows and doors to the east side elevation would be compatible with the proportions and materials/ finish of existing fenestration.

New Canopy

- 8.11 As part of the proposal the applicant seeks consent to install a canopy to the northern elevation of the property, which fronts Portland Road. This new canopy would match the existing canopies located on the eastern elevation of the property, fronting Westbourne Street. It is not considered that this would have a detrimental impact upon the visual amenities of the parent property, the related street scenes or the wider area.

Impact on Amenity:

- 8.12 Currently the hours of use of the existing beer garden area not restricted and can be used when the pub is open (10am to 00:30am). The last noise complaint was received by the Council in 2008 and was resolved by the Councils Night Time Noise Patrol service at the time.

- 8.13 The alterations to the rear garden would provide for a raised platform where patrons of the public house could congregate. The elevated position could potentially allow increased noise to emanate from the application site to occupiers of nearby properties. Nevertheless, it is not considered that the proposal would present a likelihood of a significant increase in noise and disturbance beyond the existing arrangement.
- 8.14 It is considered that the provision of the screen towards the western side of the garden would mitigate overlooking and loss of privacy from the raised height garden area towards neighbouring properties.
- 8.15 The proposals for new and replacement windows and doors would not provide for harmful new views towards nearby residential properties.
- 8.16 Although the proposal would result in the provision of additional access doors into the raised height beer garden it is not considered that any noise outbreak from the pub would be significantly harmful to the amenities of the neighbouring properties given the presence of the existing beer garden and related access door.
- 8.17 Despite third party objections, it is considered that the proposed development would not have a significant adverse impact upon the amenity of occupiers of neighbouring or nearby residential properties. Further, should a level of noise disturbance occur amounting to a statutory nuisance, this could be investigated under the provisions of the Environment Protection Act 1990.

Other Considerations:

- 8.18 The Council's Highway Authority raises no objections to the proposed installation of a canopy to the northern elevation of the building as the expanse of the canopy when open would be located 2.4m above the adjacent footpath and would be located more than 450mm from the kerb edge.

9 CONCLUSION

- 8.19 In conclusion it is not considered that the proposed development would have a detrimental impact upon the visual amenities of the parent property, the Portland Road, Westbourne Street or Westbourne Grove street scenes or the wider area. Furthermore, subject to the compliance with the attached conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of occupiers of neighbouring or nearby residential properties.

10 EQUALITIES

- 10.1 Some elements of the proposal would improve access to the premises.

11 CONDITIONS / INFORMATIVES

- 11.1 Regulatory Conditions:

PLANNING COMMITTEE LIST- 02 APRIL 2014

- 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
Existing Plans	0267.EXG.0 01	Rev. A	23 rd October 2013
Existing Plans Section and Elevations	0267.EXG.0 02	Rev. C	23 rd October 2013
Proposed	0267.PL.00 1	Rev. D	21 st January 2014
Proposed Sections, Elevations and Details	0267.PL.00 2	Rev. B	23 rd October 2013

Pre-Occupation Conditions:

- 3) The raised garden area hereby approved shall not be brought into use until the bamboo screening shown on the drawings hereby approved has been installed. The screening shall thereafter be permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

1. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the Council's Environmental Health Department from carrying out an investigation under the provisions of the Environmental Protection Act 1990, should any complaints be received with regards to disturbance caused by any of the alterations.
2. The applicant is advised that this planning permission does not override the need to make any necessary changes to the premises license in accordance with the Licensing Act 2003. Please contact the Council's Licensing team for further information (01273 294429)
3. 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.

PLANNING COMMITTEE LIST- 02 APRIL 2014

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:-
It is not considered that the proposed development would have a detrimental impact upon the visual amenities of the parent property, the Portland Road, Westbourne Street or Westbourne Grove street scenes or the wider area. Furthermore, subject to the compliance with the attached conditions it is not considered that the proposal would have a significant adverse impact upon the amenities of occupiers of neighbouring or nearby residential properties.

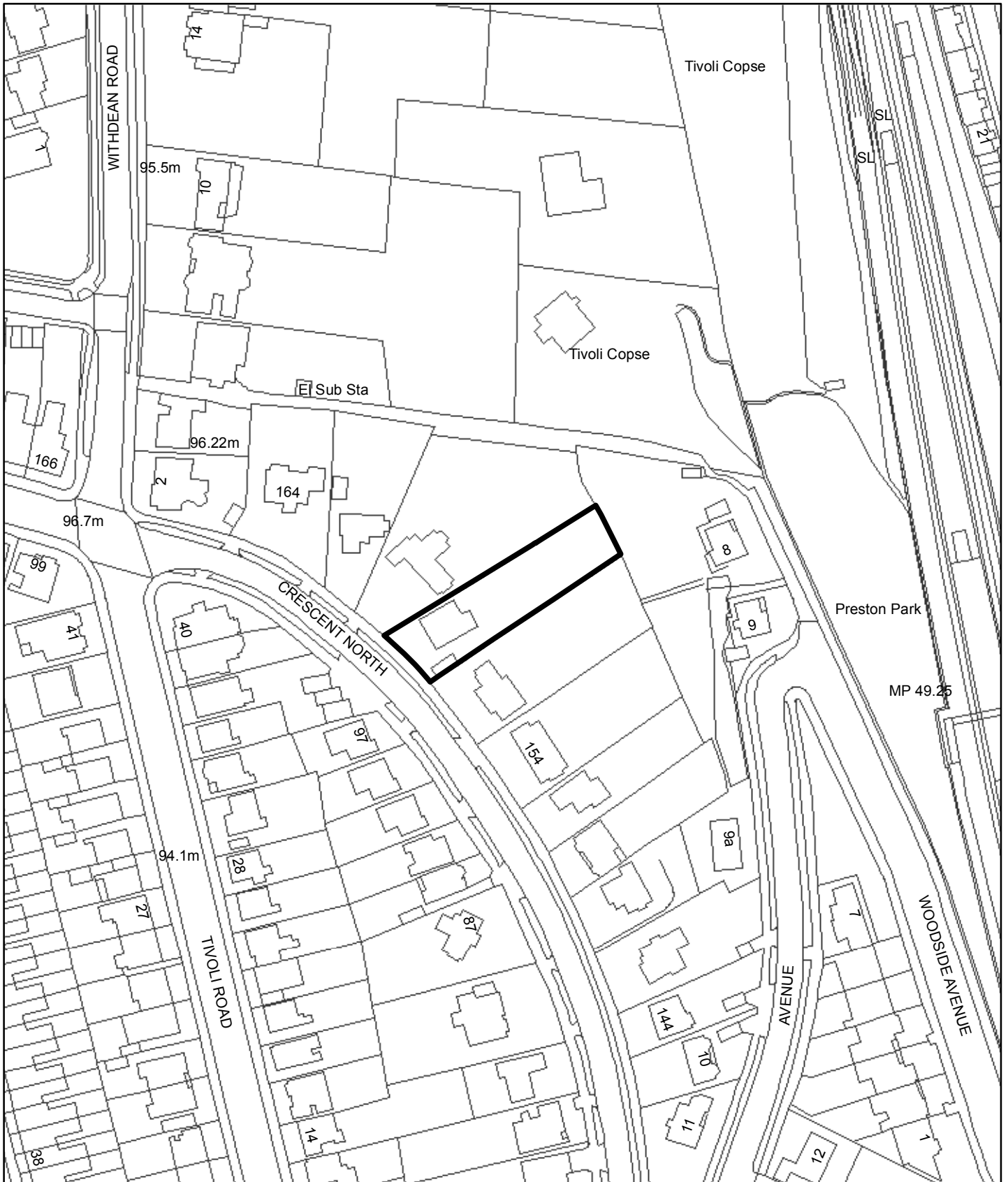
ITEM F

158 Tivoli Crescent North, Brighton

BH2013/01128
Householder planning consent

02 APRIL 2014

BH2013/01128 158 Tivoli Crescent North, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/04029	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	158 Tivoli Crescent North Brighton		
<u>Proposal:</u>	Erection of a two storey extension at lower ground and ground floor levels and an extension at first floor level to rear elevation with associated alterations. Addition of windows and rooflights to side elevations (Part-Retrospective).		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	11 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05 February 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Delavals Design, Heron House, Laughton Road, Ringmer, East Sussex BN8 5UT		
<u>Applicant:</u>	Mr & Mrs Sadeghi, C/O Delavals Design, Heron House, Laughton Road, Ringmer BN8 5UT		

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 comprises a two storey detached house located on the east side of Tivoli Crescent North, Brighton. The property sits on steeply sloping land that falls way from street level through the rear garden. A detached garage sits to the south side of the building. The wider street is formed of a mix of detached properties.

3 RELEVANT HISTORY

- BH2013/01128** - Erection of rear extensions to the ground and first floor and loft conversion incorporating rooflights. Approved 20/06/2013.
- BH2009/01441**- Erection of two storey side and rear extension with raised decking and access to storage beneath. Approved 04/09/2009.
- BH2007/00012**- Two-storey side extension, extension on rear roof space at ground & first floor level & rear raised terrace. Approved 21/02/2007.
- BH2006/00694**- Two storey side extension and extension on rear roof to form accommodation within additional roof space at lower ground floor, ground floor and first floor levels. Approved 21/04/2006.
- BH2005/05649**- Two storey side extension and extension on rear roof to form accommodation within additional roof space at lower ground floor, ground floor and first floor levels. Withdrawn.

4 THE APPLICATION

Part-retrospective planning permission is sought for the erection of a two storey extension at lower ground and ground floor levels and an extension at first floor level to the rear elevation, the addition of windows and rooflights to side elevations and other associated alterations.

5 PUBLICITY & CONSULTATIONS

External

Neighbours: Six (6) letters of representation have been received from **97, 154, 156, 157, 160 (x3), 162 Tivoli Crescent North**, objecting to the application for the following reasons:

- Loss of privacy and overlooking;
- The intention all along has been to create a balcony at first floor level, the plans indicate that the rear window is to be increased in width, no doubt French doors will be installed;
- The plans are inaccurate and incomplete;
- The garden has been comprehensively landscaped with terracing and retaining walls to create a new patio/garden area at level access from the extension;
- The conifer trees on the boundary line between the site and neighbours should be subject to a Tree Preservation Order, as the possible loss in the future, which have already halved in height will further accentuate loss of privacy concerns,
- Object to the number and type of windows added to the property, which are not cohesive and in keeping. There are leaded lights at the front of the property, wooden doors to the side without leaded lights, a Juliet balcony to the rear and now double storey modern windows to the rear with dark frames where all the others are white;
- The roof lines are a mixture of flat, pitched and pseudo pitch. There has been little consideration to the cohesive nature of the extensions;
- Does not comply with policies and SPD12;
- It is important to ensure the compatibility of extensions in the area and privacy of the adjoining properties;
- The parking space has been reduced which is disappointing particularly given the parking problems in the area;
- The design is poor. The flat roof with a pitch around it is out in keeping with the surrounding roof structures and as a result the side wall of the extension adjoining no 160 is 9 courses of bricks higher than originally approved, this gives a terracing effect between the two properties as the extension is just 1m from the boundary with an overhang even closer;
- The flat roof inside the pitched surround is extremely unsightly when viewed from the upper floor of the neighbouring property;
- Although the applicant claims that the roof could not be built as approved it is not the case;
- The bulk and volume of the proposed extensions is far greater than the previously approved extensions.

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) is a material consideration.
- 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 |

Supplementary Planning Documents:

- | | |
|-------|---|
| SPD12 | Design Guide for Extensions and Alterations |
|-------|---|

Brighton & Hove City Plan Part One (submission document)

- | | |
|-----|--|
| SS1 | Presumption in Favour of Sustainable Development |
|-----|--|

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Under application BH2013/01128 approval was granted for a hipped roof extension to the northern side of the rear elevation incorporating a half-basement level with steps leading down to the rear garden area. A hipped roof

extension was also approved on the southern side of the rear elevation above the existing rear projecting section of the dwelling.

8.2 It is stated that the previously approved drawings were not accurate and as a result the development under construction is not in accordance with the approved plans.

8.3 The main difference between the previously approved application and that now proposed are as follows,

- An increase in height of the southern hipped roof extension,
- The provision of a Juliet balcony on the southern side of the rear elevation,
- The installation of vertical tiles to the southern elevation at first floor,
- Alterations to fenestration,
- The provision of a false pitched roof over the northern side rear extension to replace the formally approved hipped roof,
- The insertion of a window within the northern elevation at roof level,
- Alterations to rooflights including the omission of a rear facing rooflight within the new hipped roof on the southern side.

8.4 The main considerations in the determination of this application relate to the impact of the proposed extensions on the appearance of the building and the amenities of adjacent occupiers.

Planning Policy:

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

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

Design:

- 8.8 As set out above the development has commenced and therefore the application is part-retrospective. Prior to the commencement of the development the building formed a two storey detached house set down from street level. The house has a distinctive character with a front hipped roof, and a large side dormer within a catslide roof. The land to the rear of the site falls away sharply such that the majority of the garden level is considerably lower than lowest ground floor level of the dwelling. The rear elevation of the building is of mixed appearance, and formerly comprised a 3.1m deep flat roof ground floor addition to the south side and a 1.2m deep two storey projection to the north side. A detached garage sits to the south side. It is noted that planning permission has previously been granted for large side and rear extensions to the building (see section 3 above).
- 8.9 Since submission of the application the plans have been amended to accurately reflect the development under construction at the site.
- 8.10 The main difference between the previously approved northern two storey extension and that constructed is the roof form and the fenestration within the side facing elevations. The previously approved hipped roof has been replaced on site with a dummy pitched roof. The overall height of the two storey extension has increased by approximately 0.5m. As part of the new proposal the existing first floor casement windows within the rear elevation on the northern side have been replaced with new casement windows. It is noted that the pitched roof of the constructed roof form would obscure the lower part of the new window by approximately 0.4m however this relationship would only be apparent from areas to the north-east of the site.
- 8.11 The installed fenestration within the north-east elevation of the two storey extension comprises 8 large windows which extend from ground floor to lower ground floor providing a large expanse of glazing in this elevation. The previously proposed steps to provide access from this elevation to the garden area have been omitted.
- 8.12 On site the ridge of the roof of the first floor extension on the southern side of the rear elevation has been constructed at a higher level, resulting in steeper pitches to the hipped roof. The constructed ridge is located approximately 0.2m below the ridge of the main roof of the dwelling. It is noted that the ridge of the first floor rear extension is higher than that of the existing front hipped roof form, however, this relationship is not highly apparent from within the surrounding area due to the topography of the site and the surrounding urban form.
- 8.13 New vertical tiles will be installed to the upper part of the southern elevation, which will connect with the tiled first floor extension. Within the rear elevation of the first floor rear extension on the southern side of the dwelling the installed windows differ in design and style to those previously approved. Three casement windows are located just below the eaves of the constructed hipped roof.
- 8.14 A new window is to be inserted in the original north facing elevation of the dwelling. This new window would relate to the roofspace of the dwelling and would be located in alignment with the apex of the main roof of the dwelling.

The design and style of this window would be similar to other existing windows within the dwelling. The previously approved window in the gable located on the southern side of the dwelling would be altered to match the design and style of the proposed new north facing window.

- 8.15 A pair of inward opening glazed doors have been inserted in the ground floor rear elevation on the northern side to replace the previously retained casement windows. A glazed balustrade is proposed in association with these glazed doors to provide a Juliet style balcony.
- 8.16 A rooflight is no longer proposed within the eastern facing roofslope of the first floor rear extension. The approved rooflights proposed within the northern and southern roof slopes of the existing front hipped roof form are to be altered in size and re-positioned.
- 8.17 The principle of the construction of a two storey extension on the northern side of the rear elevation and the creation of a first floor extension on the southern side has been established under the approval of application BH2013/01128. Overall it is not considered that the amendments to the previously approved scheme have a detrimental impact upon the visual amenities of the parent property, the Tivoli Crescent North street scene or the wider area.

Impact on Amenity:

- 8.18 The main impacts of the development would be upon nos. 156 & 160 Tivoli Crescent North to the south and north respectively. To the north, 160 Tivoli Crescent North sits on higher ground level and has large two storey rear extensions that project approximately 10m beyond the rear of 158 Tivoli Crescent North. The extensions as constructed sit on lower ground and it is considered that they do not result in increased enclosure or overlooking of this property.
- 8.19 Concerns regarding the use of the flat roof of the two storey extension raised by neighbouring properties are noted. Since submission of the application a plan has been submitted in which the relationship of the related first floor window cill and the flat roof form are shown to demonstrate that the height of the new windows would not provide easy access onto to the flat roof. However in order to protect the amenities of the neighbouring properties it is recommended that a condition is attached to the approval prohibiting the use of the flat roof as a raised amenity area.
- 8.20 To the south, No.156 sits on lower ground at a separation of approximately 15m from the nearest extension proposed. Given this separation, and the presence of substantial boundary trees, it is not considered that significant oppression or loss of light to No.156 would occur.
- 8.21 The new fenestration within the eastern elevations of the extension would not have a significant adverse impact upon the amenities of the neighbouring properties.

- 8.22 The new Juliet Balcony would provide direct views over the rear garden area of the parent property. Despite objections from the southern neighbouring property it is not considered that views south from this feature would have a significant adverse impact upon the neighbouring amenities given the type of balcony proposed, the obscured side views it provides and the fact that a window of traditional proportions was proposed in this position, which would be no different to the Juliet balcony now proposed in terms of overlooking. It is noted that objectors raise concern with regards to the loss of such boundary treatment, however, such removal does not form part of the application.
- 8.23 It is not considered that the insertion of rooflights in different locations to that previously approved would have a significant adverse impact upon the amenities of the neighbouring properties given their nature and the angle views they would provide.
- 8.24 It is acknowledged that neighbours query the use of the roofspace of the dwelling given the insertion of side windows and rooflights, however it is not in the remit of the Local Planning Authority to restrict the internal use of such space. It is not considered that the insertion of an additional window within the north facing elevation of the dwelling would have a significant adverse impact upon the amenities of the northern neighbouring properties subject to this window being of obscured glazing and fixed shut to prevent views into the south facing first floor windows of no. 160 Tivoli Crescent North. This which can be ensured via the attachment of a condition.

9 CONCLUSION

- 9.1 In conclusion it is not considered that the amendments to the development approved under application BH2013/01128, have a detrimental impact upon the visual amenities of the parent property, the Tivoli Crescent North street scene or the wider area. Furthermore, subject to the compliance with the attached conditions, it is not considered that the development would have a significant adverse impact upon the amenities of the neighbouring properties.

10 EQUALITIES

None identified.

11 CONDITIONS / INFORMATIVES

- 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
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PLANNING COMMITTEE LIST- 02 APRIL 2014

Site Plan	13.11.21.00 1	-	9 th December 2013
Block Plan	13.11.21.00 2	-	9 th December 2013
Existing Floor Plans	13.11.21.00 3	-	21 st January 2014
Existing Elevations	13.11.21.00 4	-	21 st January 2014
Proposed Floor Plans	13.11.21.00 5	-	21 st January 2014
Proposed Elevations	13.11.21.00 6	-	21 st January 2014
Section Through Rear Extension	13.11.21.12	-	20 th January 2014

- 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) 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 southern and northern elevation of the first floor extension hereby approved without planning permission obtained from the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) 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.

11.1 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:

PLANNING COMMITTEE LIST- 02 APRIL 2014

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

(ii) for the following reasons:-

The amendments to the development approved under application BH2013/01128 would not have a detrimental impact upon the visual amenities of the parent property, the Tivoli Crescent North street scene or the wider area. Furthermore, subject to the compliance with the attached conditions, it is not considered that the development would have a significant adverse impact upon the amenities of the neighbouring properties.

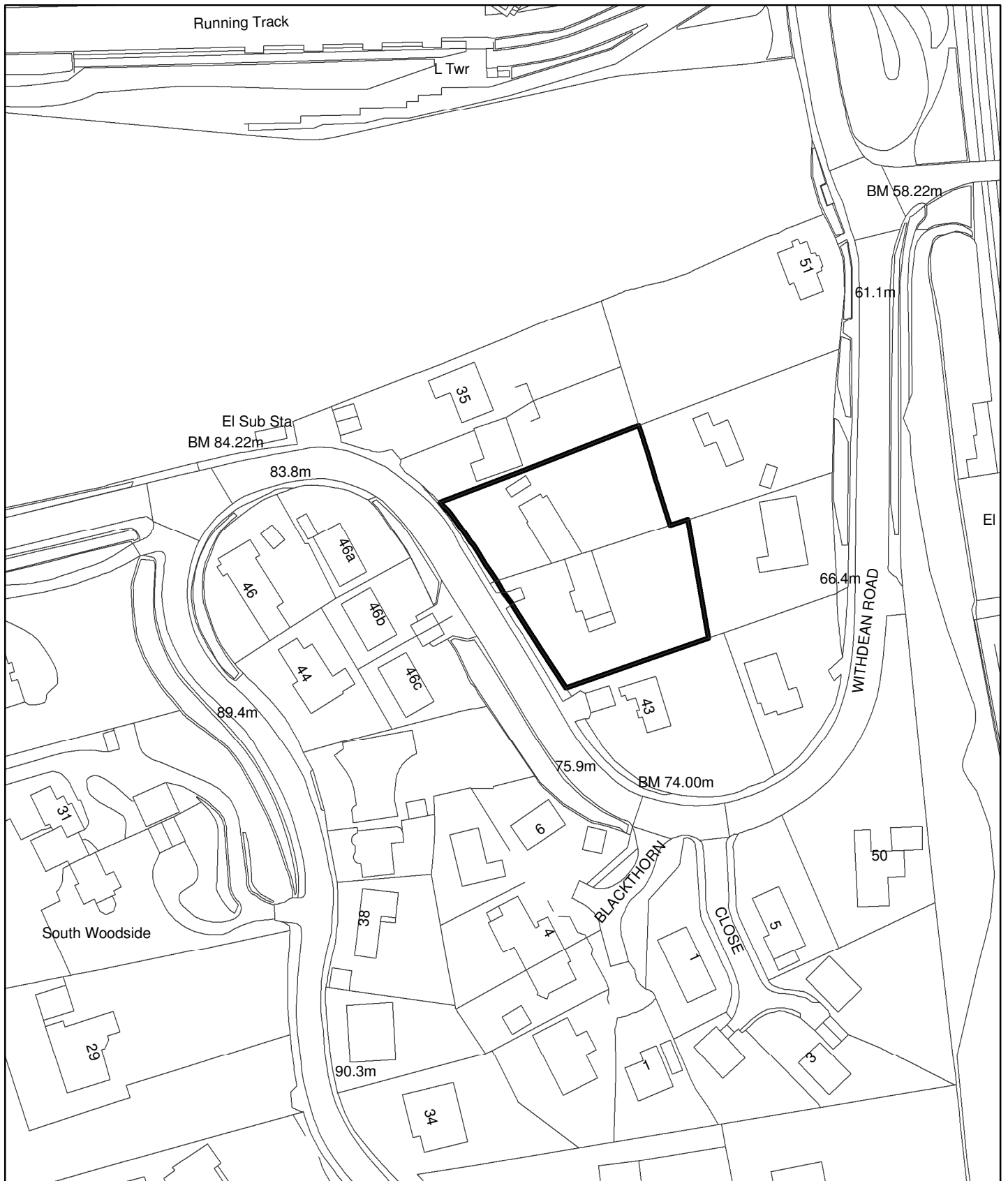
ITEM G

39 & 41 Withdean Road, Brighton

BH2013/03456
Full planning

02 APRIL 2014

BH2013/03456 39 & 41 Withdean Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03456	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	39 & 41 Withdean Road Brighton		
<u>Proposal:</u>	Demolition of existing houses and erection of 3no detached houses with associated landscaping.		
<u>Officer:</u>	Steven Lewis Tel 290480	<u>Valid Date:</u>	16 November 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 December 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Baobab Developments, Paul Templeton, 5 Fisher Street , Lewes		

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 southern plots of a site under redevelopment on the eastern side of Withdean Road, near to Blackthorn Close.
- 2.2 The site is part of a wider former redevelopment site for which planning permission was granted for the demolition of four properties and the construction of 5 new residential properties. The development upon plot one of the former site has been commenced and is a substantially completed building.
- 2.3 The site subject of this application now comprises two large dwellings that have been vacant since approximately 2007. The dwellings are derelict and the land heavily overgrown. The rear garden includes dense undergrowth and tree and slopes steeply to the rear.
- 2.4 The site, along with the adjacent partly constructed site has been vacant for several years whilst the appointed receivers attempted to find a purchaser. As a result of the time lapsed and vacancy, the receiver sought a number of permissions to extend the life of the development and separate plot one from the remainder of the site as on-going concerns.
- 2.5 Part of the former plots 2, 3 & 4 now appears to be within the curtilage of plot 1, of which the construction has recommenced. As such, the site subject of this application encompasses a reduction in plot size and width to that previous approved.

3 RELEVANT HISTORY

- 3.1 Initial planning consents for five dwellings and subsequent changes
BH2007/03716 - Demolition of four existing detached houses and construction of five new dwellings. – Approved 22/05/2008
BH2009/00153 - Amendments to application BH2007/03716, incorporating the relocation of houses within plot to facilitate proper vehicular access, alterations to cladding materials in certain areas, introduction of pavilion-style bin stores adjacent to road. – Approved 06/05/2009
- 3.2 Permissions to allow continuation of Plot one and secure on-going consent for 3 dwellings upon reminder of the original site
BH2010/00391 - Demolition of three existing detached houses and construction of 3no new detached dwellings. (amendment to reduce size of the upper floor balconies, and revised location of building to southern plot (plot 4).) – Approved 20/12/2010
BH2010/00920 - Alterations to the driveway, the stairway to side of property from upper to lower terrace and the windows. (Part retrospective) – Approved 21/06/2010
BH2013/00274 - Certificate of lawfulness proposed to confirm that completing the development in accordance with consent BH2010/00920 would be lawful and would not require any further planning approvals from the City Council. – Approved 26/03/2013
- 3.3 Other Related planning applications
BH2012/01327 - Application to extend time limit for implementation of previous approval BH2009/00153 for amendments to application BH2007/03716 (Demolition of four existing detached houses and construction of five new dwellings) incorporating relocation of houses within plot to facilitate proper vehicular access, alterations to cladding materials in certain areas, introduction of pavilion-style bin stores adjacent to road. – Withdrawn 17/10/2012
BH2009/01380 - Application for Approval of Details Reserved by Condition 9 of Application BH2009/00153 - Site Waste Management Plan. – Approved 01/09/2009

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing houses (39 & 41 Withdean Road) and the erection of 3 detached houses with associated landscaping.
- 4.2 The proposed dwellings are large detached modern dwellings set within the sloping topography of the site. The buildings are expressed predominantly as two storeys from the street due to the small scale of the upper storeys, their set back siting from the road and the low lying position of the basement/lower ground level.
- 4.3 The dwellings have been designed to project back into the site and present limited street frontages. The designs of the buildings correspond with each

other in terms of siting, scale, height and detailing approach, but do have distinct individual elements, including glazing patterns, cladding and layouts.

- 4.4 The proposed dwellings each have side facing rear terraces at upper floor level, with the exception of unit 3 which has been amended to respond to potential amenity impact and would have an enclosed rear facing terrace feature.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Five (5)** letters of representation have been received from **43, 45, 47, 49 (x2), 51** Withdean Road objecting the application for the following reasons:

- The design of the dwellings is out of keeping with the character and appearance of the area
- The proposal is an over development of the site. The combined foot print and overall floorspace of the dwellings is out of proportion with the existing and vicinity.
- Because of the steep sloping topography, the dwellings will in effect become five storeys
- The development is too close to neighbouring properties and would cause loss of privacy, overlooking and an overbearing presence
- 35 Withdean Road is a failure in design terms and was allowed on the basis that the development would not exceed the height of the then existing properties.
- The previous development became bankrupt and sufficient funds to fund the development should be demonstrated to ensure that the site does not remain vacant.
- The development would lead to a loss of light and create overshadowing.
- The proposal would be on a site smaller than the three properties consented
- The balconies would overlook neighbouring properties and the drawings are inaccurate
- There is a lack of clarity with regards to the fencing and boundary treatment.
- There is insufficient information to judge the height and proximity to neighbouring properties
- The new scheme should be considered in light of its merits and not upon the basis of previous approvals on the site.

- 5.2 From further consultation **43 Withdean Road** comment further:

- The removal of the balcony overlooking the garden of 43 Withdean Road is much welcomed.

- 5.3 **Neighbours: Five (5)** letters of representation have been received from, **59 Hendon Street, F3, 64 Regency Square, 78 Stoneham Road, 35 (x2), 46B Withdean Road** supporting the application for the following reasons:

- The proposal is a nice design, fitting architecture to Brighton and has a little fun with materials
- Enjoys the Architect's work and is interested to see the proposal being developed upon the site.
- Supports the application but request that the windows facing into the garden of 35 Withdean Road are obscurely glazed.
- The designs are high quality and an exciting direction for interesting modern architecture in the City.
- The narrow west elevation which maximises space between the houses and minimises the overall impact of the development, but the roof top 'Gloriette' has the potential to be intrusive to neighbouring gardens. The proposal is a huge improvement upon the current planning consent.

Internal:

Arboriculture: Comment

- 5.4 The Arboricultural report submitted with the application is comprehensive and the Arboricultural Section is in full agreement with its contents.
- 5.5 All trees surveyed as part of the Arboricultural report have been categorised as either "C" or "U" grade trees. This means they are all low-grade.
- 5.6 The Arboricultural Section does not object to the loss of any of these trees to facilitate the development, however, as many trees as practicable should be retained on the boundaries of the site as they provide good screening. The protection of all trees to be retained should be made a condition of any planning consent granted.
- 5.7 A robust landscaping scheme should also be made the subject of any consent granted and this scheme should include plans for gapping up the boundary planting as appropriate.
- 5.8 Overall the Arboricultural Section has no objection to the proposals in this application subject to suitable conditions being attached to any planning consent granted.

Sustainable Transport: Comment

- 5.9 Recommended approval as the Highway Authority has *no objections* to this application subject to the inclusion of the necessary conditions on any permission granted.

Trip Generation & S106

- 5.10 The proposals are not considered to significantly increase trip generation above existing permitted levels. This is because the number of residential units is increasing from 2 to 3. The scale of the development is below the temporary recession measures threshold for when S106 can be sought; therefore the Highway Authority would not look for a S106 contribution in this instance.

Car Parking

- 5.11 The applicant is proposing 2 on-site car parking spaces per unit. SPG04 states that the maximum car parking standard for a residential development outside a

CPZ is 1 car parking per unit and 1 space per 2 units for visitors. Therefore the proposed level of car parking is in line with SPG04 and deemed acceptable and is not deemed to cause a significant transport impact given the location and nature of the development.

Cycle Parking

- 5.10 SPG 4 states that a minimum of 1 cycle parking space is required for every dwelling. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 5.11 The applicant is providing large garages and an adjacent store which are deemed adequate for the storing of bikes. Therefore the standard cycle parking condition should be included on any planning permission granted.

Vehicular Access

- 5.12 The applicant is proposing amended vehicular access to the new properties. The Highway Authority would recommend that the standard condition is included on any permission granted.

Access Consultant: Comment

- 5.13 The proposals are acceptable. Access to some of the dwellings appears steep, but access from vehicles and parking areas are acceptable. The floorspace is more than adequate to accommodate any future requirements.

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) is a material consideration.
- 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
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
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Documents:

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
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development, the design of the scheme, the impact upon the character and appearance of the area and the residential amenity of adjacent occupants. In addition, sustainability, arboriculture and transport are also key considerations.

Planning History:

- 8.2 The planning history is a key consideration in this case and must be afforded significant weight as a material planning consideration.
- 8.3 Approval was granted for five large detached dwellings of a greater scale and on a larger site than the current proposal in 2007 under reference **BH2007/03716**. In addition, that development and subsequent approval **BH2009/00153** were commenced and as such are extant permissions.
- 8.4 One of the five dwellings permitted upon the site was commenced. A recent Certificate of Lawfulness (**BH2013/00274**) reflects this and confirmed the lawfulness of the development upon the site and by extension would permit the remainder of the dwellings approved under reference (**BH2010/00920**). It should be noted that part of the land comprising the remainder of the plot does not form part of the current application.
- 8.5 The site and the adjacent plot and structure were placed into receivership and as part of this process planning approvals were sought to consolidate the permissions. In late 2010 permission (ref **BH2010/00391**) was granted for the demolition of existing detached houses and construction of 3 new detached dwellings, including an amendment to reduce the size of the upper floor balconies, and revised location of the building to southern plot 4. This permission expired in December 2013..
- 8.6 The outcome of this is that the plot as presently exists forms part of a wider permission, whereby the remaining 4 houses from 2007 & 2009 could still be constructed; and until recently permission still existed for three large detached buildings resembling the adjacent property at Plot one, although part of the plot required comprises part of the curtilage of plot one.

Density:

- 8.7 The National Planning Policy Framework (NPPF) with a presumption in favour of sustainable development and Local Plan policies QD3 and HO4 seek the efficient and effective use of land for housing, including the re-use of previously developed land including land and buildings which is currently in use but which has the potential for re-development.
- 8.8 The application relates to a site of approximately 0.23 hectares assembled from 2 residential plots which has an existing density of 8.5 dwellings per hectare. The proposal would increase this to over 12 dwellings per hectare. Whilst this density is low it is marginally greater than previously approved on this portion of the site and is in keeping with the pattern of surrounding development. Given the substantial variation in site levels, a higher density would be difficult to achieve without changing the design approach to houses. The proposed development maximises the use of level ground and the street frontage increases density whilst having regard to the characteristics of the local area, and for these reasons the proposed density is considered acceptable.

Design:

- 8.9 Policies QD1, QD2 and QD4 state that new development will be expected to demonstrate a high standard of design and should make a positive contribution to

the environment and take into account local characteristics including the height, scale, bulk and design of existing buildings.

- 8.10 The proposed dwellings are large detached properties that are designed to sit comfortably within the topography of the site and surroundings. The new houses are considered well designed and would not harm the character and appearance of the area.
- 8.11 The proposed dwellings by reason of their scale, massing, height, detailing and materials would be an improvement upon the previously consented schemes, which as discussed earlier in this report should be afforded weight as a material consideration. Notwithstanding, the proposal based upon its own merits is considered to represent a high quality standard and form of architecture which responds positively to the site and its constraints.
- 8.12 The dwellings are a series of three detached dwellings of long and horizontal emphasis. The dwellings are designed to be set over three storeys of accommodation, with lower ground floor and first floor levels articulated with smaller floor plates above and below a central dominant ground floor. The new dwellings are essentially that of a masonry base level with a lighter and contemporary detailed timber box with steel frame with timber studwork, clad in softwood. Each of the dwellings would be treated with different staining of autumnal tone.
- 8.13 The buildings are contemporary designed, detailed and landscaped and would provide a high quality contrast to the suburban character of the area. Each of the dwellings have a general southern emphasis, largely blank northern elevations, with terraces and main aspects facing towards the south with the exception of plot 3.
- 8.14 The front boundary treatments are brick boundary walls with hardwood panels that vary in height with the topography of the site of between 1.3m and 2.5m. The vehicle entrance would have side sliding car entrance gates. The proposed boundary treatments are considered acceptable in an area where there are significant variations in boundary treatments and in the context of the modern design of the scheme. However, further larger scale details and materials samples of the final means of enclosure are required.
- 8.15 The design, scale, massing and coverage of the dwellings are an improvement upon the previous approvals. The previously consented schemes are similar to the building upon the adjacent plot to the north. The large areas of render, greater height of the upper floor would produce a more dominant appearance than the current proposal and the coverage of each plot was considerably larger in footprint.
- 8.16 The proposed design still puts forward a scheme of significant scale, but would represent an improvement in scale terms when compared to previous schemes. The modern design and scale by reason of the proposed quality is acceptable given the low density and the variation of detailing and materials in the surrounding area. The quality of materials and finishes are an important factor

in ensuring that a site which currently presents a negative appearance due to its medium term vacant status and dilapidated state of the buildings. Appropriate materials can be secured by condition.

Landscaping:

- 8.17 The site slopes down from the street to the rear. There are a significant number of bushes, shrubs and trees upon the site and, particularly towards the rear, the planting provides screening with some amenity value.
- 8.18 The landscaping is an integral element of a successful design in this case as the dwellings have been designed to fit with the topography of the site, to sit with each other and those which surround the site.
- 8.19 The Arboricultural report submitted with the application is comprehensive and the Arboricultural team is in full agreement with its contents. All trees surveyed as part of the Arboricultural report have been categorised as low-grade.
- 8.20 The Arboricultural team do not object to the loss of any of these trees to facilitate the development, however, as many trees as practicable should be retained on the boundaries of the site as they provide good screening. The protection of all trees to be retained should be made a condition of any planning consent granted.
- 8.21 A robust landscaping scheme should also be made the subject of any consent granted and this scheme should include plans for gapping up the boundary planting as appropriate. Planning conditions are recommended for this purpose.

Impact on Amenity:

- 8.22 The proposed dwellings by reason of their siting, massing, height, orientation and aspect would not have any unduly harmful impact upon the amenities of adjacent and nearby residential occupiers.
- 8.23 The previous approvals upon the site must be given weight as a material consideration in this case, but also it is noted that changes to the neighbouring dwelling, involving the construction of side facing dormer windows in the northern roof slope of 43 Withdean Road, have occurred since the previous scheme was granted. The proposal must also be rigorously examined in light of changes since the previous approvals.
- 8.24 The new dwellings by reason of their lower massing, bulk and height would have a reduced presence and therefore are less likely to have a light, overshadowing or outlook impact when compared with those previously approved. Notwithstanding the previous approvals, the neighbouring dwellings are sited within spacious and low density plots and are sufficiently well spaced to ensure that the outlook and light to occupiers is not significantly affected. Given existing screening and proposed landscaping it is considered that the proposed buildings would not be unduly prominent from properties to the rear. Where views may be afforded due to the differences in ground levels, the terraces would overlook the roof of the nearest property and not directly into the building.

- 8.25 No.43 Withdean Road, adjacent to the site to the south, has windows and dormer windows on the side elevation close to the boundary. The proposal buildings have been designed as a rough 'L' shape, with a horizontal and east west emphasis and the garage element forming the northern most end of each unit. This results in each of the units being sited sufficiently far back from each other in the main body and from the southern boundaries as feasible. The result is that the side window facing no.43 is sited up to 10 metres from the boundary of 43 Withdean Road. The relatively low lying and screened boundary with the lower ground and ground floors along with the set back position of windows on the upper floor would have an acceptable residential amenity impact and would be an improvement upon previous approvals which, given the new dormers in the roof of 43 Withdean Road, could have led to a previously unexpected but harmful impact.
- 8.26 The area of primary concern was the proposed upper floor terrace and the potential for loss of privacy between Unit 3 of the proposal and 43 Withdean Road. The distance and screening does afford some mutual screening, but due to the advance position nearer the boundary and the raised level of the terrace; it was considered that at least some level of overlooking could be perceived by users either property. Therefore the terrace at Unit 3 has been omitted and replaced with an internalised terrace which has a rear facing aspect; given the modern design it is considered that the changes would not compromise the design qualities of the scheme but also secure additional benefit above the previously consented scheme. Additional screening or changes to the terraces to the rear and with a side aspect of proposed units 1 & 2 are not required due to the relationship, emphasis of the design and the blank flank elevations of the plots 2 & 3 to which the terraces would face.

Sustainable Transport:

- 8.27 The proposals are not considered to significantly increase trip generation above existing permitted levels. This is because the number of residential units is increasing from 2 to 3. The scale of the development is below the temporary recession measures threshold for when S106 can be sought; therefore a S106 contribution would not be sought in this instance.
- 8.28 The applicant is proposing 2 on-site car parking spaces per unit. Adopted parking standards state that the maximum car parking standard for a residential development outside a CPZ is one car parking per unit and one space per two units for visitors. Therefore the proposed level of car parking is in accordance with adopted standards and is considered acceptable and would not cause a significant transport impact given the location and nature of the development.
- 8.29 Adopted parking standards state that a minimum of 1 cycle parking space is required for every dwelling. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 8.30 The applicant is providing large garages and an adjacent store which are adequate for the storing of cycles. Therefore the standard cycle parking condition

to secure the cycle parking should be included on any planning permission granted.

Vehicular Access

- 8.31 The applicant is proposing amended vehicular access to the new properties. The Highway Authority recommends the accesses are acceptable and that a condition is included on any permission granted requiring their provision before occupation.

Sustainability:

- 8.32 The development proposes Level 3 of Code for Sustainable Homes. SPD08 advises that in cases of new build residential for between 3 to 9 units that Code Level 3 along with other measures would be sought This would be consistent with the previous approvals on the site.
- 8.33 Gardens and residential curtilages were reclassified within the NPPF as not being with previously developed land and in such cases Level 5 of Code for Sustainable Homes can be sought upon Greenfield sites. In this case there are two large dwellings sited across the site, with some outbuildings and ancillary terraces, paving, driveways etc. Much of site is therefore previously developed land and it is considered that the lower standard should be applied in this case.
- 8.34 The applicant's submitted sustainability checklist outlines that that the proposal would meet Level 3 of Code for Sustainable Homes, but fails to detail how this would be implemented. In addition, it is considered that there would be ample opportunity to incorporate further sustainability measures into the property it is therefore recommended that conditions are placed to ensure that adopted sustainability standards are met.

Other Considerations:

- 8.35 The properties have level street access and each contains accessible staircases serving the three floors. Room sizes are generous with wide doors and corridors. Several bathrooms have both a shower and bath with sufficient floor area to facilitate side transfer. All properties have a toilet at ground floor level. Scope existing for future adoptability. A condition should be placed to ensure that lifetime homes standards are met through the development.
- 8.36 Each of the dwellings would provide a large amount of living accommodation and as such it is considered that they would afford a high standard of living for occupiers.

9 CONCLUSION

- 9.1 The proposal is for the redevelopment of 2 individual plots with 3 dwellings. The land falls sharply both to the south and east and is well screened by existing trees. The proposed buildings are of larger footprint than the existing but retain a similar front building line and as a development are smaller in mass and scale than the adjacent property and previous approvals for the site.
- 9.2 Existing and proposed planting, together with the relationship of the site to surrounding properties with changes in land levels, enables the development to

be accommodated without causing demonstrable harm to the amenities of neighbouring properties. It is considered that the properties, which will be built to Lifetime Homes standards, would form a high quality design street section and which fits in its context and topography.

10 EQUALITIES

- 10.1 The development would be required to meet Part M of the Building Regulations and conditioned to meet Lifetime Homes.

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.

Plan Type	Reference	Version	Date Received
Site Plan & Location Plan	1310_001_P	-	10/10/2013
Unit 1 Plans	1310_003_P	-	16/10/2013
Unit 1 Elevations	1310_004_P	-	10/10/2013
Unit 2 Plans	1310_005_P	-	16/10/2013
Unit 2 Elevations	1310_006_P	-	17/03/2014
Unit 3 Plans	1310_007_P	A	17/03/2014
Unit 3 Elevations	1310_008_P	B	17/03/2014
Existing Site Plan	1310-009_13.09.09	-	10/10/2013
Existing Sections/Elevations	1310-016_13.09.09	-	16/10/2013
Existing Sections/Elevations	1310-017_13.09.09	-	16/10/2013
Previously approved and proposed schemes	1310-020_P	-	20/11/2013
Site elevations and sections	1310-030_P	-	17/03/2014
Tree Plan	J37.79/02	-	05/11/2013

- 3) No extension, enlargement or other alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B and C 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 for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 4) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 5) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing larger scale details at 1:20 scale of the proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the building is occupied **Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.
- 6) No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details. **Reason:** To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles 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) 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 Arboricultural Method Statement for tree protection 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 Method Statement. **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) No development shall commence on site until a scheme for the landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, and hedge or grass establishment), schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 10) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 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

11.3 Pre-Occupation Conditions:

- 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
- 12) 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 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.
- 13) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the

Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

- 14) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 15) The extended crossover and access shall be constructed prior to the first occupation of the development hereby permitted and 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 TR1 and TR7 of the Brighton & Hove Local Plan.
- 16) 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.

11.4 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. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
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

PLANNING COMMITTEE LIST- 02 APRIL 2014

- (ii) for the following reasons:-
The development is considered to make an efficient and effective use of land and maintain an appropriate density and siting which would maintain the positive qualities of the character and appearance of the neighbourhood. The development is well designed, would not harm the amenities of adjacent residential occupiers and would accord with development plan policies.

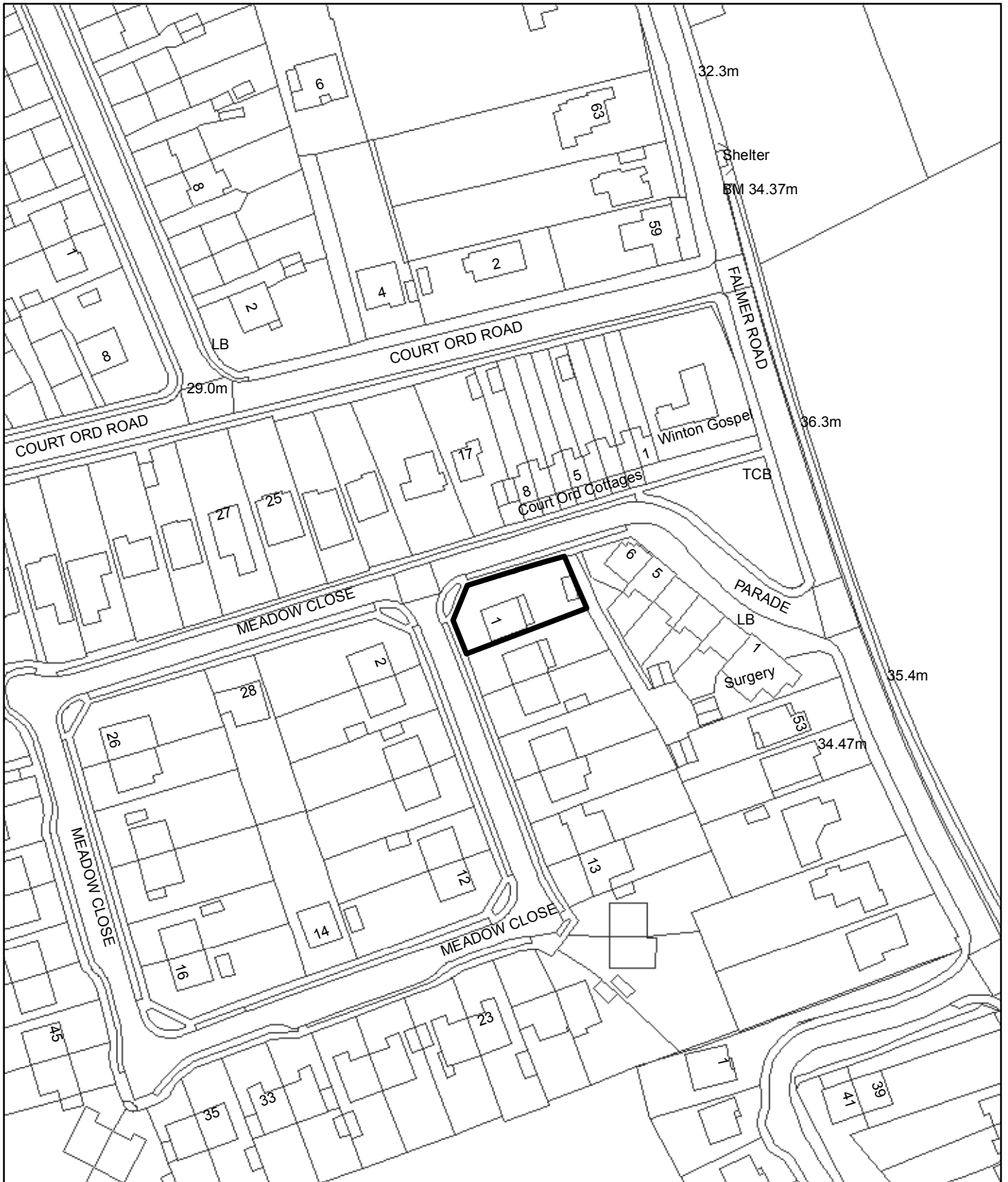
ITEM H

1 Meadow Close, Brighton

BH2014/00228
Full planning

02 APRIL 2014

BH2014/00228 1 Meadow Close, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/00228	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	1 Meadow Close, Rottingdean		
<u>Proposal:</u>	Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores. (Part-retrospective).		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	03 February 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	31 March 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Dieter Haslam, 6 Peacock Lane, Brighton BN1 6WA		
<u>Applicant:</u>	South Eastern Construction, Paul Williams, C/O Dieter Haslam, 6 Peacock Lane, Brighton BN1 6WA		

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 comprises a corner plot located at the junction of Meadow Close and Meadow Parade. The plot was formerly occupied by a single detached bungalow with a detached garage to the rear. The site has recently been re-developed with the bungalow replaced by a pair of semi-detached chalet bungalows approved on appeal under application BH2009/00948.
- 2.2 The properties to the south and west are semi-detached bungalows of similar size sited on relatively uniform plots. To the north of the site are larger detached properties and Court Ord Cottages, a row of modest terraced dwellings. To the east is Meadow Parade, a local shopping parade with residential units above set on higher ground level.

3 RELEVANT HISTORY

BH2013/01533- Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2009/00948 (Appeal ref APP/Q1445/A/09/2113807). Approved 17/07/2013.

BH2009/00948- Demolition of existing bungalow and construction of 2 semi-detached three bedroom chalet bungalows with rooflights, bin and cycle stores. Refused 28/07/2009. Appeal allowed.

4 THE APPLICATION

- 4.1 Retrospective planning permission is sought for the demolition of the bungalow and its replacement with 2 no. 3 bedroomed semi-detached chalet bungalows, with ancillary car parking, cycle storage and refuse storage. The development has been completed, however, the scheme has not been built in accordance with the plans as approved on appeal under BH2009/00948. The main differences are:
- The building height has been raised by 0.36m, principally via a higher roof form to the Meadow Close elevation
 - Revised parking, boundary and garden arrangement to the Meadow Parade elevation.
- 4.2 The application proposes further alterations to the garden and parking arrangement to the eastern dwelling that have not been undertaken, therefore the application is considered part-retrospective.

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours:

Four (4) letters have been received from **5 & 8 Court Ord Cottages; 17 Court Ord Road, and 3 Meadow Close**, objecting to the proposed development on the following grounds:

- The height and size of the building is not in accordance with the approved scheme;
- Loss of privacy;
- Loss of grass verge and loss of street parking to accommodate more onsite parking. Three private parking spaces is excessive and does not support sustainable transport;
- The garage is not being advertised as being part of the development on the estate agents particulars;
- The garage is being used as a builders yard.

- 5.2 **One (1)** letter has been received from **113 Carden Avenue**, supporting the proposed development on the grounds that the development has enhanced the area.

5.3 **Rottingdean Parish Council:** Object

The Parish Council are aware of problems residents have experienced during construction works and are concerned that retrospective consents set a precedent for unauthorised works. The Council oppose the removal of grass verges as they are important to the ecology, drainage, character and appearance of an area, and the loss of a parking space.

Internal:

- 5.4 **Sustainable Transport:** No objection.

- 5.5 **Access:** No objection.

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) is a material consideration.
- 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:

QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD27	Protection of amenity
QD28	Planning obligations
TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU9	Pollution and nuisance control
SU13	Minimisation and re-use of construction industry waste
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
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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
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The principle of two residential units on the site of the footprint and general design approach as constructed has been established by way of the appeal decision relating to application BH2009/00948. The main considerations in the determination of this application relate to the acceptability of the changes to the approved scheme that have been made in the implementation of the development and the changes now proposed.

Design and Appearance:

- 8.2 The approved drawings detail a semi-detached pair of chalet bungalows with a level ground floor plate throughout. The easternmost house (house A) is shown to have the retained garage on the eastern boundary, with an area of lawn in between.
- 8.3 As built, the floor plate of the building is now stepped by approximately 0.5m with house B set lower than house A in line with the gradient that runs through the site. It is understood this arrangement was revised in order to provide level access to both dwellings to meet Lifetime Homes. The result is a building that is taller than approved, with house A in particular having a taller appearance with a greater separation between the top of the ground floor windows and the eaves above. Owing to lack of detail in the approved drawings it is unclear to what extent the building has been raised. Assuming the floor plate to house A is as approved the building is 0.36m taller, however if the floor plate to house B is as approved, the house is approximately 0.9m taller. In any case as the building has been completed the pertinent issue is whether it satisfactorily complements the character of the area.
- 8.4 The footprint and design of the building is as approved, with the exception being the greater separation between the top of the ground floor windows and the eaves above to house B. Furthermore, the window in the dormer on the rear roofslope of house A is larger than approved. In design terms these are not considered harmful in line with the Inspector's decision. In terms of the increased height of the building, the site is located on a corner plot whereby only the

adjacent bungalows to the south are in direct relation. The buildings to the rear are two storeys in height and on considerably higher ground level, therefore the height change has had a negligible adverse impact on the relationship between these two buildings.

- 8.5 When viewed from the south and west, the ridge line to the completed development is taller than the consistent ridge line to the adjacent bungalows. However, the height differential is not immediately appreciable and in angled views the ridge lines appear broadly level. As such the change in height level has not resulted in a building of overwhelming scale and height, and has not had a detrimental impact on the continuity of the street scene as a whole. On this basis, and in accordance with the Inspector's decision, the building remains in accordance with policies QD1 & QD2 of the Brighton & Hove Local Plan.
- 8.6 With regard the garage and garden to house A, as built, the side garden and garage have been separated from house A by a 1.8m fence, and a new parking area with dropped kerb installed. The garage appears to be being used for storage of building materials independent from house A. The proposed drawings now show the reinstatement of the side garden behind the new and to-be-extended parking area, and partitioned by a 1.8m fence. The plans show the existing garage to be retained for use by house A, with a forward extension to the garage reduced to a low wall 300mm in height. It is not considered that these alterations would be harmful to the appearance of the site or street scene. The hardstanding as installed does not visually intrude on the wider street scene and retains suitable grass verges either side. The new fence separating the hardstanding from the garden behind would be set level with the garage and behind the front of the house, thereby not having an imposing presence. The reduction in the height of the front garage wall is welcome and would improve the appearance of the site and street. Accordingly the proposals accord with policies QD1 & QD2 of the Brighton & Hove Local Plan.
- 8.7 It is noted that the approved cycle and bin stores have not been implemented, however an acceptable new arrangement is detailed on the proposed plans. This can be secured by condition, to be installed within 3 months of the date of permission. Similarly, a condition is recommended to ensure the revised garden, garage and parking arrangement to house A is completed within 3 months of the date of permission, as the existing arrangement is visually intrusive and harmful to the appearance of the site and wider street.

Impact on Amenity:

- 8.8 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.
- 8.9 The increased height of the building has not had a significantly adverse impact on neighbouring amenity in terms of loss of light, outlook or privacy, particularly as the building is located to the north of the nearest affected properties.

Other matters:

8.10 The conditions applied by the Inspector should be repeated where appropriate. Conditions 3 & 4 were agreed under application BH2013/01533, have been implemented (with the exception of the lawn to the side of house A) and are not now required. Condition 2 has been revised to secure the implementation of the cycle and bin stores within 3 months of the date of permission, whilst a new condition is recommended to secure the layout and parking changes now proposed.

9 CONCLUSION

9.1 The dwellings as constructed, and subject to the revised landscaping layout as proposed, have not resulted in significant harm to the appearance of the site, wider street scene, or to the amenities of adjacent occupiers, in accordance with development plan policies.

10 EQUALITIES

10.1 The dwellings are required to meet lifetime homes standards.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

1. 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
Pre-existing block plan, floor plans and elevations	04	-	03/02/2014
Site plan, floor plans and elevations as approved under BH2009/00948	01	-	27/01/2014
Proposed floor plans and elevations	03	-	27/01/2014

2. Within three months of the date of permission, the refuse, recycling and cycle parking facilities shown on the approved plans shall be fully implemented and made available for use, and retained as such thereafter.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and the parking of cycles to comply with policies TR14 & QD27 of the Brighton & Hove Local Plan.
3. Within three months of the date of permission, the works to the garden, boundary fence, hardstanding and garage to house A as detailed on drawing no.03 received on 27 January 2014 shall be fully implemented and made available for use, and retained as such thereafter.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

4. 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 and QD27 of the Brighton & Hove Local Plan.
5. All planting, seeding or turfing comprised in the approved scheme in BH2013/01533 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.

11.2 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 dwellings as constructed, and subject to the revised landscaping layout as proposed, have not resulted in significant harm to the appearance of the site, wider street scene, or to the amenities of adjacent occupiers, in accordance with development plan policies.

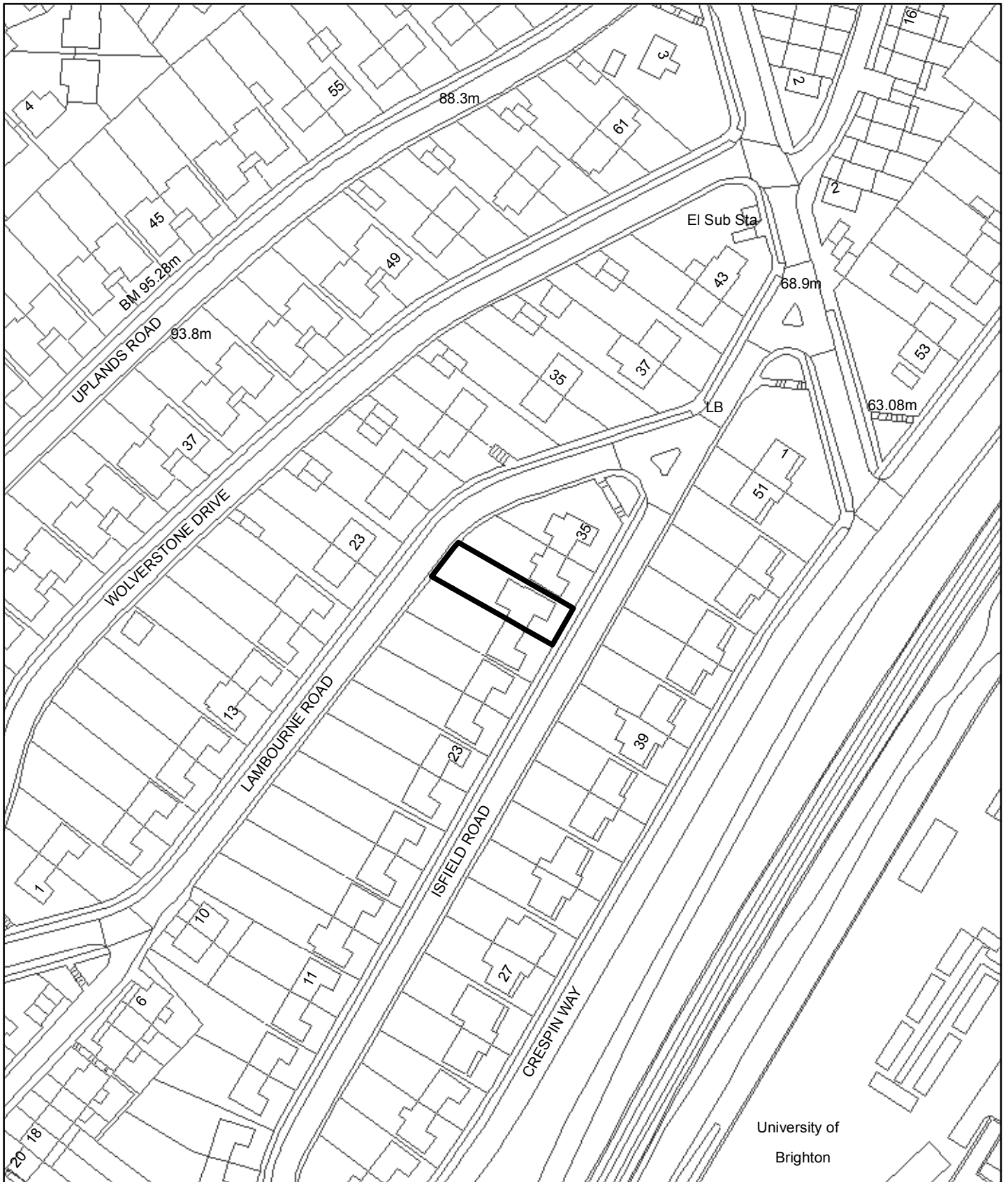
ITEM I

31 Isfield Road, Brighton

BH2014/00431
Full planning

02 APRIL 2014

BH2014/00431 31 Isfield Road, Brighton



Scale: 1:1,250

<u>No:</u>	BH2014/00431	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	31 Isfield Road Brighton		
<u>Proposal:</u>	Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis) including insertion of window to north east elevation.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	11 February 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08 April 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	PlanRight UK Ltd, 28 Tysoe Hill, Glenfield, Leicester LE3 8AQ		
<u>Applicant:</u>	John Panteli, C/O PlanRight UK Ltd, 28 Tysoe Hill, Glenfield, Leicester LE3 8AQ		

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 comprises the northern half of a pair of semi-detached houses located on the west side of Isfield Road, Brighton. The building has a 4.8m deep single storey extension to the rear and an integral garage to the front set at basement level owing to steep land level changes through the site.

3 RELEVANT HISTORY

None.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the dwelling from a six-bedroom (C4) small House in Multiple Occupation to a seven-bedroom (sui generis) large House in Multiple Occupation. A single window is proposed at ground floor level in the north side elevation to service the additional bedroom.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Five (5)** letters of representation have been received from **33 Isfield Road; 23 (x2) & 25 Lambourne Road; and 43 Crespian Way**, objecting to the application for the following reasons:
- This is a residential area of 3-bedroom family houses not 7-bedroom houses for student accommodation

- There is an over-concentration of student lets in the area, estimated at 16-20%
 - Loss of privacy from the additional window
 - A 7-bedroom house could effectively become a party house
 - There is already loud music played from the existing house
 - Rubbish is left out and furniture left in front gardens of HMOs in the area
 - HMOs in the area are generally in a poor state of repair
 - The rear garden is unkempt and neglected
 - Noise from the house and garden in term times is already unbearable
 - Occupants spend a lot of time outside given a lack of internal communal space- this creates noise issues. All HMOs should have communal areas inside
 - Increased parking pressure
 - The number of bedrooms in an HMO does not bear any relation to the number of people in the house
 - Noise and vehicle damage from students in the wider area returning home late at night
 - The universities should build more purpose built accommodation
 - Increased stretch on local services
- 5.2 **Councillors Lepper and Summers** have objected to the application. A copy of the letter is attached.

Internal:

- 5.3 **Environmental Health:** No objection
- 5.4 **Housing:** No objection
- 5.5 **Sustainable Transport:** No objection

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) is a material consideration.

- 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
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
QD14	Extensions and alterations
QD27	Protection of Amenity
HO3	Dwelling type and size
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD08	Sustainable Building Design
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP21	Student housing

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use and its impacts on the amenities of adjacent occupiers and the wider area. The external alterations are a further consideration in respect of the application.

Planning Policy:

- 8.2 The site as existing forms a six-bedroom C4 small HMO licensed prior to the Article 4 Direction coming into force on 5 April 2013. As such the C4 use of the dwelling is established. The applicants are seeking to add an additional bedroom at ground floor level to create a 7-bedroom sui generis HMO. Undertaking the assessment of existing HMO uses in the 50m radius of the site as required under policy CP21 of the submission City Plan Part 1, which normally permits a maximum of 10%, it is calculated that 15.4% of properties are in HMO occupancy. This figure includes the existing C4 HMO at the application site. However, given that there is an existing lawful C4 HMO at the site, its expansion to form a seven-bedroom HMO would not directly conflict with policy CP21 as the scheme does not propose the provision of a new HMO. As such the principle of change of use is accepted, subject to the acceptability of the accommodation to be provided, and the increased number of bedrooms and occupiers not having a demonstrably harmful impact on the amenities of the area.

Impact on Amenity:

- 8.3 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.
- 8.4 The main concern is whether the increased number of bedrooms at the property would result in demonstrable amenity harm, both to neighbouring properties and to the surrounding area. Residents have identified that occupiers of the existing property and similar properties in the wider area have caused noise disturbance. Residents have submitted a list of properties in the area they consider to be in HMO use. These mainly sit to the south of the site along Isfield Road, Lambourne Road and Crespin Way. Records indicate the 10 properties referred to (including the application site and attached dwelling) are in licensed HMO use.
- 8.5 Whilst the concerns of local residents are recognised, there is no evidence that the addition of a single bedroom to the existing HMO at 31 Isfield Road would result in significant and demonstrable amenity harm. From the office site visit the site and surrounding streets were in a tidy condition with no refuse issues or noticeably unkempt properties. Similarly, there was no evidence of excessive noise emanating from any property. Environmental Health records confirm three student-related complaints having been received in the area comprising Isfield Road, Crespin Way and Lambourne Road in the last two years, two of which were noise related and one an (unsubstantiated) refuse complaint. Environmental Health officers do not consider this to represent persistent amenity harm from HMO uses in the area. On this basis it is considered that the addition of a bedroom would not result in significant amenity harm, in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 8.6 The proposed side window to the rear would overlook a fence panel and would not result in the overlooking of neighbouring properties

- 8.7 In order to preserve the amenities of adjacent occupiers and avoid the potential aggregation of harm, conditions are recommended to restrict the number of occupants to seven and to restrict permitted development rights for extensions and alterations. These measures would ensure that the building could not be extended and the number of bedrooms increased further without the need for planning permission. A further condition is recommended to secure details of formal refuse and recycling storage facilities.

Standard of Accommodation:

- 8.8 The proposed HMO would have seven bedrooms of a good size, each with access to natural light, outlook and ventilation. Occupants would also have access to a good sized open plan kitchen and lounge communal area as well as a rear garden. As such the standard of accommodation is considered acceptable having regard the nature of the occupancy.

Sustainable Transport:

- 8.9 The property has off-street parking to the front in the form of a driveway and integral garage at basement level, whilst there is street parking in the vicinity of the site. This is suitable provision for a 7-bedroom HMO. No details of cycle parking have been provided however this can be addressed by condition.

9 CONCLUSION

- 9.1 The proposed change of use via the addition of an additional bedroom to the existing C4 House in Multiple Occupation would not result in significant amenity harm to the amenities of adjacent occupiers or the wider area, in accordance with development plan policies.

10 EQUALITIES

- 10.1 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.
- 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	-	-	10/02/2014
Block plan	-	-	10/02/2014
Existing floor plans and elevations	14468-01	-	10/02/2014

PLANNING COMMITTEE LIST- 02 APRIL 2014

Proposed floor plans and elevations	14468-02	-	10/02/2014
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- 3) The number of persons residing at the premises shall not exceed seven (7) at any one time.
Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4) No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B and C 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 for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11.2 Pre-Commencement Conditions:

- 5) 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) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

11.3 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:

PLANNING COMMITTEE LIST- 02 APRIL 2014

- (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 change of use via the addition of an additional bedroom to the existing C4 House in Multiple Occupation would not result in significant amenity harm to the amenities of adjacent occupiers or the wider area, in accordance with development plan policies.

5th March 2013

Planning Application BH/2014/00431 31 Isfield Road, Brighton

We would like to register our objection to the above planning application which seeks a change of use from a 6 bedroom HMO to a 7 bedroom HMO.

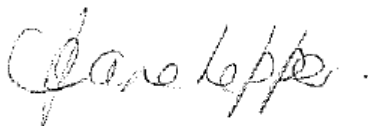
It may not seem that one extra bedroom has much significance but when one takes into account the nature of this particular area of Hollingdean it can be argued that this will have an impact.

Because of the proximity of Isfield Road to Moulsecomb station and the University of Brighton in Lewes Road it, and neighbouring roads, have a large proportion of HMOs, mainly for students. In addition there are other houses, not HMO's, that also have several students living in them.

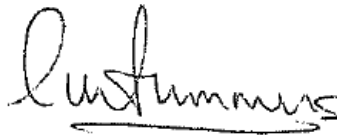
This leads to problems connected with parking, waste disposal and a sense of overcrowding. We are concerned that allowing this application for an increase in rooms, in what was originally a three bedroom family home, could lead to others being extended... one room here, then another....

Hollingdean and Stanmer ward is subject to the Article 4 Directive which seeks to limit the number of HMOs in roads where there is already a significant number. It could be argued that this policy is undermined when additional rooms are applied for separately by those who already held an HMO licence before the Article 4 Directive came into force.

Yours sincerely



Councillor Jeane Lepper



Councillor Christina Summers

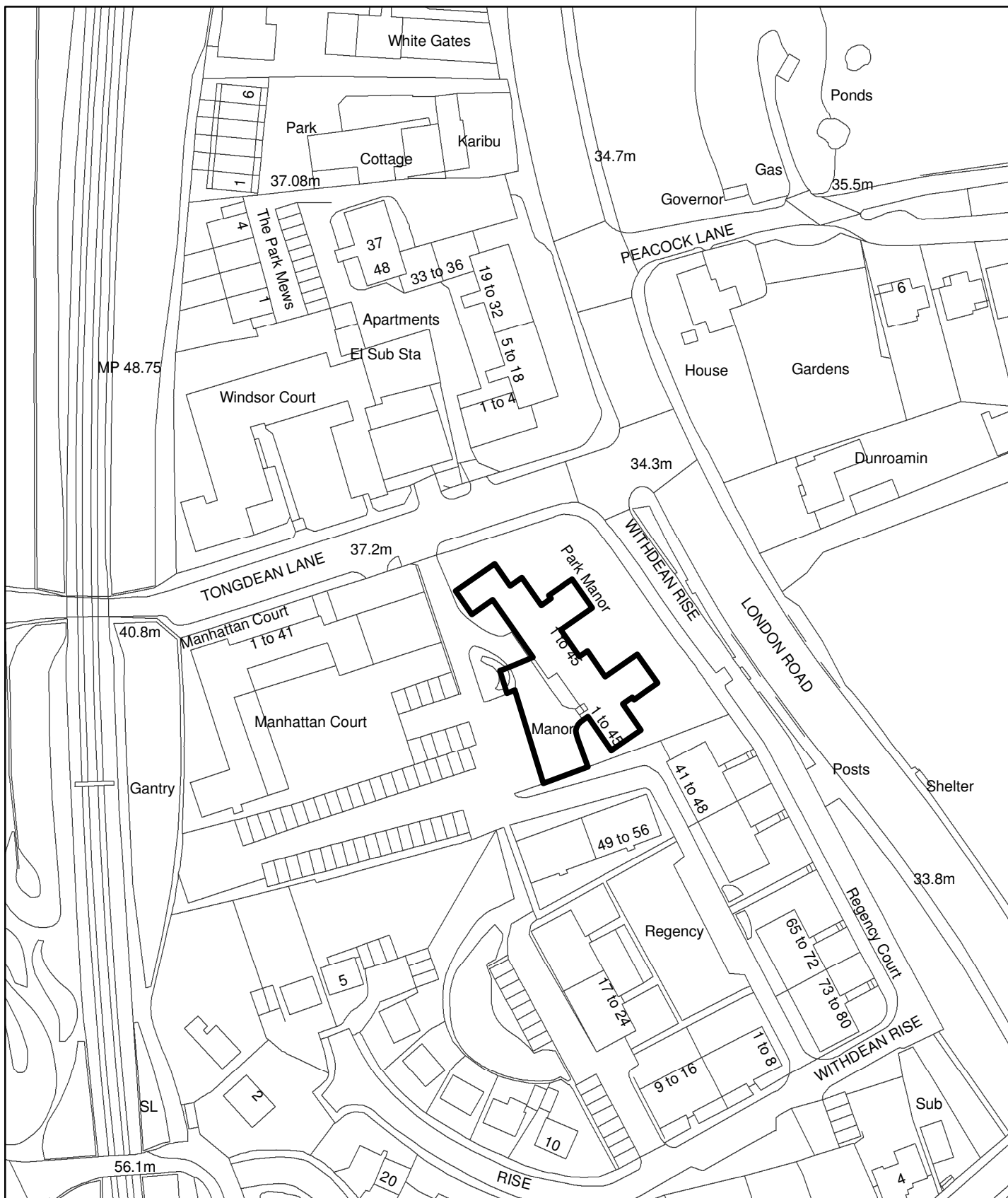
ITEM J

Park Manor, London Road, Brighton

BH2013/03993
Full planning

02 APRIL 2014

BH2013/03993 Park Manor, London Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03993	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Park Manor London Road Brighton		
<u>Proposal:</u>	Roof extension to form 4no three bedroom penthouse flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	03 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28 January 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Strutt and Parker, 31 North Street, Chichester, West Sussex PO19 1LY		
<u>Applicant:</u>	Anstone Properties Ltd, C/O Strutt and Parker, 31 North Street , Chichester, West Sussex PO19 1LY		

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 7 storey block of 45 flats situated on the corner of London Road and Tongdean Lane. The building dates from the late 1960s and is constructed in light brown bricks with white windows; some of the flats have balconies which protrude from the front elevation. The roof of the building includes large additions for lift housing. The building is opposite Surrenden Field Park and is part of a row of other blocks of flats at Regency Court and The Park Apartments which front London Road.
- 2.2 Works are currently being undertaken on a two-storey extension to an existing addition on the north side of the building which would allow an additional two flats within the site.

3 RELEVANT HISTORY

BH2013/02531: Application for approval of details reserved by condition 6 of application BH2012/03981. Approved 20/09/2013.

BH2013/01800 - Roof extension to form 4no one bedroom flats and 2no two bedroom flats with private roof gardens and creation of 4no car parking spaces, 1no disabled car parking space and new cycle store. Approved 27/11/2013.

BH2012/03981: Application for variation of condition 2 of BH2012/00382 (Erection of two storey extension to side annex to form 2no one bedroom flats and erection of cycle store), which states that the development shall be carried out in accordance with the approved drawings, to permit an increase to the approved roof height of 0.5m and remove solar panels. Approved 14/02/ 2013.

BH2012/01399 - Application for Approval of Details Reserved by Condition 8 of application BH2012/00382. Approved 27/06/2012.

BH2012/00382 - Erection of two storey extension to side annexe to form 2no one bedroom flats and erection of cycle store. Approved 30/03/2012.

BH2011/01313: Erection of two storey extension to side annexe to form 1no three bedroom maisonette and erection of cycle store. Approved 29/11/2011.

BH2010/04042: Erection of two storey extension to side annexe to form 1no two bedroom maisonette and erection of cycle store. Refused 14/03/2011.

BH2010/02980: Application to extend time limit for implementation of previous approvals BH2005/01349/FP & BH2007/04485 for proposed roof extension to provide 4no three bedroom penthouse flats with private roof gardens, parking and associated works. Approved 19/11/2010.

BH2007/04485: Amendment to approval BH2005/01349/FP (proposed roof extension to provide 4 flats) by increasing height of roof by 0.5m. Approved 29/02/2008.

BH2005/06329: Proposed roof extension to provide four 2-bedroome flats with four car parking spaces, one disabled car space, new secure cycle store, new passenger lift and staircase. Refused 17/02/2006.

BH2005/01349/FP: Roof extension to provide four 3-bed penthouses flats with private roof gardens four reserved parking spaces (no's. 50-53 inclusive) as extent consent 68/2098 one disabled parking and new secure cycle store. Refused 8th June 2005. Appeal allowed 15/05/2006.

BH2005/00364/FP: Roof extension to provide four 3-bed penthouses flats with private roof gardens four reserved parking space one disabled parking and new secure cycle store. Withdrawn 30/05/2005.

4 THE APPLICATION

- 4.1 Planning permission is sought for the construction of an additional floor on the building. The extension would provide an additional 4, three bedroom flats. The proposed flats include balconies to the front elevations. The scheme also includes the provision of 4 additional car parking spaces, including one disabled space and cycle parking spaces for the new flats, to the rear of the building. The scheme also involves the removal of the existing lift housing and the provision of new lift housing. Amendments received during the course of the application clarify that the lift housings would remain projecting above roof level.

5 PUBLICITY & CONSULTATIONS

External

Neighbours:

Original consultation

- 5.1 **Four (4)** letters of representation have been received from **Flats 23, 35, 37 and 40 Park Manor, London Road**, objecting to the application for the following reasons;
- Over-development of the site,
 - Increased parking problems, impacts on highway safety and restricted access in and out of the site,
 - Disruption and inconvenience during construction, including noise and dust,
 - The existing building contain asbestos and therefore building the additional flats is likely to pose a serious health risk to existing residents,
 - The loss of the existing covered bin store area for cycle storage,

- The extra demand and pressure on plumbing to cope with the new properties,
- Park Manor is already at capacity in terms of its current level of occupation, the development would be out of keeping with the current look of the building and will give it a “top-heavy” and awkward appearance,
- Would seriously affect the amenities of the occupiers of the properties and neighbouring properties, including with regards to noise, overlooking and loss of privacy,
- The property occupies a prominent position at the junction of two roads
- The land to the front and side of the flats is currently landscaped forming an attractive and pleasant setting for the building,
- The back of the building is a very small site and even more traffic would be a hazard as there is no walk ways and already cars are parked all over the very narrow roadways,
- Would be almost impossible for access for emergency vehicles,
- Objected to the proposal in 2005, 2006 and 2013 and it is even more important to not allow any more development to the building,

5.2 **Eighteen (18)** Generic Objection letters of representation have been received from **Flats 3, 7, 9, 20, 29, 30, 34, 41, 43, 44, 48, 49, 51, 57, 58, 59, 64, 77, Regency Court, Withdean Rise, objecting** to the application for the following reasons;

- There was a near-identical failed application from the applicant some 25 years ago and the structural report carried out at the time highlighted the problem of an extension with respect to the existing building/structure/foundations. Additionally cracks and signs of weakness, both internal and external, have been seen in the building and a recent report carried out in the area highlighted cracked and broken drains. At the very least a full structural survey should be commissioned before any decision is taken,
- The mature Ash tree which the proposal earmarks for removal is subject of a preservation order,
- The development would mean an additional level to the already 7 in place. This is out of keeping with the surrounding area, adjacent developments at Regency Court and Manhattan Court are 4 levels only,
- The development would result in noise, overlooking and loss of privacy for neighbouring flats not just Regency Court,
- The creation of reserved spaces will only serve to exacerbate the already critical lack of parking spaces at Park Manor and Regency Court. Residents already have to resort to parking on double yellow lines and in the forecourt of Park Manor, making access difficult for large services vehicle and more importantly emergency services,
- Park Manor is already at capacity in terms of its current level of occupation and associated traffic and parking. A further increase of 4 flats would stretch things to breaking point and cause an intolerable increase in noise and extra traffic,
- During the construction phase there will be undue disturbance (noise, debris, extra traffic) and distress caused to existing residents of Park Manor, and particularly those on the 6th floor and neighbouring flats and Regency Court,
- The proposed scheme is totally inappropriate for the needs of the local residents.

5.3 **Twenty Five (25)** Generic Objection letters of representation have been received from **Flats 1, 2, 3, 4, 5, 9, 11, 12, 12A, 16, 18, 20, 21, 24, 25, 27, 28, 33, 34, 35, 38, 41, 42, 44, 45 Park Manor** objecting to the application for the following reasons;

- The existing development has 45 flats, rising to 47 when existing works are completed under separate planning permission granted sometime ago,
- Only 10 parking bays are provided which is the same as when the site was originally development 40 years ago when car ownership was far less in society. Any further development will result in serious congestion and hindrance to essential services particularly emergency fire appliances,
- The removal of a mature Ash tree and the surrounding area paved for parking,
- An additional level to the 7 already in situ, this is totally excessive and out of keeping for the area given the adjacent developments at Regency Court, Manhattan Court and Windsor Court are of 4 levels only and will present an incongruous and ugly dimension to the area,
- Adjoining residents will suffer overlooking, overshadowing and loss of privacy,
- Further development of the already cramped site will result in increased traffic, especially at night. The reserved parking bays are much closer to the flats, particularly bedrooms than at present,
- Due to the age of the building (40 years) there is asbestos in the fabric of the construction and any major building work will pose a significant and dangerous health risk to residents and others if such work were to be undertaken,
- The proposed cycle storage, which is not an improvement but a legislative requirement, would be sited where 10 large refuse containers are securely and discreetly located. The proposal will result in the refuse containers being in the open, exposing an unacceptable eyesore as well as a major invitation to foxes and other vermin thereby creating risks to health of residents whose kitchens, bathrooms and bedrooms face outward to the proposed location, and
- Disruption and distress to residents during construction, especially to those residents on the 6th floor.

Additional consultation

5.4 **A further 11 (Eleven)** letters of representation have been received following receipt of amendments from **Flats 1, 4, 16, 23, 29, 34, 35, 37, 38, 40, 41 Park Manor** objecting to the application for the following reasons;

- It is harassment constantly looking for planning consent on what is an old long established block of flats which obviously in 1961 was deemed high enough, should restrict number of applications submitted,
- Increased parking problems and issues including restricting access to the block and garages and would cause a health and safety issue as emergency vehicles cannot get to the building,
- There is limited room in refuse cupboards and the existing external bin store area would be lost to allow for parking bays, no replacement facilities are shown,
- Plumbing and waste pipes not able to cope with extra demand,
- Development would not provide affordable housing,
- The development is totally inappropriate for the area and is an over-development,

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- A structural report in the 1980's revealed that the building was not designed and is not capable of bearing any further load,
- The additional floor is totally out-of-keeping with the remainder of the block,
- The proposal would displace 3 recycling wheel bins,
- The new bays would be immediately adjacent to ground floor residents properties, resulting in fumes being exhausted directly towards windows in close proximity,
- The development would cause noise and disturbance to the residents,
- The parking bays and cycle store will be sited where an ash tree is currently located. This tree has a Tree Preservation Order against it so would either have to be knocked down or would have its stability jeopardized,

5.5 **Brighton & Hove Archaeological Society:** Do not believe that any archaeological deposits are likely to be affected by this development.

5.6 **County Archaeologist:** (Comments 3/01/2014 and 18/02/2014) Although the application is situated within an Archaeological Notification Area, it is not considered that any significant archaeological remains are likely to be affected by these proposals. For this reason there are no further recommendations to make in this instance.

5.7 **Environment Agency:** Have no comments to make.

Internal:

5.8 **Access Officer:**

(Original comments) Comments that the required 300mm clear space at the leading edge of door is not provided in the living room and one of the bedrooms in flats 48 and 52 and in one bedroom in flats 49 and 50. The current situation has side transfer space to the WC in one bathroom and the required 100mm front clearance to the WC in the other. There should be both 1100mm clear space in front of the WC and suitable side transfer space in at least one bathroom in each unit.

5.9 (Final comments following submission of amended plans) The scheme is now acceptable in respect of lifetime home standards.

5.10 **Arboriculturist:**

(Original comments) The cycle store is likely to jeopardise the structural stability of one tree covered by a Tree Preservation Order and therefore the Arboricultural Section objects to this part of the application.

(Amended comments following receipt of amended plans) No objection.

5.11 **Sustainable Transport:**

(Original comments and additional comments following receipt of amendments to the cycle storage facilities) Recommends approval as the Highway Authority has no objections to the application subject to the inclusion of conditions

relating to the retention of parking areas, details of secure cycle parking and disable parking.

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) is a material consideration.
- 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
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements

QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
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
SPGBH15	Tall Buildings

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 Matters relating to the structural suitability of the existing building, the building fabric and infrastructure and the disturbance during construction works are not material planning considerations.
- 8.2 The main considerations in the determination of the application relate to the principle of the scheme, whether the proposal is appropriate in terms of design, residential amenity, sustainability, highway safety and demand for travel.

Principle of development:

- 8.3 Planning permission is sought for the construction of an additional storey to the building and the creation of four additional residential units, each comprising three bedrooms. The planning history for this building is particularly relevant when considering the principle of an additional storey. In 2006, planning permission was granted at appeal (ref: BH2005/01349/FP) for an additional storey on top of Park Manor to form four flats. Subsequently, an amendment to the scheme was allowed in 2008 (BH2007/04485). This previously approved amendment allowed an increase in height of the approved scheme. Following this, in November 2010, planning permission was allowed to extend the time limit of the approved scheme. This renewed permission expired on the 19th November 2013. It should also be noted that an application for the provision of an additional storey to provide 6 new flats was also approved last year under application BH2013/01800.
- 8.4 Given the appeal decision and the extant permission for an additional storey to the property, the principle of an additional storey on top of this building has been established. It should also be noted that there are recent examples of planning permissions for similar additional storeys on apartment blocks nearby. For example, in 2012 permission was granted at appeal for an additional storey at Blocks E & F Kingsmere London Road under ref: BH2011/03432. Permission

has also been granted recently for an additional storey at The Excelsior, London Road under refs: BH2011/00370 & BH2007/03309.

Design:

- 8.5 Brighton & Hove Local Plan policies QD1 and QD2 require new development to be of a high standard of design that would make a positive contribution to the surrounding area and that emphasises and enhances the positive characteristics of the local neighbourhood. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.6 As outlined above, this scheme follows a previous approvals for an additional storey to the existing block. These previously approved schemes allowed an extension to the whole of the roof of Park Manor which formed an additional storey with front roof terraces.
- 8.7 In respect of the design of the 2005 application, the Inspector made the following comments:
- 8.8 *'The existing lift housings which project above the roof are unsightly additions to the otherwise distinctive building. The new flats and their roof gardens would be no taller than the lift housing, and would respect the design of the lower floors. Because it would infill the space around the lift housings, the development would have a cohesive, flat-roofed appearance, in character with the rest of the block. The building would seem a little taller from street level, and it would not be dissimilar in height to other developments along the London Road, including the Park Apartments and Mandalay Court, nearby to the north, which serve to establish local distinctiveness. It would not, therefore, be overbearing, or an overdevelopment of the site. Park Manor is already taller than the 4-storey blocks at Regency Court, to the south, and because it is a sufficient distance from them, the modest increase in form that the proposal would cause would not be out of keeping.'*
- 8.9 In respect of the current scheme, the proposal is again for a full extension to the roof of Park Manor which forms an additional storey to create 4 flats. Although the internal layout of the flats now proposed differs to that approved under the BH2007/04485, externally the design of the current scheme is identical to that previously approved in 2008.
- 8.10 Since submission of the application the plans have been amended to clarify that the lift housings would remain projecting above the new floor addition.
- 8.11 The proposal would result in Park Manor measuring approximately 22m in height. The Council's SPG15 on Tall Buildings is applicable to buildings of 18m or taller, approximately 6 storeys, above existing ground level. This SPG outlines the Council's approach to new tall buildings and extensions to existing tall buildings. The SPG identifies London Road as a 'corridor' for tall buildings.

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 Park Manor is already larger than adjacent neighbouring blocks of flats. However, the footprint and scale of the additional storey is comparable to the previous expired permission.
- 8.14 The proposal is also considered appropriate in respect of its impacts on the amenity of the existing residents at Park Manor. The scheme does include small balconies which would allow some oblique and limited views into the existing sixth floor windows, however, these windows are already partly overlooked through existing windows on the block. Furthermore in respect of noise disturbance, this is unlikely to be any different to the expired permission and the permission granted last year, that could be implemented, which included roof terraces.

Standard of accommodation:

- 8.15 Brighton & Hove Local Plan policy QD27 requires new residential development to provide suitable living conditions for future occupiers. The scheme proposes 4 three bedroom units. The proposal provides a suitable standard of accommodation with adequate light and outlook for the habitable rooms provided.
- 8.16 Policy HO5 requires suitable external amenity space to be provided for new residential development. The scheme includes a balcony for each of the proposed flats. Balconies are classed as outside amenity area in policy HO5 and the scheme is considered in accordance with the policy.
- 8.17 Brighton & Hove Local Plan policy HO13 requires new development to comply with Lifetime Homes standards. Since the submission of the application, amendments have been received to address concerns raised by the Council's Access Officer. The applicant has outlined some Lifetime Homes measures in the submitted Design and Access Statement including the provision of level thresholds and adequate widths for doors, space available of wheel chair turning space in the main living areas and a simple route available for the future installation of a hoist from the main bedroom to the adjacent bathroom. The compliance with policy HO13 can be secured by the imposition of a condition.

Sustainable Transport:

- 8.18 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum

standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.

- 8.19 The proposal is forecast to increase trip generation levels slightly above existing permitted levels due to the proposal providing an additional 4 residential units. The Council's Transport Officer states that the increase in trip generation is not considered to warrant a refusal of permission and due to the scale of the development it is below the Temporary Recession Measures threshold and therefore no financial contribution is sought in this case.
- 8.20 There are currently 30 car parking spaces on site for use by residents of Park Manor. In association with the proposed additional 4 flats the scheme proposes 5 additional parking spaces within the site, near to one of the entrances to the building. It is stated on the plans submitted that one of the proposed spaces would be for disabled parking, an issue discussed further below. Although five new spaces would be provided one existing parking space would be lost in order to accommodate the proposed cycle storage facilities set out below. SPG04 states that the maximum car parking provision standard for residential development outside of a Controlled Parking Zone is 1 space per unit and 1 space per 2 units for visitors. The applicant is proposing 1 car space per unit for the additional units, therefore the proposed level of car parking is in line with SPG04 and deemed acceptable.
- 8.21 With respect to the proposed disabled parking space the submitted drawings indicate the intended dimensions for the bay, however, these do not comply with the guidance provided by the Department for Transport (DfT). The location of the proposed disabled bay is considered acceptable, near to the main entrance to the building and amended details of the dimensions of the proposed disabled bay can be secured through the imposition of a condition.
- 8.22 SPG 4 states that a minimum of 1 cycle parking space per residential unit plus 1 space per 3 dwellings for visitors. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 8.23 As part of the proposal an existing parking space to the east of the existing row of garages would be removed in order to accommodate a brick built cycle store. It is stated that this proposed store would accommodate 12 additional cycle parking spaces, which would increase the number of cycle spaces from 18 to 30, a level which is deemed acceptable. However the exact layout of the proposed facilities is not provided, such as the exact spacing of the stands, an issue which can be secured through the imposition of a condition.

Sustainability:

- 8.24 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials.
- 8.25 Under Supplementary Planning Document 8 on Sustainable Building Design, new build residential for 3-9 units is required to meet Level 3 of the Code for

Sustainable Homes. As with similar extensions in the area, the extension to the roof is classed as new build and is required to meet this standard. A condition is therefore recommended requiring the submission of the relevant documents at the pre-commencement and pre-occupation stage that indicate the scheme would meet Level 3 of the Code for Sustainable Homes.

- 8.26 Plans submitted as part of the application show an existing refuse store adjacent to the parking spaces opposite the entrances to the building. The plans also show the repositioning of recycling facilities, located adjacent to the southern rear entrance, to the north of the proposed new car parking spaces, also adjacent to the entrance.

Other Considerations:

- 8.27 Previous permissions for an additional floor included a condition requiring the lift housing to be enclosed in sound insulating material and mounted in such a way to minimise transmission of structure borne sound. This condition is recommended for the current scheme to protect the amenity of future residents of the flats.

9 CONCLUSION

- 9.1 In conclusion, having regard to the previous permissions and extant permission for an additional floor to Park Manor, the principle of additional flats on top of the building has been established. The development would form an appropriate addition on the building and would be a sympathetic addition in the context of the street scene. The proposal would provide suitable accommodation and would not significantly detract from the amenity of the adjacent residents or significantly affect highway safety and parking in the area.

10 EQUALITIES

The new flats would be required to fully comply with Part M of the Building Regulations and meet Lifetime Home Standards in accordance with policy HO13.

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
Site & Location Plans	A3213/01	Rev. B	5 th March 2014
Existing Sixth Floor Plan	A3213/02	-	22 nd November 2013

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Existing East Elevation	A3213/03	-	22 nd November 2013
Existing West Elevation	A3213/04	-	22 nd November 2013
Existing S & N Elevations	A3213/05	-	22 nd November 2013
Proposed Seventh Floor Plan	A3213/06	-	22 nd November 2013
Proposed Seventh Floor Plan	A3213/07	Rev. B	18 th December 2013
Proposed Seventh Floor Plan	A3213/ 08	Rev. B	18 th December 2013
Proposed West Elevation	A3213/09	Rev. A	24 th January 2014
Proposed West Elevation	A3213/10	Rev. A	24 th January 2014
Proposed West Elevation	A3213/11	Rev. A	24 th January 2014
Existing Roof Plan	A3213/12	-	22 nd November 2013
Proposed Roof Plan	A3213/13	-	22 nd November 2013
Proposed Seventh Floor Plan	A3213/14	Rev. A	18 th December 2013
Existing Parking Plan	A3213/15	-	22 nd November 2013
Secure Cycle Store	A3213/15	-	24 th January 2014
Parking & Cycle Storage	A3213/16	Rev. A	6 th March 2014

- 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) Access to the flat roof above the additional storey hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 6) The 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.

- 7) 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.

11.2 Pre-Commencement Conditions:

- 8) No development shall take place until details of the proposed lift plant and machinery to be used on the premises have been submitted to and approved in writing by the Local Planning Authority. The details shall indicate the lift plant and machinery enclosed with sound-insulating materials and mounted in a way which will minimise transmission of structure borne sound. The development shall be carried out in accordance with the approved details.

Reason: To protect residential amenity of the occupiers of the building and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 9) Notwithstanding the details submitted, the development hereby permitted shall not be commenced until further details of the layout and dimensions of the 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) Notwithstanding the information provided, the development hereby permitted shall not commence until revised details of the disabled car parking provision for the occupants of and visitors to, the development shall be submitted to and approved in writing by the Local Planning Authority. The parking space shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be returned for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policies TR1 and TR18 of the Brighton & Hove Local Plan and SPG4 on Parking Standards.

- 11) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 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.

11.3 Pre-Occupation Conditions:

12) 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 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

11.4 Informatives:

1. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

2. The applicant is advised that the proposed disabled bay should be designed in line with the guidance provided in the Department for Transport produced Traffic Advisory Leaflet 5/95.

3. 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:-

Having regard to the previous permissions and extant permission for an additional floor to Park Manor, the principle of additional flats on top of the building has been established. The development would form an appropriate addition on the building and would be a sympathetic addition

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in the context of the street scene. The proposal would provide suitable accommodation and would not significantly detract from the amenity of the adjacent residents or significantly affect highway safety and parking in the area.

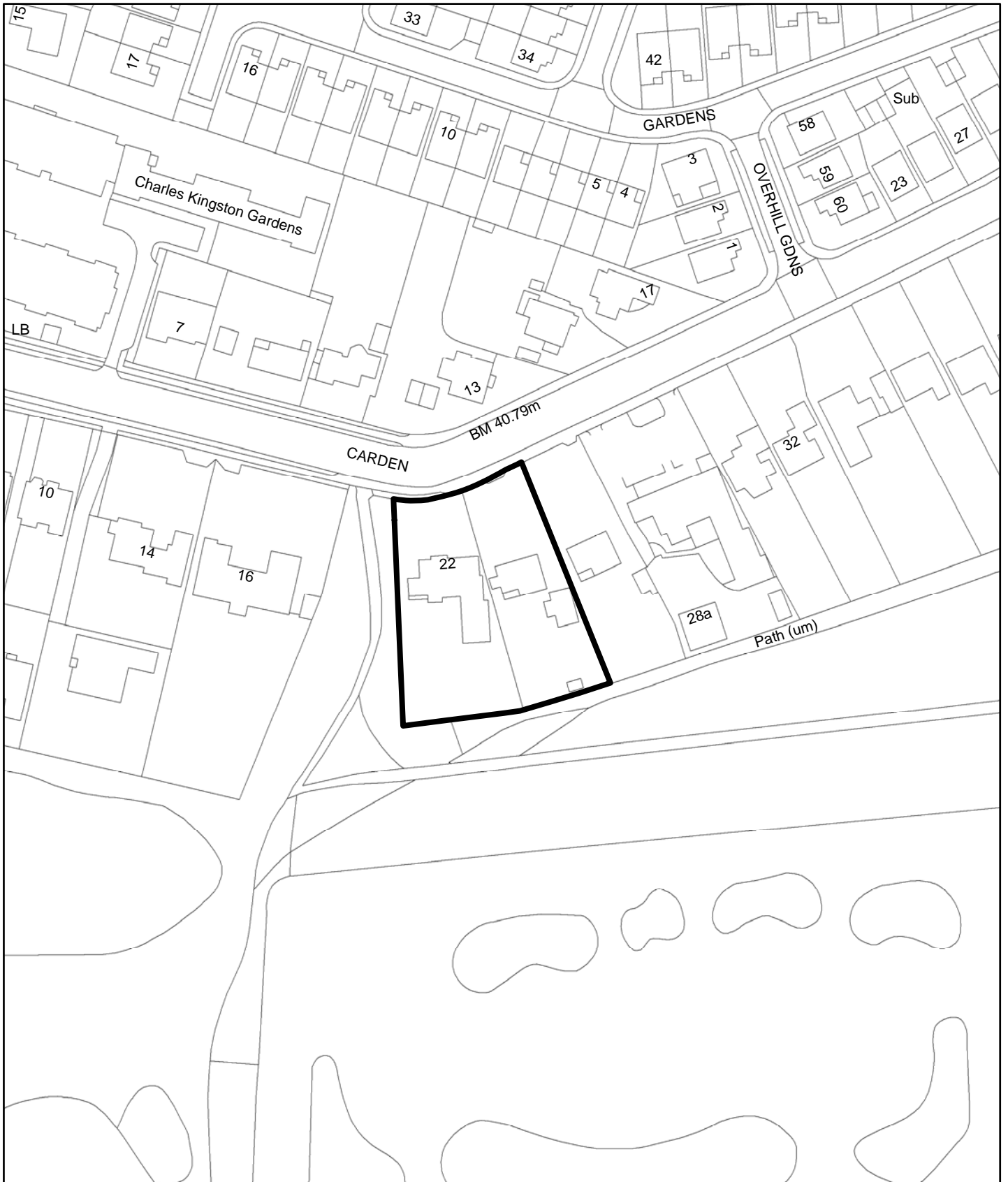
ITEM K

22 & 24 Carden Avenue, Brighton

BH2013/04299
Full planning

02 APRIL 2014

BH2013/04299 22 & 24 Carden Avenue, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/04299	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22 & 24 Carden Avenue Brighton		
<u>Proposal:</u>	Demolition of existing day care centre and chalet bungalow and erection of 4no semi-detached and 1no detached four bedroom houses (C3).		
<u>Officer:</u>	Andrew Huntley Tel 292321	<u>Valid Date:</u>	23 December 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	17 February 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	David Sayer and Associates, The Manor Farm, 124 Manor Road North, Thames Ditton, Surrey KT7 0BH		
<u>Applicant:</u>	Mr Alan Young & CMG Ltd (Blocklin House Ltd), 24 Carden Avenue Brighton BN1 8NA		

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 at present consists of two plots. No. 22 Carden Avenue is a plot containing a building which has the appearance and character of a residential bungalow, but is in fact a recreational day centre for up to 12 persons with learning disabilities. No. 24 Carden Avenue is a detached chalet style bungalow (in residential use). Both properties have large rear garden areas which slope upwards steeply towards the rear of the site with some terraced level areas.
- 2.2 The section of Carden Avenue in the vicinity of the application site is primarily characterised by detached buildings set back from the highway with driveways and gardens between. Many of the properties are single dwellings, there are also properties subdivided into flats, residential care homes and a nursery in situ. To the east and north of the vicinity of the application site there are developments consisting of terraced dwellings. The character of the surrounding area is therefore mixed, the area in the immediate vicinity of the application site is primarily characterised by detached buildings set in relatively large plots, with the built forms set back from the highway.
- 2.3 To the south of the site there is an area of woodland which has public access including a footway which runs alongside the western side of the application site.

3 RELEVANT HISTORY

BH2013/01073 - Demolition of existing day care centre and chalet bungalow and erection of 5no four bedroom detached houses. Refused 05/08/2013.

BH1997/01422/FP22 (22 Carden Avenue) - Change of use of existing building to Day Care Centre for adults with severe physical and learning disabilities. Approved 29/01/1998.

BH2010/02709 (287 Dyke Road Hove) - Erection of single storey detached building to West. Approved 03/11/2010.

4 THE APPLICATION

4.1 Planning permission is sought for the demolition of the existing buildings and the erection of five dwelling houses. These comprise of two pairs of semi-detached dwellings with a detached property located in between. The dwellings would be set back from the highway with a communal parking area and areas of planting set in between. A planted area is proposed in front of each dwelling and a rear garden area is proposed for each dwelling. The rear garden areas consist of a small patio area and a grassed main garden area sloping upwards towards the rear boundary of the site.

4.2 The dwellings proposed have vertical proportions, being three storey in height. The dwellings have a modern design and the third floor is recessed and has a flat roof. Each dwelling is of considerable depth. To the front of each dwelling at third floor level are terraces.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Nine (9)** letters of representation have been received from **13, 15, 23, 26 (x3), 32 and 40 (x2) Carden Avenue**, objecting to the application for the following reasons:

- Design and scale is out of keeping with the character of the area.
- Loss of light and privacy.
- Lack of off street car parking.
- Problems with drainage.
- No proper construction management plan proposed and construction traffic would be a serious hazard.
- Increase in residents will stretch existing infrastructure.
- Over development of the site.

5.2 **Environment Agency: No comment**

Internal:

5.3 **Arboriculture: Support**

No trees will be lost to facilitate the development and all trees can be accommodated during the course of the development. The Arboricultural Section has no objection to the proposals in this application subject to a suitable condition being attached to any consent granted.

5.4 **Access: Comment**

A 300mm clear space at the leading edge of the utility room door in the semi detached properties is obstructed by the units. However, this is not considered to be a concern in properties of this size because the door could be replaced with a sliding one if the need arose.

5.5 Adult Social Care: Support

The Council's Adult Care & Health department would not oppose the transfer of CMG's day service from Carden Avenue to Dyke Road as it meets with the vision for day activities in the city in that it provides facilities in the local area for people with learning disabilities and complex physical health care needs. Whilst the alternative site is smaller than the current building at Carden Avenue they will be using the property as a base for some activities and will be providing other activities in the community or in residents' homes.

5.6 Sustainability: Comment

Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials.

5.7 Under supplementary planning document SPD08 new built medium scale residential development on previously developed land is expected to meet Code for Sustainable Homes level 3, and on greenfield land is expected to achieve Code level 5. The site is a mixed green and brownfield site.

5.8 The applicant proposes to deliver the scheme to Code Level 4, providing design consistency across the houses while achieving a compromise between Code level 5 and 3. This is considered an acceptable approach.

5.9 Positive aspects of the scheme include: a target of Code level 4; Lifetime Homes standards; use of renewables (roof mounted solar water heating); use of gas CHP; good fabric performance; intention to carry out a feasibility study for rainwater harvesting and/or greywater recycling; onsite composting is proposed; and a site waste management plan will be developed.

5.10 Areas of policy that have been less well addressed include: passive design measures not incorporated into design; no green walls or roofs and only 3 trees proposed; no food growing; no biodiversity enhancements are proposed.

5.11 A 'Renewable Energy Statement' has been submitted which sets out the chosen energy strategy as gas micro CHP and solar hot water. The Statement suggests that ground source heat pump or air source heat pump technologies may be explored although these technologies may not be well matched to the use of solar water heating and gas micro CHP already proposed, as they would compete for heat demand. It is disappointing that PV was discounted in the document which states that 'Photovoltaics are a very expensive technology and often do not provide sufficient benefit to make them viable'. Introduction of the Feed In Tariff, and reduction in prices of PV by up to 50% in the last 6 years makes this statement out of date.

- 5.12 Ultimately however, it is the applicant who can decide what energy approach to take provided the scheme overall meets local policy. The scheme is proposing to include renewable in the scheme as expected by Local Plan Policy SU2 and therefore this aspect of policy has been addressed.
- 5.13 The route to achieving Code level 4 has not been robustly developed, no Code pre-assessment has been undertaken, and it has not been demonstrated that a high level 4 would be achieved. However, it would appear that the houses are capable of achieving Code level 4. It will be important that the Design stage certificate is submitted prior to commencement to ensure the applicant and contractors are fully aware of what must be undertaken to achieve Code level 4.
- 5.14 Approval is recommended with suggested conditions:
- Code Level 4 Design stage certificate pre commencement
 - Code level 4 Final certificate prior to occupation
 - Lifetime Homes
 - Rainwater recycling/ greywater recycling feasibility study (SPD08/SU2 policy)
- 5.15 **Sustainable Transport:** Support
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions on any permission granted. The Highway Authority's comments are similar to a recent similar application on the site (BH2013/01073).

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) is a material consideration.
- 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
- 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
- HO13 Accessible housing and lifetime homes
- HO20 Retention of community facilities

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 This application follows on from application BH2013/01073, which was refused for the following reasons:

- 8.2 *Policy HO20 seeks to retain community facilities and only allows the loss of such facilities if a number of criteria are met. The applicant has failed to demonstrate that the proposed replacement community facility at no. 287 Dyke Road Hove would provide a facility for the existing users which are equal to or better than the existing facilities, and fails to demonstrate that the replacement facility would be utilised as part of an overall strategy supported by the Adult Social Care and Health Team. Based upon the information submitted it has not been demonstrated that the proposed development would be compliant with policy HO20 of the Brighton & Hove Local Plan.*
- 8.3 *The proposed development would be of a density out of keeping with the typical character of detached dwellings in the immediate area surrounding the application site. The proposed dwelling designs (tall narrow buildings), with limited spacing between the dwellings, are not of a type common in the surrounding street scene and area, and would appear as incongruous features in the street scene. The proposed development is therefore contrary to policies QD1, QD2 and HO4 of the Brighton & Hove Local Plan.*
- 8.4 *The proposed eastern-most dwelling would have an overbearing and enclosing impact upon present and future occupiers of the neighbouring dwelling sited to the east of the application site, no. 26 Carden Avenue. The proposed development would also cause increased overshadowing of this neighbouring property. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.*
- 8.5 The main considerations in the determination of this application relate to whether this revised proposal overcomes the previous reasons for refusal and include the principle of the proposed redevelopment of the site, the visual impact of the proposed development, the standard of accommodation which would be provided, neighbouring amenity, transport, sustainability, trees, landscaping and nature conservation.

Principle of development:

- 8.6 The proposed development would result in the loss of the day centre and a detached dwelling, to be replaced by two pairs of semi-detached dwellings and one detached property. The loss of the day centre must be considered having regard to policy HO20 of the Brighton & Hove Local Plan which states that:
- 8.7 Planning permission will not be granted for development proposals, including changes of use, that involve the loss of community facilities. There are a number of exceptions to the policy that 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.

- 8.8 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.
- 8.9 The supporting text attached to policy HO20 states that where a site is to be redeveloped and the community use is to be incorporated / replaced within a new development or accommodated elsewhere, the council will seek to ensure that the 'new' facilities remain available to the existing users on similar terms and that they are equal to, or better than, the existing facilities.
- 8.10 In this case, the supporting documentation accompanying the application states that a replacement day centre facility is to be constructed at no. 287 Dyke Road, Hove (approved under application ref. BH2013/03457). It is proposed that this new building, which is due to be completed in April 2014, would serve the purpose no. 22 Carden Avenue does at present, i.e. a day centre for up to 12 persons who reside at various locations (primarily facilities run by the applicants).
- 8.11 The existing centre at no. 22 Carden Avenue has a footprint of approximately 230m². The building has additional accommodation at roof level.
- 8.12 The proposed building at no. 287 Dyke Road would have an internal floorspace of approximately 132m² and includes a hall area, kitchen, washdown room/wc and a sensory room. The replacement facility would therefore be of a reduced size in comparison to existing. However, the supporting documentation accompanying the current application advises that this new facility would have the following benefits:
- It is single storey, level and is fully accessible.
 - Main function area is 84m² which is 25% larger than at Carden Avenue.
 - The sensory room is the same size as at Carden Avenue.
 - Has a kitchen facility.
 - Hoists have been incorporated within the design.
 - A toilet is provided for wheelchair users which includes a wet room which Carden Avenue does not have.
 - Has an accessible and level garden.
 - Is in close proximity to the existing residential care homes so transportation cost would be less.
 - No restriction on the opening hours.
 - The running costs will be cheaper due to the efficiency of the new building.
- 8.13 The City Council's Adult Social Care Team have commented on the application and confirmed the rationale for relocating the facilities to Dyke Road is acceptable and would be beneficial to users of the existing facilities.
- 8.14 It is stated that the sale of the Carden Avenue site will fund upgrading and refurbishment of care homes in the ownership of the applicant, and that the new day centre will better serve the applicant's existing care homes in the vicinity of the Dyke Road site. Furthermore it is stated that the Dyke Road site has a

swimming pool which represents an additional facility, which users of the new centre would benefit from.

- 8.15 It is stated that it would not be possible to close the Carden Avenue centre until the new building is constructed and operational, as the users of the existing centre would need to transfer to the new centre before any works commence. The application has included a signed Unilateral Undertaking agreeing that no works would commence until the new facility at Dyke Road was operational.
- 8.16 It is considered that the details provided represent an exception circumstance as set out in (a) and (b) of policy HO20. It is proposed that the facility be relocated to location which it appears will be more accessible for some users (users are brought to the current facility by mini bus). The proposed replacement facility does however raise some concerns, as whilst it would be an accessible new building built to modern standards with the special requirements of the end users in mind, it would be significantly smaller than the existing facility and with only one main room all users would be required to share this space whenever they are within the building.
- 8.17 However, the Adult Social Care and Health Team have commented upon the application and state that they would not oppose the transfer of CMG's day service from Carden Avenue to Dyke Road as it meets with the vision for day activities in the city. It would provide facilities in the local area for people with learning disabilities and complex physical health care needs. Whilst the alternative site is smaller than the current building at Carden Avenue, they will be using the property as a base for some activities and will be providing other activities in the community or in residents' homes. This flexibility in care provision is supported by the Adult Social Care Team.
- 8.18 Whilst the re-provision of the existing facilities at 122 Carden Avenue would result in the loss of floor space overall, given the flexibility of care to be offered, together with the improved quality of the facilities, it is considered that the applicant has demonstrated compliance with policy HO20.
- 8.19 In regard to the principle of the proposed residential use of the site, the application proposes an additional 4 residential units. At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The specific impacts of the development are considered fully below.

The proposed development / visual Impact

- 8.20 The proposed development of five dwellings, having regard to plot and dwelling size, density and dwelling type shall be considered having regard to policies HO3 and HO4 of the Brighton & Hove Local Plan, the emerging City Plan and the NPPF.
- 8.21 In regard to plot size and density, the proposed development would have a total site size of 2225m² and an average plot size of 445m² (including a proportion of the communal area to the front curtilage of the dwellings) which represents a density figure of 22.5 DPH. For comparison, comparable detached dwellings in the vicinity of application site are as follows:
- Southern side of Carden Avenue:
- No.10 Carden Avenue: 537 m², 18.6 DPH
 - No. 10A Carden Avenue: 673 m², 14.9 DPH
 - No. 12 Carden Avenue: 1144 m², 8.7 DPH
 - No. 24 Carden Avenue as existing: 1011m², 9.9 DPH
 - No 26 Carden Avenue: 980m², 10.2 DPH
 - No. 30 Carden Avenue: 801m², 12.5 DPH
 - No. 32 Carden Avenue: 858m², 11.7 DPH
 - No. 34 Carden Avenue: 1270m², 7.9 DPH
- Northern side of Carden Avenue:
- No. 7 Carden Avenue: 411m², 24.3 DPH
 - No. 9 Carden Avenue: 688m², 14.5 DPH
 - No. 11 Carden Avenue: 1024m², 9.8 DPH
 - No. 13 Carden Avenue: 1034m², 9.7 DPH
 - No. 15 Carden Avenue: 889m², 11.2 DPH
 - No. 17 Carden Avenue: 482m², 20.7 DPH
- 8.22 The proposed development would have an average plot size approximately half that of the average of the sample properties and an average density approximately double that of the average of the sample properties.
- 8.23 The design and access statement included within the application states that taking into account all the residential properties in the immediate area, the DPH is 27. The properties in Overhill Gardens, which are predominantly semi-detached, are in excess of 40 DPH.
- 8.24 The previous reason for refusal attached to application BH2013/01073 stated that the proposal for five detached dwellings would be out of keeping with the typical character of detached dwellings in the immediate area given the plot sizes afforded to each unit. The current scheme incorporates two-pairs of semi-detached dwellings and a single detached dwelling.
- 8.25 The current scheme, whilst maintaining the same level of development as the previous scheme, is considered to be a more suitable form of development. The introduction of two pairs of semi detached properties and a detached property in the position and site coverage proposed would not contravene the

spacing between the buildings, which characterises the surrounding area in the same way the previous scheme would have. The siting of five detached dwellings in the previous scheme would have appeared at odds to the pattern of neighbouring development given the site coverage and spacing between each plot. The two semi-detached properties are similar to the width of the existing buildings on the site. Whilst the single detached unit appears somewhat cramped sited between the two pairs of semi detached properties, given the set back introduced to this unit compared to the two pairs of semi detached properties and the sites location on a corner, this would not readily be seen as a dominant addition to the street scene and reasonable spacing is maintained. Whilst concerns were raised in respect of the quantum of development in the previous scheme, the amendments to the scheme, incorporating two pairs of semi detached properties and the detached dwelling is considered acceptable and overcomes the previous reason for refusal in this regard.

- 8.26 It is also important to note, that since the Local Planning Authority is unable to demonstrate a five year housing supply against the city's, full objectively assessed need (OAN) for housing up to 2030, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.
- 8.27 The layout of this scheme with its two pairs of semi-detached properties, together with the fact that the eastern most dwelling has been sited further inside the site and the setback from the highway has changed the character of the proposal has addressed the previous reasons for refusal and is considered acceptable
- 8.28 Overall, while the density is slightly higher than that of immediate detached dwellings, it is considered that it is not out of keeping or detrimental to the wider character of the area as a whole. The redesigned layout and greater sense of space within this proposal would also help integrate the development within the street scene. In addition, the benefit of the creation of 4 additional residential units significantly and demonstrably outweighs the slight increase in density and the small change of character this would bring.
- 8.29 In regard to dwelling type and size (policy HO3), the proposed development does not include a mix of dwelling types and sizes. This is not however considered to represent a significant concern as only five dwellings are proposed; a larger development scheme would be expected to deliver a more varied mix of dwelling type and size.
- 8.30 In regard to visual impact the policies of the NPPF seek to secure a high standard of design, which also prevails throughout the policies of the Brighton & Hove Local Plan. As detailed above, the proposed development consists of two pairs of semi-detached dwellings and one detached dwelling. The design of the buildings has been substantially amended from the previous refused application for five detached dwellings.

- 8.31 The dwellings within the previously refused application had a tall appearance as glazing was proposed to the front of the roofs of the dwelling giving them an appearance akin to a three storey dwelling. Unusual triangular shaped dormers were proposed, and the dwellings to each end of the five had an unusual part-hipped, part-gabled front roof form.
- 8.32 This application has altered the layout, and while the immediate buildings tend to be detached properties, there are examples of semi-detached dwellings further along Carden Avenue and is characteristic of Overhill Gardens and Graham Avenue. The design of the properties has also changed and this proposal shows a more contemporary design than the previous refused faux-traditional style. It is considered that this setting is not so sensitive that a modern design, if well conceived and executed, would be detrimental to the prevailing character and appearance of the area.
- 8.33 The dwellings are three storeys in height with the second floor being recessed and having a flat roof to reduce the bulk and visual impact. While the properties are large, the scale and bulk are considered to be appropriate for their setting.
- 8.34 With such a modern design, it is imperative that the detailing and the quality of the materials used in the construction are of a high standard. Poor detailing and/or materials would seriously compromise the aesthetic quality of the proposal and could have the potential to be visually detrimental to the street scene. As such, it is considered necessary and appropriate to condition the detailing and materials to be used to ensure that the development is well designed and makes a positive contribution to the street scene. The use of render and brickwork is considered appropriate in relation to the design concept of the dwellings. The application form states that the windows would be aluminium/timber and use composite doors. The composite doors, subject to further details secured via condition, would be acceptable. The application states that the proposed flat roof would be made from a lead effect uPVC. It is considered that the use of uPVC is unlikely to be visually acceptable and that a metalled roof would be of a visually higher quality and more appropriate to the proposed scheme. However, these details can be secured by condition to ensure that the development is of a high standard of design.
- 8.35 There would be sufficient distances between the new dwellings and the neighbouring dwellings to prevent the new properties appearing crammed-in. The new eastern most dwelling would be separated from the side elevation of 26 Carden Avenue by a minimum of 6.5 metres and over 17 metres to 16 Carden Avenue. The set back of the new dwellings of at least 17 metres is also in keeping with the properties on the southern side of Carden Avenue.
- 8.36 While the spacing between the detached dwelling and the two pairs of semi-detached dwellings is only 2.2 metres on either side, it would appear slightly cramped and contrived. However, this impact is somewhat ameliorated by the fact it is set further back than the pair of semi-detached properties and by the distance from the highway. Overall, this is not considered to warrant the refusal

of planning permission and does not demonstrably outweigh the benefit of the additional unit of accommodation proposed.

- 8.37 The proposed narrow and deep dwelling footprints are not characteristic of the surrounding area, however, they do represent a contemporary design of a high standard and the proposal does maintain a sense of space in keeping with the character of the area.
- 8.38 To the front boundary of the dwellings, a 1.2 metre high wall is proposed. This would be in keeping with the prevailing character of the surrounding street scene, where front boundary treatments in general consist of low walls or picket fencing with hedging / planting behind. To ensure that this wall is erected and was in keeping, a condition is proposed to secure full details so to comply with policy QD1.
- 8.39 The front of the dwellings are set back from the highway, which pays respect to the front building line of the properties to either side. This allows for visual spacing and areas of planting between the highway and the dwellings.
- 8.40 Overall, it is considered that, whilst it is acknowledged that the proposal would somewhat alter the character of the site, the proposed dwellings, subject to conditions, would be of a contemporary and high standard of design, which would satisfactorily integrate into its surroundings.
- 8.41 The proposal is therefore considered to be in accordance to the design objectives set out in the NPPF and the Brighton & Hove Local Plan.

Standard of accommodation:

- 8.42 As detailed above, each dwelling proposed contains a living room, open plan kitchen/dining room, a W.C./shower room and a utility room at ground floor level, and five bedrooms/four bedrooms and a study and three bathrooms to the upper floors of the proposed buildings. To the front of the property eight parking spaces are proposed; it is not clear how these spaces would be allocated and which are proposed as disabled spaces. To the rear of each dwelling a small patio is proposed with steps up to the main gardens, which are sloping grassed areas. Cycle stores are proposed to the rear gardens to serve each dwelling.
- 8.43 The proposed internal layouts would provide an acceptable standard of accommodation. The proposed patio areas are rather small and rendered less usable by the single storey 'additions' proposed to the rear of each dwelling. However, this matter is not however considered to represent a concern, which warrants the refusal of planning permission.
- 8.44 In regard to accessibility, the proposed dwellings provide compliance with Lifetime Homes Standards, apart from not providing a 300mm clear space at the leading edge of the utility room door. However, the Council's Access officer has stated that this is not a concern with properties of this size and that if the need arose, a sliding door could be used. It is considered that a suitably worded planning condition should be attached to ensure the development is built in accordance with Lifetimes Homes Standards.

Neighbouring amenity:

- 8.45 The proposed development would change the nature of activity associated with the site; a day centre and a detached dwelling replaced with five dwellings would lead to increased comings and goings. Private vehicles owned by residents and visitors could be parked on the road. Neighbouring residents have raised concerns regarding on-street parking and the highway safety risks, which this can cause.
- 8.46 It is considered that the increased activity and parking which the proposed development could cause would not be likely to cause significant harm to neighbouring amenity. Such activity and parking is typical of a residential area, and whilst there may be some negative issues associated with on-street parking it does not appear that there is a particular problem in the locality which would warrant the refusal of the current application.
- 8.47 In regard to the built development, the proposed dwellings would be set away from neighbouring properties to the west and north, with a wooded area to the south of the application site. The neighbouring residents most affected would therefore be the neighbouring property to the east of the application site, no. 26 Carden Avenue. The nearest proposed property on the application site has been moved further away from the boundary than that proposed in the previously refused application.
- 8.48 The proposed eastern-most dwelling would be set alongside the boundary between the application site and no. 26 Carden Avenue, and would be set away from this boundary by between 4.4 metres at the front of the property and 5.5 metres at the rear. This compares to the 1 metre separation shown within the previously refused application. The dwelling represents an increase in bulk in this location and the rear of the proposed dwelling steps further back than the rear building line of no. 26. The proposed building would somewhat enclose the outlook from the ground and first floor side windows of no. 26, and whilst the ground floor windows are secondary, the first floor side windows are the only windows to a bedroom. The outlook from the sunroom and rear garden of no. 26 would also be affected.
- 8.49 However, while the proposal would increase the bulk compared to the existing built form and would change the nature of the relationship; this alteration is not considered harmful due to the separation distance. It is considered that the bulk of this eastern-most dwelling would not have a detrimental overbearing or enclosing impact upon the occupiers of no. 26 Carden Avenue. In addition, due to the distance from the boundary, the eastern most dwelling would not cause increased overshadowing of no. 26.
- 8.50 The proposal would also result in some benefits to the relationship as the proposed eastern most dwelling would not have bedroom windows looking toward no. 26 as the present property does. Therefore, the present levels of inter-overlooking would be removed as the only windows on the eastern side

elevation above ground floor level serve a bathroom and en-suite. These could be conditioned to ensure they were obscurely glazed.

- 8.51 The proposal includes terraces to the front of all five properties. The plans have been amended and show 1.8m walls along the side flanks of each pair of semi-detached properties. The reason for this was to prevent overlooking from the terrace of the eastern most property into the side windows of no.26. While the wall does not extend the full depth of the terrace, it is considered that it would overcome any harmful impacts from overlooking.
- 8.52 While the terraces would look out toward the properties on the northern side of Carden Avenue, this would be across the public highway and it is considered that it would not result in a loss of privacy due to the distance of over 30 metres from the properties. To the west is a wooded area and path, which leads to Withdean Park and as such, would not result in a loss of privacy.

Transport:

- 8.53 The Transport Officer has commented on the proposed development and considers that proposed development would not cause significantly increased trip generation in comparison to the existing use of the site. Under current short term measures a financial contribution towards sustainable transport infrastructure would be sought in association with a development of the scale proposed.
- 8.54 The applicant has demonstrated that there is adequate visibility for both vehicles and pedestrians from this access. The applicant has also set back the gates to allow a vehicle to park clear of the highway while the gates open, which is acceptable to the Highway Authority.
- 8.55 The two existing vehicular access points would no longer be required as vehicular access will be focused on one new access onto Carden Avenue. Therefore, the Highway Authority has recommended that the existing crossovers are reinstated back to footway. The reinstatement of the footway will ensure the development will be in accordance with Policy TR8 (Pedestrian Routes) and TR7 (Safe Development) of the Brighton & Hove Local Plan, by providing short, safe and direct routes for walking. This can be secured by a suitably worded condition.
- 8.56 The proposed level of vehicular parking provision of 8 spaces is the maximum standard allowed within SPD04 for dwellings outside a CPZ. As such, the 5 parking spaces and 3 visitor spaces proposed is considered acceptable.
- 8.57 The proposed development may cause increased on-street parking in the vicinity of the application site. This is not however, considered to represent a concern, which warrants the refusal of planning permission.
- 8.58 The proposed cycle storage provision (stores to the rear gardens) is considered acceptable, however further details would be required, which could be secured via a planning condition.

Environmental Sustainability:

- 8.59 In regard to environmental sustainability, policy SU2 of the Brighton & Hove Local Plan requires that all developments make efficient use of energy, water and materials detailed guidance on how the objectives of policy SU2 can be met is set out in SPD08. In regard to Greenfield developments SPD08 sets out that new residential developments should meet a Code for Sustainable Homes rating of Level 5. As the proposed built development is sited partially on the footprints of the existing buildings and partially on garden land the development as a whole is part Greenfield. In such cases a flexible approach is required and a rating of Level 4 would usually be considered acceptable.
- 8.60 The Council's Sustainability officer has confirmed that Code Level 4 is acceptable in this instance. However, the route to achieving Code level 4 has not been robustly developed, no Code pre-assessment has been undertaken, and it has not been demonstrated that a high level 4 would be achieved. However, it would appear that the houses are capable of achieving Code level 4. It will be important that the Design stage certificate is submitted prior to commencement to ensure the applicant and contractors are fully aware of what must be undertaken to achieve Code level 4.
- 8.61 Based upon the information submitted, it is considered that it would be reasonable, to secure by planning condition that the proposed dwellings meet a Code for Sustainable Homes rating of Level 4 as a minimum.

Trees, landscaping and nature conservation:

- 8.62 The proposed development includes the retention of all trees within the application site and the protection of these trees and trees alongside the site boundaries during construction works. The Council's Arboriculturalist has no objection to the development subject to further details of tree protection measures and construction methods being secured by planning condition.
- 8.63 In regard to landscaping, significant areas of planting are proposed to the front and rear of the proposed dwellings. This landscaping is considered to be acceptable in principle, and a condition is proposed to secure the full details of a landscaping scheme to ensure compliance with policy QD15.
- 8.64 Policy QD17 and the guidance set out in SPD11 requires that development mitigate any harm to ecology it causes and that development include nature conservation enhancements. The proposed development would result in the loss of some planted areas, the majority of the built development proposed would be upon the footprint of existing building or existing areas of hard landscaping. Therefore it is considered unlikely that any harm caused to ecology would be of a magnitude which would warrant the refusal of planning permission.
- 8.65 It is considered in this case that the requirements of this policy and guidance could be appropriately addressed by securing details and implementation of appropriate nature conservation enhancements via a suitably worded planning condition.

9 CONCLUSION

9.1 The proposed redevelopment of the site would result in four additional houses, which are not considered to harm the street scene or character of the surrounding area. The development would not result in a detrimental impact on neighbouring amenity and is acceptable in regard to sustainability, highway safety and the standard of accommodation it would provide.

10 EQUALITIES

10.1 The proposed dwellings would achieve Lifetime Homes Standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

- 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
Site Location Plan	01 – 2		17.12.2013
Existing Site Plan	02 – 2		17.12.2013
Existing Street Scene	03 – 2		17.12.2013
Proposed Site Plan	04 – 2		17.12.2013
Proposed Semi-Detached House	05 – 2	A	04.03.2013
Proposed Detached House	06 – 2		17.12.2013
Proposed Street scene	07 – 2		17.12.2013
Street scene Elevations	08 – 2		17.12.2013

- 3) 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 and QD27 of the Brighton & Hove Local Plan.
- 4) The first floor windows in the side elevations 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) 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.
- 6) The new crossover and access shall be constructed prior to the first occupation of the development hereby permitted.
Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
- 7) Prior to the first occupation of the development hereby permitted the redundant vehicle crossovers on Carden Avenue 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.
- 8) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 9) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 10) 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.
- 11) 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.
- 12) No development shall take place until full details and sample elevations and sections at 1:20 scale of the windows (including cills and reveals), external doors, parapets and roofing detail 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 shall be retained as such thereafter.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 13) No development shall take place until full details of the rainwater goods, soil and other waste pipes 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 shall be retained as such thereafter.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 14) The proposed screen walls and glazed screens to the front terraces of the semi-detached dwellings hereby approved, shall be erected prior to first occupation and shall be retained as such thereafter.
- 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.
- 15) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, 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.
- 16) 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.
- 17) 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 Arboricultural Method

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Statement has been submitted to and approved in writing by the Local Planning Authority. Such method statement shall include full details of the implementation, supervision and monitoring of the approved Tree 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.

- 18) 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.

- 19) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 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.

- 20) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 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.

- 21) 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 WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

- 22) 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.

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

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

- 24) 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.

11.1 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 redevelopment of the site would result in four additional houses of distinctive design, which are not considered to harm the street scene or character of the surrounding area. The development would not result in a detrimental impact on neighbouring amenity and is acceptable in regard to sustainability, highway safety and the standard of accommodation it would provide.
3. The applicant is advised that the proposed 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).

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- 4 The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.
- 6 The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- 7 The applicant is advised that new legislation on Site Waste Management Plans (SWMP) was introduced on 6 April 2008 in the form of Site Waste Management Plans Regulations 2008. As a result, it is now a legal requirement for all construction projects in England over £300,000 (3+ housing units (new build), 11+ housing units (conversion) or over 200sq m non-residential floorspace (new build)) to have a SWMP, with a more detailed plan required for projects over £500,000. Further details can be found on the following websites: www.netregs.gov.uk/netregs/businesses/construction/62359.aspx and www.wrap.org.uk/construction/tools_and_guidance/site_waste_2.html
- 8 The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
- 9 The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House,

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Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).

ITEM L

112 Carden Avenue, Brighton

BH2013/03400
Full planning

02 APRIL 2014

<u>No:</u>	BH2013/03400	<u>Ward:</u>	PATCHAM
<u>App Type:</u>	Full Planning		
<u>Address:</u>	112 Carden Avenue Brighton		
<u>Proposal:</u>	Demolition of existing garages to rear and erection of 3no. bedroom detached dwelling with associated landscaping and access from existing driveway off Carden Avenue.		
<u>Officer:</u>	Anthony Foster Tel 294495	<u>Valid Date:</u>	05 February 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02 April 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Mr Dieter Haslam, 6 Peacock Lane, Brighton BN1 6WA		
<u>Applicant:</u>	Mr Paul Williams, 112 Carden Avenue, Brighton BN1 8NE		

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 site comprises the rear garden of no.112 Carden Avenue. This section of the garden is elevated above the floor level of nos.112 and 110. A fence (approx height 1.5m) is present on the boundary between the gardens of nos.110 and 112.
- 2.2 Two garages are located on the site at present within the eastern section of the garden. These are accessed via a private road adjacent to no.130 Carden Avenue.
- 2.3 The surrounding area is predominantly residential, although there commercial properties present at nos.122 to 128 Carden Avenue with residential flats over. A doctor's surgery is located at nos.114 – 118.

3 RELEVANT HISTORY

- BH2009/00014:** Erection of 1 no. 2 bedroom detached bungalow. Refused 16/03/2009
- BH2007/03690:** Construction of detached three bedroom chalet dwelling. Refused 18/01/2008
- BN88/1181/OA:** Erection of a detached dwelling with access onto Carden Avenue adjoining No.130. Refused 09/08/1988. Dismissed at Appeal

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing garages and the erection of a 3 bedroom detached dwelling with associated landscaping and access from the existing driveway adjacent to no. 130 Carden Avenue.

- 4.2 The proposed dwelling would be located 22.5m to the east of the existing dwelling at no 112 Carden Avenue, resulting in the garden being split to provide a rear garden for 112 Carden Avenue of 16.5m in length and 6m in length for the proposed dwelling.
- 4.3 The dwelling would appear as a single storey dwelling, but also provides accommodation within a basement level. At ground floor level the accommodation proposed includes a bedroom, bathroom and open plan living/kitchen area. Whilst two further en-suite bedrooms are proposed at basement level.
- 4.4 The property would be 3.4m in height to the front (east) elevation with a monopitch sloping roof down to 3m in height to the rear (west) elevation. The property is proposed to be finished in white render, with a sedum roof and powder coated aluminium doors and windows.
- 4.5 The application proposes a parking area to the front.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Five (5)** letters of representations have been received from the residents of **91 Graham Avenue, 110 (x2) 126/128, 130 Carden Avenue (x2)**, objecting to the scheme on the following grounds:
- The proposal will impact upon the wildlife in the area
 - Excavating to a lower level will have an impact upon drainage
 - The proposal is out of context for the area
 - Impact upon neighbouring amenity in terms of overlooking and loss of privacy
 - There is no right to use the adjoining parking spaces to allow for turning
 - There is uncertainty about the use of the shared driveway.
- 5.2 **Six (6)** letters of representations have been received from the residents of **82 Lyminster Avenue, 109 Carden Avenue, 4 Sunnydale Avenue, 101 Ladies Mile Road, 15 Rustington Road, 8 Birchgrove Crescent** supporting the scheme on the following grounds:
- In favour of an eco home
 - Good modern design with lots of outdoor space
 - The basement reduces the impact on the area
 - There is a current housing shortage in Brighton
 - Neighbouring amenity would not be impacted upon
 - It has been designed for use by disabled people

Internal:

- 5.3 **Sustainable Transport: Comment**
- 5.4 **Pedestrian & Mobility Impaired Access**

Access is via a private road leading to Carden Avenue. Ideally the applicant should consider a segregated pathway for pedestrians; however it is noted that the private road will only be used by the proposed dwelling and likely to be lightly trafficked, therefore in this instance it is deemed acceptable.

5.5 Cycle Parking

The applicant has proposed a cycle parking space in a shed in the garden at the rear of the site. When assessing the sections and layout plans there appears to be steps and a drop in level to reach the shed and the garden. If this is the case this location would be unsuitable and does not comply with Local Plan policy TR14.

- 5.6 There appears to be other locations on the site that does not have a stepped approach. It is requested that the applicant provides a further drawing that details a cycle parking space that is in a convenient location with no stepped approach and a condition is recommended in this respect. If the space is on a lawn area then a tarmac path or similar should also be detailed to ensure that the space can be used during inclement weather.

5.7 Car Parking

The applicant is proposing a hardstand for 1 parking space with a turning point that is serviced via an existing private road. This arrangement is acceptable on the basis that vehicles can exit the site in a forward gear. The amount of parking complies with the City Council's Maximum Parking Standards SPG04.

- 5.8 There is a loss of 2 garages due to this proposal that may have been used as parking space by the existing house on Carden Avenue. Their removal may mean that any car parking associated with the existing dwelling would now occur on the highway.

- 5.9 On assessment, however, there appears to be sufficient space on Carden Avenue north of the site to accommodate likely associated parking therefore the Highway Authority does not wish to object to the loss of the garages.

5.10 Vehicular Crossover

The vehicular crossover to the private road that services the site is as existing and appears to be acceptable.

5.11 Trip generation/ Financial contributions comment

The size of this development is below the threshold at which financial contributions can be sought due to the temporary recession measures approved by the Council. The Highway Authority acknowledges this and in this instance does not wish to seek financial contributions for any uplift in trips generated by 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) is a material consideration.
- 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
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
QD5	Design - Street frontages
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features

QD18	Species protection
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
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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
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8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the subdivision of the plots, the impact of the proposal on the visual amenity and character of the area, the residential amenity of adjacent occupiers, sustainability and traffic considerations.

Principle:

8.2 Local Plan policies QD3 and HO4 seek effective and efficient use of development sites. However, in seeking the more efficient use of sites, Local Plan policies QD2, QD3 and HO4 also seek to ensure that developments are not viewed in isolation and must be characteristic and in context of their surroundings. Considerations of layout and design should be informed by the wider context having regard not just to neighbouring buildings, but the townscape and landscape of the wider locality.

8.3 The character of the surrounding area is mixed, however there is a relatively established building grain within the area, which largely comprises of a traditional pattern of development with a predominance of two storey semi-detached and detached properties with pitched roofs with large gardens which extend to the rear.

8.4 The dwelling is proposed within the rear section of the garden of No.112 which is elevated above the floor levels and lower section of the gardens of Nos.110 and 112 Carden Avenue by approximately 2m. The gardens of properties along this section of Carden Avenue and properties to the east on Graham Avenue have long gardens of typically some 35 to 45 metres in length.

8.5 The proposed siting of the dwelling would appear relatively contrived in relation to the existing plot and the grain of development within the area. Whilst there

are existing garages on the site these are for domestic use only and do not provide additional residential accommodation sited adjacent to the rear boundary close to other neighbouring garages and outbuildings and they are modest in height. The proposed development in contrast is clearly residential in character with large windows proposed in the north, east and west elevations and is sited some 10m further west into the plot.

- 8.6 It is considered that the proposal would result in an incongruous and intrusive development in an area which is typically characterised by large open garden plots, and would be detrimental to the character and appearance of the area and contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

Design:

- 8.7 Policies QD1, QD2, and QD3 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage.
- 8.8 The proposal is simple in design terms. There is little detailing provided in relation to the design of the dwelling and the overall approach appears to be contrived, particularly with the proposed monopitched roof, which seeks to ensure that the proposal has a minimal impact upon neighbouring occupiers. Whilst the proposal would not be readily visible from within the street scene it is considered that this overly simplified approach does not represent a high standard of design which enhances the positive characteristics of the neighbourhood. In addition, the siting of the proposed dwelling bears no relationship to the surrounding linear development along Carden Avenue and Graham Avenue. Further, due to the site's elevated position in relation to Carden Avenue development, the proposal fails to provide adequate subservience and would appear intrusive in views of the site from surrounding neighbouring properties. The visual intrusion of the proposal is exacerbated by its siting within the rear of the plot at 112 Carden Avenue with the west elevation of the proposed dwelling sited some 16.5m forward of the rear boundary of the site which is currently surrounded on all sides by largely open garden areas.
- 8.9 It is recognised that there is a mix of properties within the area however, the proposed development by reason of its siting, excessive plot coverage, form, design and relationship with others in the area would appear out of context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area. The proposed development would introduce an incongruous addition to the site and surroundings which would be harmful to the overall character of the area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local.

Amenity for future residential occupiers:

- 8.10 Policy QD27 seeks to resist development where it would cause a loss of amenity to proposed residents. Policy HO5 requires the provision of private

amenity useable amenity space in new residential developments, which is appropriate to the scale and character of the development. The application proposes two windows to the rear elevation which would be a minimum of 23m between the rear elevation of the proposed dwelling and the ground floor extension of no 112 Carden Avenue. This separation distance is considered acceptable in the context of the wider area and ensures that the future occupiers of the scheme are not directly overlooked by the surrounding neighbours.

- 8.11 Policy HO13 requires all new dwellings to fully meet lifetime home standards. From the plans submitted it would appear that the proposed dwelling would be capable of complying with lifetime home standards, given the overall size of the dwelling.
- 8.12 Policy SU2 requires all new residential development to provide refuse and recycling storage facilities. Insufficient information has been provided regarding the full details of the provision of refuse and recycling facilities, however it is considered that the property is capable of providing a suitable level of provision. Were the scheme otherwise considered acceptable this could be controlled by suitably worded conditions.

Neighbouring amenity

- 8.13 The previously refused application BH2009/00014 included a reason on the basis of impact on neighbouring amenity and read as follows:
- *The proposal, by reason of siting, design, height, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their private amenity spaces due to its overbearing and over-dominant impact. As such the proposal is contrary to policy QD27 of Brighton & Hove Local Plan.*
- 8.14 The design of the current application has been amended since the previous scheme in relation to a reduction in the size of the footprint, from approximately 9m in depth and 8m in width, to approximately 8.5m in depth and 7.5m in width. In addition, the previously proposed pitched roof has been replaced by a mono-pitched roof and the maximum height has therefore been reduced from approximately 5.25m down to 3.7m above ground level (the heights are based on the plans submitted which are not however related to Ordinance Datum (AOD)). The siting remains largely unaltered, in front of the existing garages and the proposal now includes basement level of accommodation and an additional bedroom to that previously proposed.
- 8.15 Although the reduction in the maximum height through the removal of the fully hipped roof and slight reduction in the size of the footprint are noted, the impacts of the proposal in relation to neighbouring amenity as set out in the reason for refusal above remain largely very similar. The impact of the reduction in the footprint and removal of the fully hipped roof are weighed against the fact that the buildings elevations are now proposed to be approximately 3.4m above ground level where they were previously proposed to be approximately 2.7m

above ground level. As such although the maximum height has been reduced in relation to the fully hipped roof, the main bulk of the dwelling has increased in height when compared to the previous scheme. In addition, the elevated position of approximately 2m above that of 112 Carden Avenue, the proposed dwelling, particularly in relation to the neighbouring properties to the west of the site, results in the proposal unduly impacting on neighbouring amenity. The impact is further compounded by the fact that the aspect for the surrounding properties is currently that of largely open garden area. The proposal would therefore appear over-dominant when viewed from surround properties and gardens.

- 8.16 The proposal, by reason of siting, elevated position, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their private amenity spaces due to its overbearing and over-dominant impact. As such the proposal is contrary to policy QD27 of Brighton & Hove Local Plan.
- 8.17 There is a ground difference of at least 2m from the front of 112 Carden Avenue to the rear of the site where the dwelling is proposed. The rear elevation of the property would be set back from the boundary with no 112 Carden Avenue by circa 6m, and from the adjoining boundary with no 110 Carden Avenue by 1.8m. There would potentially be the opportunity for some level of overlooking of the amenity space to the adjoining property no 110 Carden Avenue, due to the change in levels which exists across the site. However, it is considered that this level of overlooking is commensurate to that within this sub-urban location, and would not cause demonstrable harm to neighbouring amenity by way of loss of privacy. These details could be secured by conditioned were the scheme otherwise considered acceptable.

Impact on local highway network/parking:

- 8.18 Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.
- 8.19 The applicant is proposing a hardstand for 1 parking space with a turning point that is serviced via an existing private road. This arrangement is acceptable on the basis that vehicles can exit the site in a forward gear. The proposed level of car parking is in line with the maximum car parking standards quoted within SPG04 and is deemed acceptable.
- 8.20 The application proposes the loss of 2 garages that may have been used as parking space by the existing house on Carden Avenue. Their removal may mean that any car parking associated with the existing dwelling would now occur on the highway. However, there appears to be sufficient space on Carden Avenue north of the site to accommodate likely associated parking therefore the Sustainable Transport Officer raises no objection to the loss of the garages.

8.21 Policy TR14 requires all new residential developments to have secure, covered cycle storage. The application proposes a cycle parking space in a shed in the garden at the rear of the site, however there appears to be steps and a drop in level to reach the shed and the garden, which is not considered acceptable to the Sustainable Transport Officer. There appears to be other locations on the site with sufficient space that do not have a stepped approach and were the scheme otherwise considered acceptable this could be controlled via a suitably worded condition.

Sustainability:

8.22 Policy SU2 and SPD08 seeks to ensure that development proposals are efficient in the use of energy, water and materials. Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

8.23 The proposal is for new build development on garden land as such the scheme should therefore achieve Level 5 of the Code for Sustainable Homes as recommended by SPD08. The submission of a Sustainability Checklist is also required. The completed sustainability checklist submitted with the application contends that the development will meet level 5 of the Code for Sustainable Homes. This is considered acceptable and could be secured by a suitably worded condition were the scheme otherwise considered acceptable.

9 CONCLUSION

9.1 The proposed the development would result in an incongruous and intrusive development in an area which is typically characterised by large open garden plots. The proposed development is considered to be of an unacceptable standard of design, which fails to emphasise and enhance the positive qualities and would be detrimental to the character and appearance of the area.

10 EQUALITIES

10.1 The development would be required to meet Lifetime Homes Standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed development by reason of its siting, excessive plot coverage, form, design and relationship with others in the area would appear out of context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area. The proposed development would introduce an incongruous addition to the site and surroundings which would be harmful to the overall character of the area. This harm is therefore considered to outweigh the benefit provided by the additional dwelling and the proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local.
2. The proposal, by reason of siting, elevated position, bulk and massing, would result in the proposal unduly impacting on the living conditions, visual amenity of surrounding residents and the use and enjoyment of their

PLANNING COMMITTEE LIST- 02 APRIL 2014

private amenity spaces due to its overbearing and over-dominant impact. This harm is therefore considered to outweigh the benefit provided by the additional dwelling and as such the proposal is contrary to policy QD27 of 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 is based on the drawings listed below:

Plan Type	Reference	Version	Date Received
Location Plan & Block Plan			05/01/2014
Existing site plans	01	A	09/10/2013
Existing Sections and Elevations	02	A	09/10/2013
Proposed Plans, Sections and Elevations	03	B	29/11/2013
Proposed Site Plan, Roof Plan, Cycle Store and Fence Details	04	A	9/10/2013
Proposed Rear (West) Sectional Elevation	05		05/03/2014

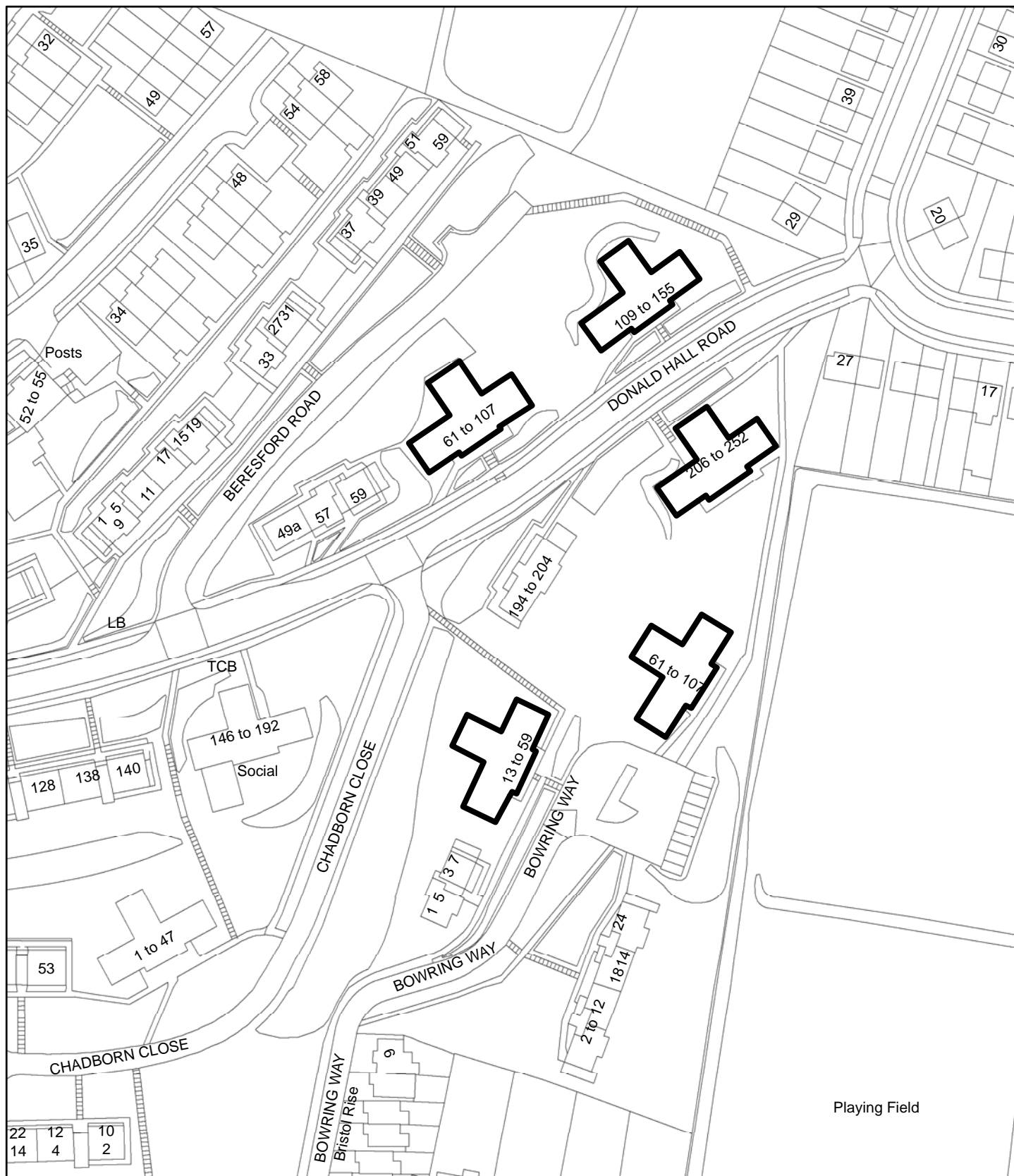
ITEM M

**61-107, 109-155, 206-252 Donald Hall Road &
13-59, 61-107 Bowring Way, Brighton**

**BH2013/03914
Full planning**

02 APRIL 2014

BH2013/03914 67-107, 109-155, 206-252 Donald Hall Road and 13-59, 61-107 Bowring Way, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/03914	<u>Ward:</u>	EAST BRIGHTON
<u>App Type:</u>	Full Planning		
<u>Address:</u>	61-107, 109-155, 206-252 Donald Hall Road & 13-59 & 61-107 Bowring Way Brighton		
<u>Proposal:</u>	Installation of render to all elevations, replacement of existing windows and balcony doors with UPVC windows and balcony doors, new felt covering to roof and associated external alterations to 5no blocks of flats.		
<u>Officer:</u>	Andrew Huntley Tel 292321	<u>Valid Date:</u>	25 November 2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	20 January 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Pod LLP, Unit 1.3, 13 Leathermarket, London SE1 3ER		
<u>Applicant:</u>	Brighton & Hove City Council, John Currell, 1st Floor, Brighton & Hove Housing Centre , Unit 1 Fairway Trading Estate, Eastergate Road, Brighton BN2 4QL		

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 no further material considerations being raised by the expiry of the reconsultation period on 31st March 2014 to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to a number of flatted tower blocks along Donald Hall Road and Bowring Way. The buildings which form part of this application include, Cherry, Viscaria, Calendula, Hollyhock Court and Damson. Each block is six stories in height with a flat roof and are finished in a buff brick. The site forms part of a wider development, the Bristol Estate.

3 RELEVANT HISTORY

None, however other blocks within the Bristol Estate have had applications for similar work. These are:

BH2013/01924 - Installation of insulated render cladding to all elevations, replacement of existing windows with UPVC windows, new roof edge hand rails and roof coverings and associated alterations to 5no blocks of flats (Sorrell, Hazel, Jasmine, Meadowsweet and Allamanda). Approved 09/09/2013.

BH2010/01805 - Installation of over-cladding with external insulation on 12 residential blocks of flats (Bluebell, Daisy, Stonecrop, Clematis, Magnolia,

Sunflower, Sundew, Saffron, Hyssop, Pennyroyal, Chervil and Thyme).
Approved 29/12/2010.

4 THE APPLICATION

- 4.1 Planning permission is sought for the installation of render to all elevations, replacement of existing windows and balcony doors with UPVC windows and balcony doors, new felt covering to roof and associated external alterations to 5no blocks of flats. Reconsultation has been undertaken following amendments to the site red line boundary to include all of the blocks.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Seven (7)** letters of representation have been received from flats **17, 23, 27, 31, 61, 79, 85 Bowring Way** objecting to the application for the following reasons:

- Would be a tragedy for the fair faced brick to be lost, which is in keeping with the existing architecture of the area.
- The ugly cladding would degenerate the ambience of the buildings, compromise the view of the area and increase cleaning costs.
- Insufficient quality of the proposed materials due to expected life span.
- Ground works would damage the natural environment, which homes slow worms.
- Disrupt traffic and parking issues and the ground works will cause disruption for public pathways and disabled access into buildings.
- The proposal will have a heavy carbon footprint.
- The cost of the proposed works on leaseholders.
- Residents have not been properly consulted.

- 5.2 **One (1)** letter of representation has been received from **131 Donald Hall Road** supporting the application. However, no reasons for the support are provided.

Internal

- 5.3 **Ecology:** Comments state that:

1 The development site is within 50 m of Whitehawk/Race Hill Local Nature Reserve (LNR); and within 15 m at the nearest point.

2 There are no records of reptiles from the development site itself. However, a lack of records does not necessarily mean a lack of interest and may simply reflect a lack of survey effort. There are records of reptiles (slow worms, common lizard, grass snake and adder) from the LNR and the neighbouring school.

3 The habitat around the buildings in questions comprises rough grassland, with some areas of scrub, hedges and trees, specifically around Damson, Calendula and Viscaria courts. This habitat has the potential to support reptiles, although it is sub-optimal. The majority of habitat around the site appears to be close cropped amenity grassland.

4 The proposed lowering of the ground to the rear of the properties where there is less than 150 mm between the damp proof course and the ground, will impact on this sub-optimal reptile habitat.

5 In the light of the above, and given the fact that there is reasonable connectivity between the sites and more optimal reptile habitat, it is not considered that reptile surveys are required, but it is recommended a precautionary approach with a method statement to address how harm to reptiles will be avoided.

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) is a material consideration.

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
QD17	Protection and integration of nature conservation features
QD27	Protection of amenity

Supplementary Planning Guidance:

SPGBH2 External Paint Finishes & Colours

Supplementary Planning Documents:

SPD03 Construction & Demolition Waste

SPD12 Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main consideration is whether the proposed development will detract from the appearance of the individual buildings or the visual amenities of the surrounding area, neighbouring amenity and the impact on the natural environment.

Design and Character

- 8.2 This proposal follows on from approved applications BH2010/01805 and BH2013/01924, which were for the external cladding, new windows and doors and new roofs of neighbouring three and six storey buildings within this estate. Some of those works have been completed and this application seeks permission for the rendering of the exterior of the tower blocks in line with the works being undertaken with neighbouring three and six storey buildings.
- 8.3 The main visual alteration is that of the new rendered cladding. Although, no colour details of the render cladding have been provided within the application, it is considered that this could be conditioned to ensure that the colour(s) used tie in with the previously approved neighbouring blocks of flats. It is considered that this could improve the appearance of the buildings when compared to the existing brickwork.
- 8.4 The new uPVC windows will match the existing uPVC windows on the buildings in design and opening mechanisms and would not harm the character or appearance of the area. The insulation to the roofs would not be visible from public viewpoint and is considered acceptable in design terms. The liquid plastic coatings to the front entrance canopy and existing balconies would have a minimal impact in regard to the character and appearance of the existing blocks of flats.
- 8.5 Therefore, it is considered that the proposed development will not detract significantly from the appearance of the tower blocks or the visual amenities of the surrounding area, and would largely improve the appearance of the buildings in accordance with policies QD1, QD2 and QD14 of the Local Plan and SPD12 Design Guide for Extensions and Alterations.

Natural Environment

- 8.6 Representations from neighbours have suggested that the proposals could have a detrimental impact on the natural environment on the basis that slowworms have been seen in the vicinity. The County Ecologist has therefore commented in this respect. The Ecologist has responded, stating that the proposed lowering of the ground to the rear of the properties where there is less than 150 mm between the damp proof course and the ground, will impact on this sub-optimal reptile habitat.
- 8.7 Given the fact that there is reasonable connectivity between the sites and more optimal reptile habitat surrounding the site, the County Ecologist does not consider that reptile surveys are required in this instance, but does recommend a precautionary approach with the submission of a method statement to address how harm to reptiles will be avoided. It is considered that a suitably worded condition could be attached to ensure that the proposal does not harm any reptiles that may be present.

Other Considerations

- 8.8 The representations relating to the cost of the works to existing leaseholders and cleaning costs are not material planning considerations and therefore can not be taken into consideration in the determination of this application. Whilst it is accepted that the building works would result in disturbance to the residents and may result in additional highway pressures, given the scale of the development, it is not considered to warrant securing a CEMP and is considered acceptable.
- 8.9 The other objection raised is in relation to insufficient consultation with the residents in regard to the proposed works. However, consultation on the application has been undertaken in accordance with the adopted procedures and the consultation between the Council, as owner, and the residents is a separate matter to the planning process

9 CONCLUSION

- 9.1 The proposed development will not detract from the appearance of the buildings or the visual amenities of the surrounding area. The proposal is considered to be in accordance with development plan policies.

10 EQUALITIES

- 10.1 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.

PLANNING COMMITTEE LIST- 02 APRIL 2014

- 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	1108/OS	B	12.03.2014
Block Plan	1108/OS		18.11.2013
Existing Elevations & Roof	1108/VI/01		18.11.2013
Proposed Elevations and Roof	1108/VI/02		18.11.2013
Existing Elevations & Roof	1108/CA/03		18.11.2013
Proposed Elevations and Roof	1108/CA/04		18.11.2013
Existing Elevations & Roof	1108/HO/05		18.11.2013
Proposed Elevations and Roof	1108/HO/06		18.11.2013
Existing Elevations & Roof	1108/CH/07		18.11.2013
Proposed Elevations and Roof	1108/CH/08		18.11.2013
Existing Elevations & Roof	1108/DA/09		18.11.2013
Proposed Elevations and Roof	1108/DA/10		18.11.2013

- 3) No development shall take place until full details of the proposed colour of the render and new paintwork to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 4) No development shall commence until a method statement to address how harm to reptiles will be avoided has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: 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.

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

PLANNING COMMITTEE LIST- 02 APRIL 2014

- (ii) for the following reasons:- The proposed development will not detract from the appearance of the buildings or the visual amenities of the surrounding area. The proposal is considered to be in accordance with development plan policies.

Information on Pre-application Presentations and Requests

Upcoming presentations – Dates TBC

Anston House, Preston Road, Brighton – site redevelopment

Date	Address	Ward	Proposal
11 th March 14	Hove Park Depot, The Droveaway, Hove	Hove Park	Demolition of existing buildings and construction of a new two storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping
18 th February 14	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 th October 13	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 th Sept 13	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 th Aug 13	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 th July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re-development

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 given after scheduled site visits unless otherwise stated.

PLANS LIST 02 April 2014**BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED
BY THE HEAD OF PLANNING & PUBLIC PROTECTION FOR EXECUTIVE
DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING UNDER
DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS
COMMITTEE DECISION****PATCHAM****BH2013/04083****28 Larkfield Way Brighton**

Erection of single storey rear extension. Hip to barn end roof extension with rear dormer and 3no rooflights to the front.

Applicant: Douglas Mason

Officer: Chris Swain 292178

Refused on 27/02/14 DELEGATED

1) UNI

The proposed addition, by reason of scale, design, siting, bulk and depth would result in an unsympathetic and overly dominant addition that relates poorly to the existing building and detracts from the appearance and character of the building and the wider surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

2) UNI2

The proposed development, by reason of its height, depth and bulk, adjacent to the shared boundary would result in an unacceptably overbearing and visually dominant impact and a loss of light and overshadowing towards No.26 Larkfield Way. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

3) UNI3

The proposed roof hip to gable alteration and rear dormer, by reason of their size, proportions and design would result in a bulky and unsympathetic alteration that would detract from the appearance and character of the building, further unbalance the pair of semi detached properties and harm the visual amenity of the wider surrounding area, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

BH2014/00017**20 Winfield Avenue Brighton**

Application for Approval of Details Reserved by Condition 4 of application BH2013/01823 (Appeal reference APP/Q1445/D/13/2206634)

Applicant: David Lamb

Officer: Andrew Huntley 292321

Approved on 06/03/14 DELEGATED

PRESTON PARK

BH2013/03886

16 Waldegrave Road Brighton

Erection of a single storey rear infill extension.

Applicant: J & C Holden

Officer: Wayne Nee 292132

Refused on 21/02/14 COMMITTEE

1) UNI

The proposed rear infill extension would wrap around the original rear wall of the outrigger forming an inappropriate addition which would be to the detriment of the character and appearance of the rear elevation and original plan form of the existing property. Furthermore the design would cause material harm to the surrounding Preston Park Conservation Area. The proposal would therefore be contrary to policies HE6, QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed rear infill extension, by virtue of its depth in close proximity to the site boundary as well as its height, would result in an un-neighbourly form of development that would have an overbearing impact on the residents of the neighbouring property at no. 14 Waldegrave Road to the detriment of residential amenity. The scheme is therefore contrary to policies QD14 and QD27.

BH2013/03928

157-159 Preston Road Brighton

Creation of balconies to north east, south east and south west elevations and alterations to fenestration following Prior Approval for change of use from offices (B1) to residential (C3) to form 22no residential units (BH2013/03362).

Applicant: Cross Stone Securities Ltd

Officer: Anthony Foster 294495

Approved on 12/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

The 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 & Block Plan	P10		18/11/2013
Existing Floor Plans Including Works Approved under ref:	P100		18/11/2013

Report from: 20/02/14 to 12/03/14

BH2012/01844			
Proposed Floor Plans Including Works Approved under ref: BH2012/01844	P101	B	06/03/2014
Proposed Site Plan Including Works Approved under ref: BH2012/01844	P103	D	06/03/2014
Existing Elevations North West + North East	P200		18/11/2013
Existing Elevations South East + South West	P201		18/11/2013
Proposed Elevations North West + North East	P202	A	18/11/2013
Proposed Elevations South East + South West	P203		18/11/2013

BH2013/04106

1A Hythe Road Brighton

Application for approval of details reserved by conditions 3, 4 and 5 of appeal decision of BH2012/03356.

Applicant: Ms Jill Mercer

Officer: Andrew Huntley 292321

Approved on 11/03/14 DELEGATED

BH2013/04188

82 Edburton Avenue Brighton

Erection of single storey rear extension with 3no rooflights and associated alterations to rear.

Applicant: Hugo Luck

Officer: Adrian Smith 290478

Refused on 04/03/14 DELEGATED

1) UNI

Notwithstanding the inaccuracies in the height of the boundary wall as detailed on the submitted plans, the proposed extension, by virtue of its height on the side boundary, would have a significantly enclosing and overbearing impact on the rear and north side facing ground floor windows to 80 Edburton Avenue, to the detriment of their amenity and contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/04224

43 Havelock Road Brighton

Installation of rooflights to front and rear.

Applicant: Rob Deaville

Officer: Emily Stanbridge 292359

Approved on 26/02/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 roof light hereby approved to the front roof slope of the property shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Report from: 20/02/14 to 12/03/14

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
Loft conversion	PBP0026/01/B	B	11.02.2014
Loft conversion	PBP0026/02/B	B	11.02.2014

BH2013/04228

Anston House 137-139 Preston Road Brighton

Certificate of lawfulness for proposed change of use from offices (B1) to residential (C3) to form 44no residential units.

Applicant: Mr S Ray & Mr N Hitch, Joint LPA Receivers

Officer: Adrian Smith 290478

Approved on 12/03/14 DELEGATED

BH2013/04258

2A Edburton Avenue Brighton

Demolition of existing extensions and erection of new extensions to South and East elevations with other associated alterations.

Applicant: Mrs Barbara Pozzoni

Officer: Chris Swain 292178

Refused on 24/02/14 DELEGATED

1) UNI

1. The proposed front addition, by reason of scale, design, siting, and form would result in an unsympathetic and overly dominant extension that detracts from the original form of the building and significantly harms the appearance and character of the building and the wider Preston Park Conservation Area, contrary to policy QD14 and HE6 of the Brighton & Hove Local Plan and the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

BH2014/00050

58 Florence Road Brighton

Certificate of lawfulness for proposed erection of single storey rear extension incorporating roof lantern.

Applicant: Robert Thomson

Officer: Joanne Doyle 292198

Approved on 03/03/14 DELEGATED

BH2014/00088

45 Coventry Street Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 0m, for which the maximum height would be 3.3m, and for which the height of the eaves would be 3.3m.

Applicant: Jamie Ward

Officer: Joanne Doyle 292198

Prior approval not required on 21/02/14 DELEGATED

REGENCY

BH2013/00710

13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place Brighton

Creation of new shopping lane extending from Meeting House Lane to Brighton Place. Demolition of existing ground floor stores and first floor structures at rear of North Street shops. Adaptation and extension of existing shops on North Street to create 8 shop units to north side of new lane, reconfiguration of North Street shops. Construction of 7 new 2 storey flats over shops around a courtyard. Construction of 6 new shops to south side of new lane with 2 floors of offices over. Adaptation of 12D Meeting House Lane to provide additional shop front onto lane. Blocking up of openings in end wall of Puget's Cottage following demolition of adjoining structures (Amended description)

Applicant: West Register (Property Investments) Ltd

Officer: Steven Lewis 290480

Approved after Section 106 signed on 10/03/14 COMMITTEE

1) UNI

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

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

2) UNI

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:

(vii) 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.

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 a satisfactory appearance to the development and to comply

with policy HE6 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 and QD27 of the Brighton & Hove Local Plan. 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.

5) UNI

All railings within the development shall be painted black. Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

6) UNI

Deliveries and waste collections shall not occur except between the hours of 7am and 7pm on Mondays to Saturdays and not at anytime on Sundays, Bank or Public Holidays. 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.

7) UNI

The Party Walls/Floors between commercial units (including the relocated plant room) and residential units shall be designed to achieve an airborne sound insulation value of 5dB greater than that specified in Approved Document E of the Building Regulations.

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.

8) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

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

9) UNI

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

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

10) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments and planting of the development.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the

Brighton & Hove Local Plan.

11) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:20 scale elevations and sections of all architectural features, including the include the dormers, parapets, cornices, bays, windows, doors, balconies, balustrades, gates and shop fronts. The development shall thereafter be implemented in strict accordance with the approved details 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.

12) UNI

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

13) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:1 scale joinery section details of the new shop front, doors and windows of the new buildings. The development shall thereafter be conducted in strict accordance with the approved details 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.

14) UNI

No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority; details include the location, number, design, luminance level and method of fixings. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

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

15) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 1:5 scale detailed elevations and sections of all rainwater goods. The development shall thereafter be conducted in strict accordance with the approved details 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.

16) UNI

No development shall take place until a written scheme for the new street nameplates has been submitted to and approved by the Local Authority. The development shall be carried out in strict accordance with the approved details and thereafter retained.

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

17) UNI

Prior to the commencement of any flint facing elevations or flint construction, a sample flint panel shall be constructed and approved on site. The flintwork hereby

approved shall be conducted in accordance with the approved panel and thereafter retained.

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

18) UNI

Prior to the commencement of the development hereby approved a Construction, Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 of the Brighton & Hove Local Plan.

19) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 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.

20) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no office development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM Very Good standard overall, with at least 60% in water section and a minimum of 6 credits scored within the BREEAM Energy Section ENE1 (equivalent to the mandatory minimum standard for excellent in energy) for the office development has been submitted to, and approved in writing by, the Local Planning Authority. The evidence that these levels have been achieved should be provided by a licensed BREEAM assessor.

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

No development shall commence until a scheme for the glazing of the façade of the proposed apartments facing north to the courtyard area behind North Street has been submitted to and approved in writing by the Local Planning Authority. The glazing for the bedrooms facing this courtyard shall attenuate airborne sound by 47dB.

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.

22) UNI

No development shall commence until a scheme for the glazing of the façade of the proposed apartments facing south and east on to the proposed Hannington Lane and the new link to North Street has been submitted to and approved in writing by the Local Planning Authority. The glazing for the bedrooms facing the proposed Hannington Lane and link to North Street shall attenuate airborne sound by 45dB

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.

23) 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.

24) UNI

No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the programme of archaeological work has been completed in accordance with the approved Written Scheme of Archaeological Investigation

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan.

25) UNI

Details of the external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting installation shall comply with the recommendations of the Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Light Pollution" (2011) for zone E or similar guidance recognised by the council. The approved installation shall be maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to a variation.

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

26) UNI

No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the local planning authority:

(a) A desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; (Please note that a desktop study shall be the very minimum standard accepted. Pending the results of the desk top study, the applicant may have to satisfy the requirements of b and c below. However, this will be confirmed in writing);and unless otherwise agreed in writing by the local planning authority,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175;and, unless otherwise agreed in writing by the local planning authority,

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of condition (i)c that any remediation scheme required and approved under the provisions of condition (i)c

has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

- a) built drawings of the implemented scheme;
- b) photographs of the remediation work

27) 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.

28) 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.

29) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 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.

30) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the office 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.

31) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the

retail development hereby approved shall be occupied until a Green lease agreement with incoming tenants to fit out to BREEAM 'very good', 50% energy & water 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.

32) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the retail development hereby approved shall be occupied until an EPC 'B' rating for retail units (evidence may include an Energy Performance Certificate) 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.

33) UNI

Prior to the commencement of development upon the site a Feasibility study outlining the potential for roof and wall planting to minimise urban heat island effect shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be thereafter retained.

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

34) UNI

No development shall take place until a written scheme for the ventilation of the residential units has been submitted to and approved in writing by the Local Authority. The ventilation scheme shall ensure that the internal noise conditions that will be achieved due to the glazing specifications of the apartments are not compromised.

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.

35) UNI

No development shall commence until a scheme for the fitting of odour control equipment for the proposed restaurants and cafes 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 neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

36) UNI

Prior to occupation of the development hereby approved, the Developer or owner shall submit to the Local Waste Authority for approval in writing a detailed Waste Management Plan (a document that sets out a package of measures tailored to the needs of the site, which is aimed at promoting sustainable waste management of residential and commercial properties within the development. The Waste Management Plan shall include such commitments as are considered appropriate, and should include as a minimum the following initiatives and commitments:

- (i) Promote and enable the separation of waste material for recycling
- (ii) Provide appropriate containment for recycling and non recyclable waste
- (iii) Ensure all commercial properties are aware of their duty of care

(iv) Ensure suitable containment is provided to prevent any waste becoming a source of litter

(v) Enable household waste and recycling to be separated from commercial waste for possible collection from the Local Waste Authority.

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.

37) 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	1239 P 200		06/03/2013
Block Plan	1239 P 201		06/03/2013
Existing Basement Plan	1239 P 202		06/03/2013
Existing Ground Floor Plan	1239 P 203		06/03/2013
Existing First Floor Plan	1239 P 204		06/03/2013
Existing Second Floor Plan	1239 P 205		06/03/2013
Existing Roof Floor Plan	1239 P 206		06/03/2013
Proposed Site Plan	1239 P 210	B	18/10/2013
Proposed Basement Plan	1239 P 211	B	18/10/2013
Proposed Ground Floor Plan	1239 P 212	B	18/10/2013
Proposed First Floor Plan	1239 P 213	D	14/11/2013
Proposed Second Floor Plan	1239 P 214	C	18/10/2013
Proposed Roof Floor Plan	1239 P 215	C	18/10/2013
Existing & Proposed Elevations 1	1239 P 220	D	18/10/2013
Existing & Proposed Elevations 2	1239 P 221	B	01/08/2013
Existing & Proposed Elevations 3	1239 P 222	B	18/10/2013
Existing & Proposed Elevations 4	1239 P 223	D	18/10/2013
Existing & Proposed Elevations 5	1239 P 224	B	01/08/2013
Existing & Proposed Elevations 6	1239 P 225	A	14/06/2013
Existing & Proposed Elevations 7	1239 P 226	B	14/06/2013
Existing & Proposed Elevations 8	1239 P 227	B	18/10/2013
Existing & Proposed Elevations 9	1239 P 228	B	14/06/2013
Existing & Proposed Elevations 10	1239 P 229	C	18/10/2013
Existing & Proposed Elevations 11	1239 P 230	A	14/06/2013
Existing & Proposed Elevations 12	1239 P 231	B	06/09/2013
Existing & Proposed Elevations 13	1239 P 232	A	14/06/2013
Existing & Proposed	1239 P 233	A	14/06/2013

Elevations 14			
Existing & Proposed Elevations 15	1239 P 234	A	14/06/2013
Existing & Proposed Elevations 16	1239 P 235	A	18/10/2013
Proposed Section 1	1239 P 240		06/03/2013
Proposed Section 2	1239 P 241	A	14/06/2013
Daylight Report			06/09/2013
Sustainability Statement			06/03/2013
BREEAM Domestic Refurbishment	06		

BH2013/00711

13 - 22 North Street 12D Meeting House Lane and 11-14 Brighton Place Brighton

Demolition of existing building at 11 Brighton Place and demolition of existing stores and first floor structures to rear of North Street shops

Applicant: West Register (Property Investments) Ltd

Officer: Steven Lewis 290480

Approved on 10/03/14 COMMITTEE

1) UNI

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

2) UNI

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BH2013/03247

11 Montpelier Villas Brighton

Demolition of annex adjoining existing maisonette and basement flat and reconstruction of annex to form a third residential unit on the site with associated works.

Applicant: Mr Ray Bullock

Officer: Christopher Wright 292097

Approved on 24/02/14 COMMITTEE

1) UNI

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

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

2) UNI

The development hereby permitted shall not be 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

Report from: 20/02/14 to 12/03/14

made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

3) UNI

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 HE3, HE6, QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no window, dormer window, rooflight or door other than those expressly authorised by this permission shall be constructed without planning permission obtained from the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling 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

No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site 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 then be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

10) 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, HE3 and HE6 of the Brighton & Hove Local Plan.

11) UNI

Access to the flat roofs of the development 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.

12) UNI

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

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, HE1 and HE6 of the Brighton & Hove Local Plan.

13) UNI

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

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

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 3 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.

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.

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

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.

16) 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 the 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.

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.

Plan Type	Reference	Version	Date Received
Ground & Lower Ground Floor As Proposed	1121/P/201/C		13 Nov 2013
First Floor & Roof Plans As Proposed	1121/P/202/C		13 Nov 2013
Location & Block Plans	1121/P/001/A		23 Sep 2013
Site Plan As Existing	1121/P/002/A		23 Sep 2013
Ground & Lower Ground Floor Plans As Existing	1121/P/101/A		23 Sep 2013
First & Second Floor Plans As Existing	1121/P/102/A		23 Sep 2013
North Elevation As Existing	1121/P/103/A		23 Sep 2013
East & West Elevations As Existing	1121/P/104/A		23 Sep 2013
South Elevation As Existing	1121/P/105/A		23 Sep 2013
North Elevation As Proposed	1121/P/301/B		23 Sep 2013
East & West Elevations As Proposed	1121/P/302/B		23 Sep 2013
South Elevation as Proposed	1121/P/303/B		23 Sep 2013
Front Façade Wall Section As Proposed	1121/P/304/A		23 Sep 2013

BH2013/03248

11 Montpelier Villas Brighton

Demolition of annex adjoining existing maisonette and basement flat and reconstruction of annex to form a third residential unit on the site with associated works.

Applicant: Mr Ray Bullock

Officer: Christopher Wright 292097

Approved on 24/02/14 COMMITTEE

1) UNI

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

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 and HE3 of the Brighton & Hove Local Plan.

3) UNI

The windows hereby approved shall be single glazed painted timber vertical sliding sashes 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 policy HE1 of the Brighton & Hove Local Plan.

4) 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.

5) UNI

No development shall commence until full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site 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 then be implemented in accordance with the approved level 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

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

Report from: 20/02/14 to 12/03/14

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 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 HE1 of the Brighton & Hove Local Plan.

8) UNI

No development shall commence until full details of the proposed works including 1:1 scale sections and 1:20 scale elevational details of architectural features (steps, railings, gate, windows, door and door surround) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.

9) 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.

BH2013/03589

Puget's Cottage Rear of 15 North Street Brighton

Alterations incorporating reinstatement of South facing gable wall and blocking up of first floor doorway.

Applicant: West Register (Property Investments) Ltd

Officer: Steven Lewis 290480

Approved on 10/03/14 COMMITTEE

1) UNI

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

Prior to the infilling of the first floor door opening, a specification of works for the restoration of the gable end and the infilling of the first floor opening in matching material shall be submitted to and approved in writing by the LPA. The development.

Reason: In the interests of the special architectural character of the listed building and to accord with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

Prior to the commencement of development on site details of the proposed new door at first floor level shall at 1:20 scale shall be submitted to and approved in writing by the Local Planning Authority. The new doors shall be implemented in strict accordance with the approved details and thereafter retained. Reason: In the interests of the special architectural character of the listed building and to accord with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

All new rendering upon the building should be no stronger than 1:1:6

(lime:cement:sand).

Reason: In the interests of the special architectural character of the listed building and to accord with policy HE1 of the Brighton & Hove Local Plan.

BH2013/03835

52-53 Western Road Brighton

Conversion of ancillary retail storage (A1) at lower ground, first and second floors to form 2no two bedroom and 2no one bedroom flats (C3) with associated alterations including infill extension at first floor level, formation of entrances with associated steps and railings from Clarence Square and alterations to fenestration.

Applicant: Abbeydale Group

Officer: Jason Hawkes 292153

Approved on 25/02/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 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.

3) UNI

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

No development shall take place until details, including scaled elevational drawings and sections, of the new roof detail of the extension including its roof covering and eaves have been submitted to and agreed by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details prior to first occupation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD2, QD14, HE6 of the Brighton & Hove Local Plan.

5) UNI

No development shall take place until details, including scaled elevational drawings and sections of the new entrance steps to Clarence Square have been submitted to and agreed by the Local Planning Authority in writing. The details should indicate steps with railings with posts individually set into stone steps. Development shall be carried out in accordance with the approved details prior to first occupation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD2, QD14, HE6 of the Brighton & Hove Local Plan.

6) UNI

No development shall take place until details, including 1:20 scale elevational drawings and sections, of all new external doors including door furniture have

Report from: 20/02/14 to 12/03/14

been submitted to and agreed by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details prior to first occupation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD2, QD14, HE6 of the Brighton & Hove Local Plan.

7) UNI

No development shall take place until details, including 1:20 scale elevational drawings and sections, of all new and replacement windows including reveals, cills and head treatment have been submitted to and agreed by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details prior to first occupation.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1, QD2, QD14, HE6 of the Brighton & Hove Local Plan.

8) UNI

Notwithstanding the submitted details, the development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

9) UNI

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.

10) 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.

11) 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.

12) UNI

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

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

13) UNI

No development shall take place until details, including 1:20 scale elevational drawings, of all obscure glazed screens to the proposed amenity areas for flats 2, 3 and 4, as indicated on drawing no.1032-PA-011/C, have been submitted to and agreed by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details prior to first occupation and retained as such thereafter.

Reason: To protect the amenity of adjacent properties, to secure the amenity of the future occupiers of the first and second floor flats from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

14) UNI

Prior to the occupation of the development, all of the external alterations and improvements to the buildings, as indicated on the approved drawings, shall be fully implemented and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

15) 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 & Block Plan & Lower Ground and Ground Floor Plan	1032-PA-001	A	19th November 2013
Existing First and Second Floor Plan	1032-PA-002		12th November 2013
Existing North and South Elevations	1032-PA-003		12th November 2013
Existing Section AA	1032-PA-004		12th November 2013
Existing Section BB	1032-PA-005		12th November 2013
Existing Section CC and DD	1032-PA-006		12th November 2013
Proposed Location & Block Plan & Lower Ground Floor & Ground Floor Plan	1032-PA-010	B	7th January 2013
Proposed First & Second Floor	1032-PA-011	C	3rd February 2014
Proposed South Elevations	1032-PA-012	B	7th January 2013
Proposed Section AA	1032-PA-013	C	3rd February 2014
Proposed Section BB	1032-PA-014	C	3rd February 2014
Proposed Section CC and DD	1032-PA-015	C	3rd February 2014

Proposed Artist's Impressions	1032-PA-016		7th January 2013
Proposed Section through Clarence Square	1032-PA-017		7th January 2013

BH2013/03848

11-14 Cavendish Place Brighton

Replacement and refurbishment of front and rear sash and casement windows, removal of third floor fire refuge balconies and installation of rear extract fans. Repair and refurbishment works including to front balcony and railings, roof and rendering.

Applicant: Southern Housing Group

Officer: Andrew Huntley 292321

Refused on 28/02/14 DELEGATED

1) UNI

Insufficient information has been submitted to justify the proposed development, which would significantly harm the remaining historic fabric of the building. In addition, the proposals have failed to achieve heritage gains such as better revealing the historic plan form, removing existing harmful alterations, and re-introducing original features in order to further justify the harm. Therefore, the proposal fails to preserve, enhance and better reveal the historic and aesthetic significance of the listed building. These details are fundamental to the proposals, and in their absence the proposal is contrary to policies HE1 and HE4 of the Brighton & Hove Local Plan, Supplementary Planning Guidance 11 and 13 and Supplementary Planning Document 09.

BH2013/03849

11-14 Cavendish Place Brighton

Replacement and refurbishment of front and rear sash and casement windows, removal of third floor fire refuge balconies and installation of rear extract fans. Internal alterations to flats 3 and 4 of block 13 including layout changes and structural works. Internal and external repair and refurbishment works including to front balcony and railings, roof and rendering.

Applicant: Southern Housing Group

Officer: Andrew Huntley 292321

Refused on 28/02/14 DELEGATED

1) UNI

Insufficient information has been submitted to justify the proposed development, which would significantly harm the remaining historic fabric of the building. In addition, the proposals have failed to achieve heritage gains such as better revealing the historic plan form, removing existing harmful alterations, and re-introducing original features in order to further justify the harm. Therefore, the proposal fails to preserve, enhance and better reveal the historic and aesthetic significance of the listed building. These details are fundamental to the proposals, and in their absence the proposal is contrary to policies HE1 and HE4 of the Brighton & Hove Local Plan, Supplementary Planning Guidance 11 and 13 and Supplementary Planning Document 09.

BH2013/04065

51 Ship Street Brighton

Display of 1no internally illuminated fascia sign, 2no internally illuminated projecting signs and 2no externally illuminated menu boards.

Applicant: TGI Fridays Limited

Officer: Christopher Wright 292097

Split Decision on 25/02/14 DELEGATED

Report from: 20/02/14 to 12/03/14

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 1no internally illuminated fascia sign and 2no externally illuminated menu boards

1) UNI

REFUSE advertisement consent for the 2no internally illuminated projecting signs

2) UNI2

The projecting signs, by reason of their number, size and internal illumination,

would appear unduly large and inappropriate additions to the Listed Building. The proposal would therefore have an adverse effect on the architectural and historic character or appearance of the exterior of the building. The proposal is thereby contrary to policies HE1 and HE9 of the Brighton & Hove Local Plan, and Supplementary Planning Document 09, Advertisements.

BH2013/04066

51 Ship Street Brighton

Installation of external signage.

Applicant: TGI Fridays Limited

Officer: Christopher Wright 292097

Refused on 25/02/14 DELEGATED

1) UNI

The projecting signs, by reason of their number, size and internal illumination, would appear unduly large and inappropriate additions to the Listed Building. The proposal would therefore have an adverse effect on the architectural and historic character or appearance of the exterior of the building. The proposal is thereby contrary to policies HE1 and HE9 of the Brighton & Hove Local Plan, and Supplementary Planning Document 09, Advertisements.

BH2013/04216

77-78 East Street Brighton

Display of externally illuminated lettering and fascia sign, internally illuminated lettering and hanging signs and non-illuminated lettering.

Applicant: Eclectic Clubs and Bars Ltd

Officer: Christopher Wright 292097

Refused on 06/03/14 DELEGATED

1) UNI

The proposed signage would, by reason of the amount of illumination and in particular the row of large and projecting exposed light bulbs which are proposed to run the length of the fascia, appear discordant with the detailing of the building frontage, intrusive and out of keeping with the character of the building and the wider appearance of the Conservation Area resulting in harm to visual amenity. As such the proposal conflicts with policies QD12 and HE9 of the Brighton & Hove Local Plan and SPD07: Advertisements.

BH2013/04223

15 Middle Street Brighton

Display of internally illuminated fascia sign.

Applicant: Castletime Limited

Officer: Andrew Huntley 292321

Refused on 24/02/14 DELEGATED

1) UNI

In the absence of detailed elevation drawings showing all of the proposed advertisements, the accuracy and detail of the drawings 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 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document 07 'Advertisements'.

2) UNI2

Notwithstanding the first reason for refusal, the proposed signage by reason of its 'box' design is considered inappropriate to the character and appearance of the building and out of character with the surrounding old Town Conservation Area. Therefore, the proposal is contrary to policies HE9 and QD12 of the Brighton &

Report from: 20/02/14 to 12/03/14

BH2013/04235

39 Norfolk Road Brighton

Application for Approval of Details Reserved by Condition 8 of application BH2013/00419.

Applicant: Mr John Lloyd

Officer: Helen Hobbs 293335

Refused on 25/02/14 DELEGATED

1) UNI

The submitted details are inadequate to demonstrate compliance with condition 8 and would be contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.

BH2013/04306

103 Western Road Brighton

External painted mural to East elevation. (Retrospective)

Applicant: Mr Ben Ameur Sabri

Officer: Steven Lewis 290480

Refused on 11/03/14 DELEGATED

1) UNI

The mural by reason of its location and design is a visually intrusive, over dominant and discordant addition to the character and appearance of the building and its setting, this is contrary to policies HE1 & HE3 of the Brighton & Hove Local Plan.

BH2013/04332

23 East Street Brighton

Display of internally illuminated fascia signs (letters only) and hanging sign (part-retrospective).

Applicant: L'Occitane

Officer: Sonia Gillam 292265

Split Decision on 12/03/14 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 signs shown on Proposed drawing.

1) UNI

REFUSE advertisement consent for the internally illuminated hanging sign shown on Proposed drawing.

1. The proposed internally illuminated hanging sign would, by reason of the amount of illumination appear discordant with the detailing of the building frontage, intrusive and out of keeping with the character of the Listed Building and the wider Conservation Area resulting in harm to visual amenity. As such the proposal conflicts with policies QD12 and HE9 of the Brighton & Hove Local Plan and SPD07: Advertisements.

BH2013/04386

22 East Street Brighton

Display of 2no externally illuminated fascia signs, 1no externally illuminated hanging sign and 1no window vinyl. (Retrospective)

Applicant: Crabtree & Evelyn

Officer: Jason Hawkes 292153

Approved on 12/03/14 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.

BH2013/04389

22 East Street Brighton

External alterations including replacement of 2no externally illuminated fascia signs, 1no externally illuminated hanging sign and 1no windows vinyl. (Retrospective)

Applicant: Crabtree & Evelyn

Officer: Jason Hawkes 292153

Approved on 12/03/14 DELEGATED

BH2014/00034

10 East Street Brighton

Alterations to existing shopfront including relocation of entrance doors.

Applicant: C and H Weston

Officer: Jason Hawkes 292153

Approved on 10/03/14 DELEGATED

1) BH01.01

Report from: 20/02/14 to 12/03/14

The development hereby permitted shall be commenced before the expiration of 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 & Block Plan	221800-01		7th January 2014
Existing Plan & Elevations	221800-02		7th January 2014
Proposed Plan & Elevation	221800-03	B	7th January 2014

BH2014/00067

5 - 5A Castle Square Brighton

Display of externally illuminated fascia sign and internally illuminated hanging sign (Retrospective).

Applicant: Fusion Design & Architecture

Officer: Emily Stanbridge 292359

Approved on 12/03/14 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.

Report from: 20/02/14 to 12/03/14

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.

BH2014/00117

39 Norfolk Road Brighton

Application for Approval of Details Reserved by Condition 10 of application BH2013/00420.

Applicant: Mr John Lloyd

Officer: Helen Hobbs 293335

Refused on 11/03/14 DELEGATED

1) UNI

Insufficient and unacceptable information has been submitted to demonstrate compliance with condition 10 and as such the requirements of condition 10 have not been met, contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2014/00562

109A Western Road Brighton

Application for Approval of Details Reserved by Condition 9 of application BH2013/00246.

Applicant: Mr Simon Evans

Officer: Steven Lewis 290480

Approved on 07/03/14 DELEGATED

ST. PETER'S & NORTH LAINE

BH2013/02810

5 Roundhill Crescent Brighton

Application for approval of details reserved by conditions 6, 7, 8 and 10 of application BH2013/01379.

Applicant: Neil Bryant

Officer: Sonia Gillam 292265

Split Decision on 25/02/14 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 7, 8 and 10 and subject to full compliance with the submitted details.

1) UNI

The details pursuant to condition 6 are NOT APPROVED

2) UNI2

Insufficient information in relation to the proposed new fireplace in the dining room has been submitted in order for the details pursuant to condition 6 to be

Report from: 20/02/14 to 12/03/14

approved.

BH2013/03741

Ground Floor Princes House 53-54 Queens Road Brighton

Change of use of ground floor from office (B1) to retail (A1).

Applicant: Hargreaves Management Ltd

Officer: Robert McNicol 292198

Approved on 04/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

No development shall commence until a Scheme of Management of the vehicle parking has been submitted to and been approved in writing by the Local Planning Authority. The submitted scheme shall include details of how each car parking space will be allocated and any necessary measures to ensure that each car parking space is secured for the use of its allocated owner. The approved scheme shall be implemented prior to the first occupation of the building and thereafter retained at all times.

Reason: To ensure the development maintains a sustainable transport strategy and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan.

4) UNI

Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 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
Location plan	LOC1		1 November 2013
Existing ground floor plan	GN 01	A	1 November 2013
Proposed ground floor plan	GN 01	A	1 November 2013
Basement car park plan	PH B 200	B	1 November 2013

6) UNI

The vehicle parking area shown on the approved plans shall not be used

Report from: 20/02/14 to 12/03/14

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.

BH2013/03962

14 Dyke Road & 1 Wykeham Terrace Brighton

Installation of new entrance doors. (Retrospective)

Applicant: Kerry Howard

Officer: Chris Swain 292178

Approved on 11/03/14 DELEGATED

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.

Plan Type	Reference	Version	Date Received
Pre-existing and existing floor plans, section A-A and block and location plans	WYTER/01	C	27 November 2013
Pre-existing and existing front elevations and internal door elevations and door section.	WYTER1/02	E	27 January 2014

BH2013/04259

7-8 Circus Parade Brighton

Change of use from restaurant/cafe (A3) to mixed use comprising exercise studio, children's soft play area and coffee shop/snack bar (sui generis).

Applicant: Mr Remzi Mehmet

Officer: Adrian Smith 290478

Approved on 04/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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

Windows and doors should be kept closed at all times, except for egress and entrance of customers.

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

3) UNI

No development shall commence until a scheme for the soundproofing of the building, including all walls, ceilings and the shopfront, 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.

Report from: 20/02/14 to 12/03/14

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.

4) UNI

Amplified music or other entertainment noise from within the premises shall not be audible within any adjacent premises.

Reason: To safeguard the amenities of the locality and to comply with policies SU10 and QD27 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
Site plan			06/01/2014
Existing floor plan			06/01/2014
Proposed floor plan			06/01/2014

6) UNI

The use hereby permitted shall not be open to customers except between the hours of 7am and 8pm on Mondays to Fridays, 8am and 8pm on Saturdays, Sundays, Bank and Public Holidays.

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

BH2013/04298

Top Floor Flat 92 Roundhill Crescent Brighton

Installation of gas supply pipe to front elevation.

Applicant: Mr Stephen Winstanley

Officer: Emily Stanbridge 292359

Refused on 03/03/14 DELEGATED

1) UNI

The proposed gas pipe would be clearly visible from street level and would appear an incongruous and unsightly addition. The proposal would harm the character and appearance of the existing building, and would fail to preserve the character or appearance of the West Hill Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD09 - Architectural Features.

BH2014/00036

1-2 Queen Square & 4-8 Dyke Road Brighton

Installation of grey aluminium framed double glazed windows to match existing on first, second, third and fourth floors.

Applicant: Baron Homes Corporation

Officer: Emily Stanbridge 292359

Approved on 10/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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

Report from: 20/02/14 to 12/03/14

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	1936/8	A	07.01.2014
Existing elevations west elevation to Dyke Road	1936/9	A	13.01.2014
Existing elevations east elevation to Queen Square	1936/10	A	13.01.2014
Existing elevations south east and south west elevations	1936/11	A	13.01.2014
Proposed elevations west elevation to Dyke Road	1936/12	A	13.01.2014
Proposed elevations east elevation to Queen Square	1936/13	A	13.01.2014
Proposed elevations south east and south west elevations	1936/14	A	13.01.2014
Existing windows	1936/6	A	07.01.2014
Proposed windows	1936/7	A	07.01.2014
Window section			07.01.2014

BH2014/00037

37 Queens Gardens Brighton

Demolition of single storey structure to rear and erection of two storey rear extension incorporating revised fenestration to rear.

Applicant: Studio Woollen Ltd

Officer: Adrian Smith 290478

Refused on 11/03/14 DELEGATED

1) UNI

The proposed extension, by virtue of its excessive height, form and poor relationship with the existing dwellinghouse, which is compounded by the proposed fenestration arrangement, represents a poorly designed and incongruous addition to the host building, to the detriment of the appearance of the building, wider terrace and North Laine Conservation Area, contrary to policies QD1, QD2, QD14 & HE6 of the Brighton & Hove Local Plan.

2) UNI2

The proposed extension, by virtue of its overall height and scale with a side facing first floor window, would result in a significant impact in terms of loss of daylight, sunlight and overlooking to adjacent properties compared to existing, thereby resulting in loss of amenity contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2014/00092

75 London Road Brighton

Alterations to windows at ground floor level.

Applicant: Indigo Pub Group Ltd

Officer: Christine Dadswell 292205

Approved on 11/03/14 DELEGATED

1) BH01.01

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

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

Report from: 20/02/14 to 12/03/14

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	A-06		13/01/2014
Ground Floor Existing Plan	A-01		13/01/2014
First Floor Existing Plan	A-02		13/01/2014
Existing North East Elevation	A-03		13/01/2014
Existing North West Elevation	A-04		13/01/2014
Existing South West Elevation	A-05		13/01/2014
Ground Floor Proposed Plan	D-01		13/01/2014
First Floor Proposed Plan	D-02		13/01/2014
Proposed North East Elevation	D-03		13/01/2014
Proposed North West Elevation	D-04		13/01/2014
Proposed South West Elevation	D-05		13/01/2014
Window Detail- existing and proposed			24/01/2014
Window Detail section- existing and proposed			30/01/2014

WITHDEAN

BH2011/03887

Land East of 55 Highcroft Villas Brighton

Application to extend the time limit for implementation of previous approval BH2007/03843 for the erection of an apartment building containing 24 flats with parking and access.

Applicant: Kingsbury Estate Ltd

Officer: Guy Everest 293334

Approved on 05/03/14 COMMITTEE

1) UNI

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

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

2) UNI

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

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

3) UNI

The bathroom windows within the west (side) elevation of the building hereby approved shall be glazed with obscure glass and thereafter permanently retained

as such.

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

4) UNI

The balcony screens to the west (side) elevation of balconies shall be obscure glazed and 1.5m in height. The screens shall be provided before occupation of the dwellings and thereafter be 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

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

6) 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. The development shall be carried out in accordance with the approved details.

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

7) UNI

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

(a) evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage/Interim Report showing that the development will achieve Code level 4 for all residential units have been submitted to the Local Planning Authority; and

(b) a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

8) UNI

The development hereby permitted shall not commence until a working method statement in respect of the demolition and construction period of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify hours of working, the provision of wheel cleaning apparatus, details of parking for site operatives and visitors, details of the siting of temporary buildings and stacking of materials. The development shall be carried out in accordance with the working method statement so approved.

Reason: To safeguard the amenities of the occupiers of nearby properties and to

comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

9) UNI

No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, 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 interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

10) UNI

Prior to commencement of the development hereby permitted, details of fencing to be provided around the boundaries of the site and any other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the scheme so approved by the Local Planning Authority shall be erected prior to the first occupation of the site and retained thereafter to the approval of the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.

11) UNI

The development shall not commence until fences for the protection of trees to be retained have been erected to a specification and in positions to be agreed in writing by the Local Planning Authority. These fences shall be maintained in good repair until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.

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

12) UNI

Prior to the commencement of the development the applicant shall submit to the Local Planning Authority a written report from an appropriately qualified person, advising upon the stability of the land, most particularly, but not exclusively, in relation to its impact on the role the land plays in supporting the highway at Highcroft Villas and the impact of the development on the stability of the railway embankment and any works (including works of drainage) as may be necessary to ensure the stability of the land, building and services and any neighbouring land or buildings. Details of any stabilisation work to be carried out as a result of the report shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The works shall not be carried out otherwise than in accordance with the approved details.

Reason: As insufficient information has been submitted to comply with policies SU5 and SU8 of the Brighton & Hove Local Plan.

13) UNI

Prior to the commencement of works details of nesting boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes approved by the Local Planning Authority shall be erected prior to the occupation of the building and thereafter maintained.

Reason: To ensure the enhancement and protection of ecological interest on site and to comply with policy QD17 of the Brighton & Hove Local Plan.

14) UNI

Prior to the commencement of works details of the green roof to the first floor hereby approved, which should be vegetated with a chalk grassland mix, shall be submitted to and approved in writing by the Local Planning Authority. The details

thereby approved shall be carried out and thereafter maintained in accordance with the specification.

Reason: To ensure the enhancement of ecological interest on site and to comply with policy QD17 of the Brighton & Hove Local Plan.

15) UNI

Construction work shall not begin until a scheme for protecting the proposed development from noise and vibration from the neighbouring railway line has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include details regarding any ventilation measures that may be necessary and all works which form part of the approved scheme shall be completed before any part of the development is occupied.

Reason: To safeguard the amenity of future occupiers of the development and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

16) UNI

Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road, surface water and foul drainage, and lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details prior to the first occupation of the dwellings.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

17) UNI

Details of the solar roof panels shall be submitted to and approved in writing by the Local Planning Authority before works commence. The panels thereby approved shall be installed before the units are occupied and thereafter retained as such.

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

18) UNI

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

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

b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

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

a) as built drawings of the implemented scheme;

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

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

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.

19) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 has been submitted to, and approved in writing by, the Local Planning Authority.

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

20) UNI

The cycle storage details shown on the approved drawings 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.

21) UNI

The development hereby permitted shall be carried out in accordance with the approved drawings no. 0561/SO2 A, 0561/P300, 0561/P301, 0561/P304, 0561/P305, 0561/P306 & 0561/P307 received on 12th October 2007; and approved drawings no. 0561/P302 E & 0561/P303 E received on 9th July 2008.

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

BH2013/03524

2 Barn Rise Brighton

Demolition of existing bungalow and erection of two storey five bedroom dwelling with garage incorporating installation of solar panels, revised access and driveway, boundary wall and associated works.

Applicant: Sunil Mehra

Officer: Christopher Wright 292097

Approved on 21/02/14 COMMITTEE

1) UNI

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

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

2) UNI

The development hereby permitted shall 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 Location Plan	A.PR.0.1		15 Oct 2013

Site Plan	A.PR.0.2		15 Oct 2013
Ground Floor Plan	A.PR.2.1		15 Oct 2013
First Floor Plan	A.PR.2.2		15 Oct 2013
Loft Floor Plan	A.PR.2.3		15 Oct 2013
Roof Plan	A.PR.2.4		15 Oct 2013
Front Elevation	A.PR.3.1		15 Oct 2013
Side (Left) Elevation	A.PR.3.2		15 Oct 2013
Rear Elevation	A.PR.3.3		15 Oct 2013
Side (Right) Elevation	A.PR.3.4		15 Oct 2013
Section - 1	A.PR.4.1		15 Oct 2013
Location Plan	A.EX.1.1		15 Oct 2013
Ground Floor Plan	A.EX.2.1		15 Oct 2013
Roof Plan	A.EX.2.4		15 Oct 2013
Front Elevation	A.EX.3.1		15 Oct 2013
Side (Left) Elevation	A.EX.3.2		15 Oct 2013
Rear Elevation	A.EX.3.3		15 Oct 2013
Side (Right) Elevation	A.EX.3.4		15 Oct 2013

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 northeast facing flank elevation of the dwellinghouse 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

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 and QD27 of the Brighton & Hove Local Plan.

5) UNI

The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

6) UNI

The new dwelling hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory provision of homes for people with disabilities

and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

7) 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 3 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

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 full details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site 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 then be implemented in accordance with the approved level details.

Reason: To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

10) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, 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.

11) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 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.

12) 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.

13) UNI

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

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

BH2013/04230

409 Ditchling Road Brighton

Conversion of existing garage/games room to form 1no two bed dwelling (C3) incorporating new porch, formation of underground garage to rear accessed from Hollingbury Copse and associated alterations.

Applicant: Mr B Atkinson

Officer: Steven Lewis 290480

Refused on 04/03/14 DELEGATED

1) UNI

The proposed side porch extension by reason it's siting in close proximity to Hollingbury Copse would appear an incongruous addition that would poorly reflect the character and appearance of the immediate street scene. The proposal would fail to emphasise and enhance the positive qualities of the local neighbourhood and is thereby contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

2) UNI2

The application provides insufficient detail of the proposed garage and parking area located off Hollingbury Copse. As such it is not possible to fully and properly assess the amenity impacts of the proposal, contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.

BH2013/04231

409 Ditchling Road Brighton

Demolition of existing double garage and erection of 1no three bedroom detached house.

Applicant: Mr B Atkinson

Officer: Steven Lewis 290480

Refused on 04/03/14 DELEGATED

1) UNI

The proposed dwelling by reason of its siting, scale, form and detailing would fail to reflect the immediate character of the site or wider surrounding area and would appear a visually incongruous addition to the Ditchling Road and Surrenden Road street scenes. The development therefore fails to respond sufficiently to the

height, siting and design of existing buildings in the locality. This identified harm would outweigh the benefit of a single dwelling and the proposal is contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan and the National Planning Policy Framework (NPPF).

BH2013/04262

20 Windmill Drive Brighton

Remodelling of existing bungalow including erection of single storey rear extension, raised decking to rear, conversion of garage to habitable space and creation of new hard standing to front elevation. Roof alterations incorporating raising of ridge height, roof extensions, rear dormers, front rooflights and associated alterations.

Applicant: Mr Paul Newman

Officer: Steven Lewis 290480

Refused on 28/02/14 DELEGATED

1) UNI

The proposed extensions by reason of their height, scale, massing and detailing would appear unduly dominant and discordant. The resulting change in scale and proportions would cause demonstrable harm to the prevailing character and appearance of the area. The proposal is thereby contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan, and SPD12: Design Guide for Extensions and Alterations.

2) UNI2

The proposed extensions by reason of their siting, height and scale in relation to adjacent properties would appear overbearing extension and result in undue loss of outlook and, in the absence of information to indicate otherwise, would create harmful overshadowing and loss of light to 22 Windmill Drive. The proposal is thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, and SPD12: Design Guide for Extensions and Alterations.

3) UNI3

The proposed rear terrace by reason of its size in conjunction with the rear extension would form a dominant and overbearing platform that would, due to its height, create overlooking of adjoining properties and lead to a harmful loss of privacy. The proposal is thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan, and SPD12: Design Guide for Extensions and Alterations.

BH2013/04357

122 Valley Drive Brighton

Certificate of lawfulness for proposed two storey rear extension with pitched roof.

Applicant: Mr & Mrs P Fitzpatrick

Officer: Christopher Wright 292097

Refused on 27/02/14 DELEGATED

1) UNI

The proposed extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse and the height of the eaves of the enlarged part would exceed 3 metres. As such the development is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2013/04390

16 Redhill Drive Brighton

Erection of 1no detached 5 bed dwelling.

Applicant: Mr & Mrs Meredith

Report from: 20/02/14 to 12/03/14

Officer: Jason Hawkes 292153

Approved on 06/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit 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 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.

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
Ordnance Survey Plans	P2/OS/01		30th December 2013
Existing / Proposed Landscape Plan	P2/OS/02		30th December 2013
Proposed Lower Ground Floor	P2/01		30th December 2013
Existing / Proposed Ground Floor	P2/02		30th December 2013
Existing / Proposed First Floor	P2/03		30th December 2013
Proposed Second Floor	P2/04		30th December 2013
Existing / Proposed Roof	P2/05		30th December 2013
Existing / Proposed North Elevation	P2/06		30th December 2013
Existing / Proposed South Elevation	P2/07		30th December 2013
Existing / Proposed West Elevation	P2/08		30th December 2013
Existing / Proposed East Elevation	P2/09		30th December 2013
Proposed Lower Ground Floor	V2/01		30th December 2013
Existing / Proposed Ground Floor	V2/02		30th December 2013
Existing / Proposed First Floor	V2/03		30th December 2013

Proposed Second Floor	V2/04		30th 2013	December
Existing / Proposed Roof	V2/05		30th 2013	December
Existing / Proposed North Elevation	V2/06		30th 2013	December
Existing / Proposed South Elevation	V2/07		30th 2013	December
Existing / Proposed West Elevation	V2/08		30th 2013	December
Existing / Proposed East Elevation	V2/09		30th 2013	December

4) UNI

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A and B 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: To protect the amenity of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan

5) 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.

6) 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.

7) UNI

Any tree pruning works shall be carried out to BS 3998 (2010) Tree Pruning Operations.

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.

8) 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.

Report from: 20/02/14 to 12/03/14

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.

9) UNI

With the exception of the access to the front door 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.

10) UNI

No development shall take place until details of obscure glazed screens to the east facing boundaries of the proposed roof terraces at the rear to ground and first floors have been submitted to and agreed by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details prior to first occupation and retained as such thereafter.

Reason: To protect the amenity of adjacent properties, to secure the amenity of the future occupiers of the new dwelling from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

11) 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.

12) UNI

No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

13) UNI

No development shall commence until fences for the protection of the Cedar tree to be retained has been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fence 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 tree which is to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

14) UNI

No development shall take place until 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.

15) 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.

16) UNI

No residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 3 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.

17) UNI

The dwelling shall not be occupied until the west facing boundary wall, as indicated on drawing no.VC/08, has been constructed in accordance with the approved drawing. The wall shall thereafter be retained as such.

Reason: To protect the amenity of adjacent properties, to secure the amenity of the future occupiers of the new dwelling from overlooking and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

18) 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.

BH2014/00020

14 Harrington Villas Brighton

Erection of single storey rear infill extension with new external staircase and balustrade.

Applicant: Mr & Mrs Peasgood

Officer: Helen Hobbs 293335

Approved on 05/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 staircase and landing shall not be brought into use until the screen shown on approved drawing no. L-102 and in accordance with the details received by email on 21/2/2014 from the agent DH Design, has been fully implemented. The screen shall be retained as such thereafter.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policy 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.

Plan Type	Reference	Version	Date Received
Site plan	L-100		6th January 2014
Proposed and existing plans and elevations	L-102		6th January 2014

BH2014/00027

61 Millcroft Brighton

Installation of 2no dormer windows to front of dwelling.

Applicant: Mr & Mrs Newitt

Officer: Christopher Wright 292097

Refused on 11/03/14 DELEGATED

1) UNI

The dormer windows, by reason of form, excessive size and position would represent inappropriate additions that fail to respect the character of the roof slope and built form in the area, which features largely unaltered and simple roof forms. The proposed development would therefore have a detrimental impact on the character of the recipient property and the wider street scene, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12: Design Guide for Extensions and Alterations.

BH2014/00095

18 Fairlie Gardens Brighton

Erection of single storey side extension.

Applicant: Mr & Mrs Clifford

Officer: Robin Hodgetts 292366

Refused on 12/03/14 DELEGATED

1) UNI

The proposed extension by reason of its design and prominence within the street scene would have 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.

BH2014/00252

36 Kingsmere London Road Brighton

Replacement of existing crittal windows with UPVC.

Applicant: Lydia Mason

Officer: Emily Stanbridge 292359

Approved on 05/03/14 DELEGATED

1) BH01.01

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

Report from: 20/02/14 to 12/03/14

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			28.01.2014
Site photographs			28.01.2014
Product specification			28.01.2014
Retail Survey			28.01.2014
Sectional Drawings			28.01.2014

BH2014/00327

Park Manor London Road Preston Brighton

Non Material Amendment to BH2012/03981 for variation of approved development to provide 2x 2 bedroom flats instead of 2x 1 bedroom flats.

Applicant: Anstone Properties Ltd

Officer: Jason Hawkes 292153

Approved on 28/02/14 DELEGATED

EAST BRIGHTON

BH2013/02977

Yellowwave Beach Sports Venue 299 Madeira Drive Brighton

Application for approval of details reserved by condition 3 of application BH2013/01521.

Applicant: Yellowwave

Officer: Anthony Foster 294495

Approved on 25/02/14 DELEGATED

BH2013/03684

Flat 4 14 Sudeley Place Brighton

Replacement of existing single glazed timber framed sash windows with UPVC double glazed windows to front elevation.

Applicant: Mr D Cooper

Officer: Joanne Doyle 292198

Refused on 27/02/14 DELEGATED

1) UNI

The proposed windows by virtue of their material, detailing and proportions, would create a poor and unsightly contrast with remaining windows in the building. The proposal would harm the character and appearance of the existing building and would fail to preserve the character and appearance of the East Cliff Conservation Area. The proposal is thereby contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan, and guidance within SPD09, Architectural Features, and SPD12, Design Guide for Extensions and Alterations.

BH2013/03983

Royal Sussex County Hospital Eastern Road Brighton

Application for variation of condition 1 of application BH2011/01558 (Erection of a six storey modular building for a period of seven years with alterations to vehicle

Report from: 20/02/14 to 12/03/14

access on Eastern Road) to amend wording of condition to read as follows - "The building hereby permitted shall be removed either on or before the fourth anniversary of the date of this permission should by that date demolition of the Jubilee Building, Latilla Building and Annex, Stephen Ralli Building and Nuclear Medicine Building not have occurred in accordance with the planning permission for the wider redevelopment of the site (BH2011/02886) but should such demolition have taken place within the aforesaid timescale then the building hereby permitted shall be removed by the eighth anniversary of the date of this permission."

Applicant: Brighton and Sussex University Hospitals NHS Trust

Officer: Kathryn Boggiano 292138

Approved on 26/02/14 DELEGATED

1) UNI

The building hereby permitted shall be removed either on or before the fourth anniversary of the date of this permission should by that date demolition of the Jubilee Building, Latilla Building and Annex, Stephen Ralli Building and Nuclear Medicine Building not have occurred in accordance with the planning permission for the wider redevelopment of the site (BH2011/02886) but should such demolition have taken place within the aforesaid timescale then the building hereby permitted shall be removed by the eighth anniversary of the date of this permission.

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
Sections	YKN-AR-FCP-A00-EL-00-00 02 F01		14 June 2011
Context elevation	YKN-AR-FCP-A00-EL-00-00 06 F00		14 June 2011
Existing site plan	TGM-AR-FCP-A00-PS-00-05 00 F01		05 July 2011
Site Location Plan	TGM-AR-FCP-A00-PS-00-05 01 F01		21 November 2013
Vehicular Layout Plans	TGM-AR-FCP-A00-PS-L2-PL 505 F01		05 July 2011
Swept path analysis of alternative access arrangements	WSP-CI-FCP-SK-0008 F01		23 August 2011
Stage 2 Eastern Road bus stop locations	WSP-CI-ST2-A00-GA-L1-000 1 F01		24 August 2011
Disabled bay locations	WSP-CI-FCP-SK-0011 F01		30 August 2011
Proposed Plan (floor plans)	TGM-AR-FCP-A00-PS-00-05 04 F02		6 September 2011

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Topographical Survey	WSP-CI-SW-A 00-M2-00-000 1 F04		7 September 2011
Elevations	YKN-AR-FCP- A00-EL-00-00 01 F04		7 September 2011
Barry Building alternative drop off swept path analysis entry at Eastern end	WSP-CI-FCP- SK-0012 F03		9 September 2011
Figure 9- Location of modular building and access arrangements	WSP-CI-FCP- SK-0002 F04		12 September 2011
Proposed site plan and contextual elevation	YKN-AR-FCP- A00-EL-00-00 06 F01		14 September 2011

3) UNI

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

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

4) UNI

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a method statement to identify, risk assess and address the unidentified contaminants.

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

5) UNI

The modular building shall not be erected on site until full details of the external materials to be used in the construction of the external surfaces of the development along with the materials of the boundary wall gate, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, HE6 and HE10 of the Brighton & Hove Local Plan.

6) UNI

No works shall take place (including ground preparation works) until the four disabled parking bays to the east of the Jubilee Building, have been laid out in accordance with the details shown on plan referenced WSP-CI-FCP-SK-0011 received on 30/08/2011. This disabled parking shall be made available for use prior to works taking place.

Reason: In order to replace the displaced disabled parking and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note No.4 'Parking Standards'.

7) UNI

No works shall take place (including ground preparation works) until a Report from: 20/02/14 to 12/03/14

Construction Environmental Management Plan which shall outline details of construction noise levels, details of the ground preparation works, the hours of working on site, hours of delivery of materials to the site; storage of materials on site; cherry pickers and noise from reversing machinery; dust and noise from the removal of any waste from the site, and how such noise and dust will be controlled using best practical means, referencing BS5228-1:2009 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To safeguard the amenity of the occupiers of adjoining properties and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

8) UNI

No works shall take place (including ground preparation works) until the access points 1, 2, 3, 4 and 5 as shown on plan referenced WSP-CI-FCP-SK-0002 F04 received on 12/09/2011 and plan referenced WSP-CI-FCP-SK-0012 F03 received on 09/09/2011 and plan ref TMG-AR-FCP-A00-PS-L2-PL_505 received on 05/07/2011 have been laid out fully in accordance with the approved details. The aforesaid access points shall be made available for use prior to any works taking place (including ground preparation works).

Reason: In order to provide access and egress to the parking/drop off areas and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

9) UNI

No works shall take place (including ground preparation works) until a revised signage schedule for all of the parking areas and access/egress points, has been submitted to and approved in writing. The approved signage scheme shall be implemented fully in accordance with the approved details prior to any works taking place (including ground preparation works).

Reason: To ensure the safe access of the parking areas and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.

10) UNI

No works shall take place (including ground preparation works) until details of the means of foul and surface water disposal 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 contained as such thereafter.

Reason: To ensure the existing infrastructure can facilitate the development and to reduce the risk of flooding as a result of this development and to comply with policy SU15 of the Brighton & Hove Local Plan.

11) UNI

The modular building shall not be erected on site until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

12) UNI

No works shall take place (including ground preparation works) until the proposed ground levels and finished floor levels of the modular build in relation to Ordinance Datum have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out fully in accordance with the approved details.

Reason: As insufficient information has been submitted and to ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, HE6 and HE10 of the Brighton & Hove Local Plan.

13) UNI

Unless otherwise agreed in writing with the Local Planning Authority, no works shall take place (including ground preparation works) until the amended parking arrangements have been fully implemented and laid out in accordance with the details shown on plan referenced WSP-CI-FCP-SK-0002 F04 received on 12/09/2011. This amended parking shall be made available for use prior to works taking place (including ground preparation works).

Reason: In order to replace some of the displaced visitor/staff parking and to comply with policies TR1 and TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note No.4 'Parking Standards'.

BH2013/04061

68a St Georges Road Brighton

Demolition of existing building and roof covering over site and erection of 2no three bedroom houses with associated alterations.

Applicant: Sussex Property Investment Ltd

Officer: Anthony Foster 294495

Approved on 26/02/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 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 and QD27 of the Brighton & Hove Local Plan.

3) 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.

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 and QD27 of the Brighton & Hove Local Plan.

5) UNI

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.

6) UNI

Development shall not commence until the following details have been submitted to and approved by the Local Planning Authority in writing;

- i) Windows and doors (1:20 sample elevations and 1:1 scale joinery sections) including detail of their opening methods, reveals, thresholds and cills
- ii) Pedestrian gates (1:20 elevations and 1:1 scale joinery sections)
- iii) Guttering and downpipes,
- iv) Parapets and copings (1:2 sections)
- vii) all other architectural design features

The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 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 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 enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 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

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

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 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.

11) 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.

12) UNI

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

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

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

13) UNI

(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.

14) UNI

The works of demolition hereby permitted shall not be begun until documentary evidence is produced to the Local Planning Authority to show that contracts have been entered into by the developer to ensure that building work on the site the subject of this consent is commenced within a period of 6 months following commencement of demolition in accordance with a scheme for which planning permission has been granted.

Reason: To prevent premature demolition in the interests of the character and appearance of the Conservation Area and to comply with policy HE8 of the Brighton & Hove Local Plan.

15) 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 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.

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.

Plan Type	Reference	Version	Date Received
Site Location and Block Plan	D.01	B	28/11/2013
Existing Floor Plans	D.03		28/11/2013
Existing Sections and Elevations	D.04	A	28/11/2013
Existing Sections	D.05		28/11/2013
Proposed Ground Floor Plan	D.06	B	28/11/2013
Proposed First Floor Plan	D.07	B	28/11/2013
Proposed Second Floor Plan	D.08	B	28/11/2013
Proposed Roof Plan	D.09	B	28/11/2013
Proposed Elevation and Section	D.10	B	28/11/2013
Proposed Elevation / Section C:C	D.11	B	28/11/2013
Proposed Section / Elevation and Rear Window Position Overlay	D.12	B	28/11/2013

BH2013/04387

3-4 Paston Place Brighton

Conversion of existing House in Multiple Occupation (Sui Generis) and offices (B1) to form 2no houses (C3) with associated alterations including demolition of existing lower ground floor extension and removal of external staircase to rear elevation.

Applicant: Brighton and Sussex University Hospitals NHS Trust

Officer: Adrian Smith 290478

Approved on 04/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 extension, enlargement or alteration of the dwellinghouses as provided for Report from: 20/02/14 to 12/03/14

within Schedule 2, Part 1, Classes A - D 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 character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

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 and to comply with policy HE6 of the Brighton & Hove Local Plan.

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

All new external doors shall be painted timber 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.

6) UNI

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 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.

8) UNI

No development shall take place until a scheme to reduce the water consumption of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Such measures included in the approved scheme shall be retained as such thereafter.

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.

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
Site plan			30/12/2013
Existing floor plans	3-4PP-X-PLAN S		04/03/2014
Existing elevations	3-4PP-X-EXIS T		04/03/2014
Proposed floor plans	3-4PP-X PLANS		04/03/2014
Proposed elevations	3-4PP-X-PRO		04/03/2014

10) UNI

The window hereby approved to the rear elevation 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 the windows 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.

BH2014/00005

Flat 1 36 College Place Brighton

Replacement of existing timber framed windows to front and side elevations.

Applicant: Miss Alonso

Officer: Emily Stanbridge 292359

Refused on 27/02/14 DELEGATED

1) UNI

The proposed windows, by reason of their opening method and proportions, would create a poor and unsightly contrast with remaining windows in the building. The proposal would harm the character and appearance of the existing building, and would fail to preserve the character and appearance of the East Cliff Conservation Area. The proposal is thereby contrary to policies HE6 and QD14 of the Brighton & Hove Local Plan, and guidance within SPD09, Architectural Features, and SPD12, Design Guide for Extensions and Alterations.

HANOVER & ELM GROVE

BH2013/03987

Gladstone Court Hartington Road Brighton

Erection of three storey side extension to form 6no one bedroom flats and 3no two bedroom flats.

Applicant: Lincoln Holland JV Ltd

Officer: Anthony Foster 294495

Refused on 03/03/14 COMMITTEE

1) UNI

The proposed extension by reason of its bulk, scale, massing and design and detailing, would result in unsympathetic and overly dominant addition that would relate poorly to and detract from the appearance and character of the existing property, and the surround area. The proposals are thereby contrary to policies QD2, and QD14 of the Brighton & Hove Local Plan.

2) UNI2

The proposed extension would result in an unacceptable impact upon the amenity of the occupiers in terms of increased building bulk, and increased sense

Report from: 20/02/14 to 12/03/14

of enclosure, and perceived and actual overlooking as such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed development would provide an unsatisfactory residential environment for the future occupiers of the proposed dwellings by virtue of poor level of outlook, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2013/04349

239 Freshfield Road Brighton

Demolition of existing porch and conservatory and erection of new porch and conservatory to south west elevation. Demolition of existing timber structures and erection of single storey side extension to south east elevation.

Applicant: Mr K Mullins

Officer: Wayne Nee 292132

Refused on 05/03/14 DELEGATED

1) UNI

1. The proposed conservatory, by virtue of its size, depth, and inappropriate siting on this highly prominent corner location, would form a visually intrusive and incongruous addition. This would be of detriment to the character and appearance of the street scene. Furthermore, the proposed side extension, by reason of its footprint and projection, would harm the appearance of the property and street scene. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

2) UNI2

The proposed conservatory, due to its bulk, height and siting, would be overbearing and would have an adverse visual impact upon the neighbouring property, 237 Freshfield Road, leading to significant overshadowing and a heightened sense of enclosure. It would therefore detract from the residential amenity of this property contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/04382

3 Wellington Road Brighton

Change of use from dwelling (C3) to a six bedroom small House in Multiple Occupation (C4).

Applicant: Mrs Lucinda Yazdian-Tehrani

Officer: Adrian Smith 290478

Approved on 21/02/14 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

Report from: 20/02/14 to 12/03/14

3) 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.

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 plan, block plan and existing and proposed elevations			27/12/2013

5) UNI

No development shall commence until a scheme for the soundproofing of the floors and walls between the proposed property, the basement flat below, and the adjacent property at 5 Wellington Road 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 first occupation of the development and shall thereafter be retained as such.

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

BH2014/00055

73 Down Terrace Brighton

Application for Approval of Details Reserved by Conditions 3 and 5 of application BH2013/03663.

Applicant: Mr S Adler

Officer: Robin Hodgetts 292366

Approved on 06/03/14 DELEGATED

BH2014/00311

32 Albion Hill Brighton

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable end roof extension and rear dormer.

Applicant: Emma Veitch

Officer: Christine Dadswell 292205

Approved on 26/02/14 DELEGATED

HOLLINGDEAN & STANMER

BH2013/03796

Norwich House Norwich House Road University of Sussex Brighton

Replacement of existing crittall windows with double glazed aluminium windows.

Applicant: University of Sussex

Officer: Andrew Huntley 292321

Approved on 10/03/14 DELEGATED

1) BH01.01

Report from: 20/02/14 to 12/03/14

The development hereby permitted shall be commenced before the expiration of 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 Elevation A, Section AA	001	A	18.12.2013
Existing Elevation B, Sections CC & DD	002	A	18.12.2013
Existing Elevations C & D	003	B	18.12.2013
Existing Sections EE, FF, GG, HH & JJ	004	A	18.12.2013
Window Schedule	005	A	18.12.2013
OS Extract	006		18.12.2013
Site Plan	006	A	18.12.2013
Proposed Elevation A, Sections AA & BB	007		18.12.2013
Proposed Elevation B, Sections CC & DD	008		18.12.2013
Proposed Elevations C, D & Section FF	009		18.12.2013
Existing and Proposed Overlay	010		26.11.2013
Door Schedule	011		18.12.2013
Proposed Sections EE, GG, HH & JJ	012		18.12.2013

BH2013/04178

23 Park Close Brighton

Hip to gable roof extension to rear with dormers to sides and erection of single storey side extension.

Applicant: Fiona Dorward

Officer: Chris Swain 292178

Refused on 21/02/14 DELEGATED

1) UNI

The proposed side dormers, by reason of their scale, height, proportions, design and materials, and the raised ridge, by reason of its material and design, would result in bulky, over dominant and incongruous alterations that would detract from the appearance and character of the property, street scene and surrounding area. The proposal is thereby contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD012).

BH2014/00146

Varley Halls of Residence Coldean Lane Brighton

Application for Approval of Details Reserved by condition 39 of application BH2010/00235.

Applicant: University of Brighton
Officer: Anthony Foster 294495
Approved on 03/03/14 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2013/03573

41 Carlyle Avenue Brighton

Demolition of existing house and erection of two storey building containing 5no flats with associated landscaping.

Applicant: Joshua Charles Developments Ltd

Officer: Sue Dubberley 293817

Approved on 04/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

3) UNI

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

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

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

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 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

Report from: 20/02/14 to 12/03/14

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

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

7) 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 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) 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.

9) UNI

No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

10) UNI

No development shall take place until details of screening along the north east section of balustrade of the raised walkway to the area immediately adjacent to the rear doors of the first floor flats, has been submitted to and approved in writing by the Local Planning Authority. The screening shall be erected in accordance with the approved details prior to occupation of the flats and shall be maintained as such thereafter.

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

11) 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 enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.

12) UNI

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

13) UNI

Prior to the occupation of the development the applicant shall reinstate the redundant vehicle crossover in front of the development 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.

14) 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.

15) 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
Ground Plan	5102/08	B	04/02/14
Floor Plans	5102/09	A	20/01/14
Elevations	5102/10	A	20/01/14
Site plan and sections	5102/11	B	04/02/14
Existing plans and elevations	5102/12		18/10/13

BH2014/00025

75 Hornby Road Brighton

Erection of rear first floor extension with pitched roof. (Part-retrospective)

Applicant: Mr & Mrs L Constable

Officer: Sue Dubberley 293817

Refused on 03/03/14 DELEGATED

1) UNI

The development would result in an overbearing and unneighbourly form of development when viewed from the adjacent property, 73 Hornby Road. It would result in loss of outlook and a heightened sense of enclosure, and, cause loss of light to the adjoining property. As such the proposal would adversely impact on

Report from: 20/02/14 to 12/03/14

the residential amenity of this property and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and SPD12, Design Guide for Extensions and Alterations.

2) UNI2

The proposed two-storey extension, and particularly the first floor window and tile hanging to the front and side elevations, would be poorly sited, designed and detailed and would create an overextended and piecemeal appearance to the existing building. The proposal would therefore be detrimental to the character and appearance of the existing building and the visual amenities of the surrounding area, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12, Design Guide for Extensions and Alterations.

BH2014/00159

24 The Highway Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.04m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Mr Mark Herbert

Officer: Robin Hodgetts 292366

Prior approval not required on 24/02/14 DELEGATED

BH2014/00380

10 Widdicombe Way Brighton

Certificate of lawfulness for proposed erection of single storey rear extension to replace existing conservatory and loft conversion with rooflights to front and dormer to rear.

Applicant: Dr G Moga

Officer: Joanne Doyle 292198

Approved on 07/03/14 DELEGATED

QUEEN'S PARK

BH2013/02864

Brighton College Eastern Road Brighton

Application for Approval of Details Reserved by Conditions 11 and 12 of application BH2012/02378.

Applicant: Brighton College

Officer: Anthony Foster 294495

Split Decision on 03/03/14 DELEGATED

1) UNI

APPROVE the details pursuant to condition 11 subject to full compliance with the submitted details.

1) UNI

Insufficient information in relation to the proposed means of foul and surface water sewerage disposal have been submitted in order for the details pursuant to condition 12 of the consent to be approved.

BH2013/02867

Brighton College Eastern Road Brighton

Application for Approval of Details Reserved by Conditions 5, 6 and 8 of application BH2012/02925.

Applicant: Brighton College

Officer: Anthony Foster 294495

Report from: 20/02/14 to 12/03/14

Approved on 03/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
Location and block plans	001		18 November 2013
Existing plans	002		18 November 2013
Existing elevations	003		18 November 2013
Proposed plans	004		18 November 2013
Proposed elevations	005	A	24 February 2014

BH2013/03350

33 Upper Bedford Street Brighton

Application for removal of condition 16 and variation of condition 9 of application BH2013/01403 (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) to require details which demonstrate that a reduction in energy and water use will be achieved in compliance with Policy SU2 of the Brighton & Hove Local Plan and the guidance set out in SPD08 'Sustainable Building Design'.

Applicant: PGIS Limited

Officer: Adrian Smith 290478

Approved on 27/02/14 DELEGATED

1) UNI

The development hereby permitted shall be commenced before 19/07/2016.

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

2) UNI

All planting, seeding or turfing comprised in the approved scheme of soft landscaping and scheme for nature conservation enhancements received on 01 August 2013 under application ref. BH2013/02647 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

Report from: 20/02/14 to 12/03/14

Brighton & Hove Local Plan.

3) UNI

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) UNI

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) UNI

The hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

6) UNI

The development shall be completed in accordance with the material samples received on 01 August 2013 under application ref. BH2013/02647 and be retained as such thereafter.

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

7) UNI

Prior to the occupation of the development hereby permitted, the car-free scheme received on 08 August 2013 under application ref. BH2013/02647 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 shall be implemented in full and retained as such thereafter.

Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

8) UNI

Not used.

9) UNI

Not used.

10) UNI

The cycle parking details received on 01 August 2013 under application ref. BH2013/02647 shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

11) UNI

The landscaping scheme and scheme for nature conservation enhancements received on 01 August 2013 under application ref. BH2013/02647 shall be carried out in full in accordance with the approved details prior to first occupation of the development hereby approved, and shall be retained as such thereafter.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area, to ensure highway safety, to deliver nature

conservation enhancements and to comply with policies QD1, QD15, and TR7 of the Brighton & Hove Local Plan.

12) UNI

The details of hard landscaping received on 01 August 2013 under application ref. BH2013/02647 shall be carried out in full in accordance with the approved details prior to first occupation of the development hereby approved, 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.

13) UNI

The scheme for nature conservation enhancement received on 01 August 2013 under application ref. BH2013/02647 shall be carried out in full in accordance with the approved details prior to first occupation of the development hereby approved, and shall be retained as such thereafter.

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.

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)

14) UNI

14. Not used.

15) UNI

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.

16) UNI

The measures set out in the sustainability statement received on 30 September 2013 for the reduction in energy and water consumption in the non-residential element of the development shall be carried out in full prior to first occupation of the development and shall be retained as such thereafter.

Reason: To ensure an acceptable appearance to the scheme and to comply with policy SU2 and the guidance set out in SPD08.

17) 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.

18) UNI

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 & Hove Local Plan.

19) 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 AND BLOCK PLAN	0116/S001		30/09/2013
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 FLOOR PLAN	0116-P010		03/05/2013
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
SUSTAINABILITY STATEMENT			30/09/2013
SUPPORTING STATEMENT/COVER LETTER			01/08/2013
PROPOSED GROUND FLOOR AND LANDSCAPE PLAN	0116-P020		01/08/2013
CYCLE RACK DETAILS	BXMW/HI-RIS E [B]		01/08/2013
PAVING SYSTEM DETAILS PRIORA			01/08/2013
CODE FOR SUSTAINABLE HOMES REGISTRATION FORM	004032-13011 1-11-1043		29/07/2013
CODE FOR SUSTAINABLE HOMES CERTIFICATES x 9			01/08/2013
CAR-FREE STATEMENT			08/08/2013
CONFIRMATION OF REGISTERED ADDRESSES			10/09/2013
DETAILS RE WATER SUPPLY PROTECTION			31/07/2013
SMEED DEAN LONDON STOCK BRICK SAMPLE			13/11/2013
STAFFORDSHIRE BLUE			13/11/2013

Report from: 20/02/14 to 12/03/14

BRIDLE BRICK SAMPLE			
RAL7016 SAMPLE			13/11/2013
INTERPON DBR203 SAMPLE			13/11/2013
INTERPON D1036 - SL816G MATT, COLOUR RAL 7016 SAMPLE			13/11/2013
VMZINC QUARTZ-ZINC SAMPLE			13/11/2013

BH2013/03595

Wholesale Market Circus Street Brighton

Application for approval of details reserved by conditions 7, 8, 10 and 11 of application BH2013/01110.

Applicant: Cathedral (Brighton) Ltd

Officer: Kathryn Boggiano 292138

Approved on 04/03/14 DELEGATED

BH2014/00013

Telephone Boxes East Side of Brighton Pier Madeira Drive Brighton

Change of use of 2no telephone boxes to food and drink kiosks (A1).

Applicant: Thinking Outside The Box

Officer: Andrew Huntley 292321

Approved on 10/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 tables, seating or paraphernalia associated with the use hereby approved shall be placed on the highway.

Reason: In the interests of highway safety and to comply with policies TR7 and TR8 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	DN001		10/01/2014
Block Plan	DN002		10/01/2014
Existing Plans, Elevations, Sections	DN003		10/01/2014
Proposed Plans, Elevations, Sections	DN004		10/01/2014
Proposed Module Plans, Elevations, Sections	DN005		10/01/2014
Lock Details	DN006		10/01/2014

BH2014/00014

Telephone Boxes East Side of Brighton Pier Madeira Drive Brighton

Alterations to facilitate change of use of 2no telephone boxes to food and drink

kiosks (A1).

Applicant: Thinking Outside The Box

Officer: Andrew Huntley 292321

Approved on 10/03/14 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 lock to be used have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

3) UNI

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

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

4) UNI

No works shall take place until a sample of the proposed replacement glazing to be used 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.

BH2014/00026

Alvia Hotel 36 Upper Rock Gardens Brighton

Demolition of upper ground floor extension and erection of replacement lower and upper ground floor rear extension.

Applicant: Alvia Hotel

Officer: Chris Swain 292178

Approved on 03/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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.

Plan Type	Reference	Version	Date
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Report from: 20/02/14 to 12/03/14

			Received
Site location plan			6 January 2014
Block plan			6 January 2014
Existing plans and elevations	12/10/01/01		6 January 2014
Proposed rear elevation	12/10/01/02	B	13 February 2014
Proposed side elevation	12/10/01/03	B	13 February 2014
Proposed lower ground floor plan	12/10/01/04	A	6 January 2014
Proposed upper ground floor plan	12/10/01/05	A	6 January 2014

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.

BH2014/00059

49 Grand Parade Brighton

Prior approval for change of use of first and second floor offices (B1) to residential (C3) to form 2no one bedroom flats.

Applicant: Sussex Heritage Properties Limited

Officer: Christopher Wright 292097

Prior Approval is required and is refused on 05/03/14 DELEGATED

1) UNI

In accordance with the provisions of paragraph N (8)(c) of Class J, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, prior approval for the change of use from office to residential is required and hereby refused because it has not been demonstrated that the site will not be contaminated land in view of the historic uses of the site as a chemist/druggist. As such the proposal is contrary to policy SU11 of the Brighton & Hove Local Plan 2005.

This decision is based on the information listed below:

2) UNI2

Plan Type	Reference	Version	Date Received
Location Plan			8 Jan 2014
Ground Floor Plan	13.09.20.004		8 Jan 2014
First Floor Plan	13.09.20.005		8 Jan 2014
Second Floor Plan	13.09.20.006		8 Jan 2014
Third Floor Plan	13.09.20.006		8 Jan 2014

BH2014/00065

31-32 High Street Brighton

Prior approval for change of use from offices (B1) to residential (C3) to form 4no two bed flats and 3no one bed flats.

Applicant: Charles Holcombe

Officer: Christopher Wright 292097

Prior approval not required on 10/03/14 DELEGATED

Report from: 20/02/14 to 12/03/14

BH2014/00240

86A Queens Park Road Brighton

Non material amendment to BH2012/01442 to rearrange internal layout to incorporate a second bedroom. Change to remove double door access to courtyard and slightly refigure position of windows to suit as shown on north elevation.

Applicant: Mr Simon Webb

Officer: Wayne Nee 292132

Approved on 21/02/14 DELEGATED

BH2014/00258

53 Richmond Street Brighton

Certificate of lawfulness for proposed loft conversion incorporating rooflights to front and dormer to rear and single storey rear extension.

Applicant: Mrs Sally Rosscornes Pritchard

Officer: Joanne Doyle 292198

Approved on 07/03/14 DELEGATED

BH2014/00363

12A Richmond Parade Brighton

Non Material Amendment to BH2013/01968 to alter approved elevations and layouts to reduce circulation space and increase habital areas within units. To include relocation of verticle circulation with new entrance on Ivory Place.

Applicant: Mr Ed Derby

Officer: Guy Everest 293334

Refused on 06/03/14 DELEGATED

1) UNI

The number and type of amendments proposed to the scheme approved under application BH2013/01968 are considered to be so significant that they constitute a material change to the previously approved development and warrant the submission of a further planning application.

ROTTINGDEAN COASTAL

BH2013/03909

22 Coombe Rise Brighton

Erection of single storey front extension over existing flat roof with associated roof alterations and revised fenestration to rear.

Applicant: Mr Peter Bishop

Officer: Wayne Nee 292132

Approved on 03/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
Location and block plans	001		18 November 2013
Existing plans	002		18 November 2013
Existing elevations	003		18 November 2013
Proposed plans	004		18 November 2013
Proposed elevations	005	A	24 February 2014

BH2013/04285

4 Tudor Close Dean Court Road Rottingdean Brighton

Application for variation of condition 2 of application BH2012/02883 (Replacing existing brick external access steps and hard standing to front door with Victorian reclaimed brick steps and hard standing) to substitute approved Hailsham Old Brewery Victorian Red reclaimed brick with wire cut reclaimed Victorian brick.

Applicant: Mrs Denise Hopper

Officer: Adrian Smith 290478

Approved on 25/02/14 DELEGATED

1) UNI

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

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

The works hereby permitted shall be carried out in accordance with the mortar sample and mix received on 04 December 2013 and 04 January 2014 under application reference BH2013/04115.

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 steps and hardstanding hereby approved shall be constructed with reclaimed wire cut Victorian bricks in accordance with the brick sample provided to the Local Planning Authority received on 04 December 2013. The approved bricks will have natural variations in colour that should be incorporated into the steps to match the other steps in the courtyard.

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

BH2013/04316

6A Lewes Crescent & 36 Rock Grove Brighton

Internal alterations to basement level incorporating repositioning of partition wall between the two properties to create additional floor space at 36 Rock Grove.

Applicant: Miss Caroline Minogue

Officer: Wayne Nee 292132

Approved on 21/02/14 DELEGATED

1) BH01.05

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

Report from: 20/02/14 to 12/03/14

Reason: To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) UNI

The section of walling that currently separates 6A Lewes Crescent and 36 Rock Grove hereby approved to be removed shall be removed in its entirety, and the surrounding walls made good in matching materials.

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 door within the corridor of 6A Lewes Crescent shall be fixed shut and the new wall constructed beside it. The surfaces of the new wall shall match the profiles of the adjacent wall in matching materials.

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

BH2013/04330

12 Roedean Way Brighton

Creation of additional floor to existing dwelling including balcony to front, alterations to fenestration and other associated works.

Applicant: Mr Peter Lincoln

Officer: Andrew Huntley 292321

Refused on 04/03/14 DELEGATED

1) UNI

The proposal is unacceptable in design terms by virtue of its height, bulk and detailing. The proposed second storey addition would result in an overly bulky, dominant and visually prominent addition, out of keeping the character and appearance of the host property and the wider area. In addition, the visibility from long distance views and the overly fussy, pastiche detailing would exacerbate the harm caused. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12.

BH2013/04391

2 Eileen Avenue Brighton

Installation of new window to East side elevation.

Applicant: Mr Ian Christie

Officer: Joanne Doyle 292198

Approved on 11/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
Block Plan			22 Jan 2014
Proposed new window			20 Jan 2014
Window Schedule			30 Dec 2013

BH2014/00012

Report from: 20/02/14 to 12/03/14

22 Chichester Drive West Brighton

Erection of raised decking to rear and associated alterations.

Applicant: Mr A Broadfoot

Officer: Chris Swain 292178

Approved on 28/02/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 hereby approved plans, no development shall take place until full details of 1.8m high obscure glazed privacy screens to be erected to the southern and northern ends of the hereby approved raised deck have been submitted to and approved in writing by the Local Planning Authority. The screens shall be erected in accordance with the approved details before the terrace is brought into use and shall be retained as such thereafter.

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

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 plans and elevations	349.13.01		3 January 2013

BH2014/00044

32 Eley Drive Rottingdean Brighton

Certificate of Lawfulness for proposed single storey rear extension.

Applicant: Mr Gary Rowden

Officer: Chris Swain 292178

Approved on 04/03/14 DELEGATED

BH2014/00057

10 Arundel Terrace Brighton

Removal of existing tiling to main front entrance and replacement with asphalt finished with decorative tiling.

Applicant: 10 Arundel Terrace Brighton Ltd

Officer: Chris Swain 292178

Refused on 06/03/14 DELEGATED

1) UNI

Notwithstanding the inaccuracies within the drawings, the proposed weatherproofing works would result in a visible upstand at the junction between the steps and dummy walls / railings. This would result in an untraditional and harmful detail, detracting from the appearance and character of the Grade I listed building. The applicant has failed to provide sufficient justification as to the proposed method of construction and such the works are contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2014/00058

10 Arundel Terrace Brighton

Removal of existing tiling to main front entrance and replacement with asphalt

Report from: 20/02/14 to 12/03/14

finished with decorative tiling.

Applicant: 10 Arundel Terrace Brighton Ltd

Officer: Chris Swain 292178

Refused on 06/03/14 DELEGATED

1) UNI

Notwithstanding the inaccuracies within the drawings, the proposed weatherproofing works would result in a visible upstand at the junction between the steps and dummy walls / railings. This would result in an untraditional and harmful detail, detracting from the appearance and character of the Grade I listed building. The applicant has failed to provide sufficient justification as to the proposed method of construction and such the works are contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2014/00094

15 Roedean Crescent Brighton

Erection of single storey rear extension, conversion of existing garage into habitable living space and widening of existing vehicle entrance.

Applicant: William Christopherson

Officer: Chris Swain 292178

Approved on 10/03/14 DELEGATED

1) BH01.01

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

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

2) BH03.03

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

3) UNI

No development shall take place until details of the proposed gates and pillars, including details of materials 1:20 scale elevational drawings 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 shall be retained as such thereafter.

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

4) UNI

The 'guest annexe' as detailed on the approved drawings shall be used in conjunction with the property at 15 Roedean Crescent only and shall not otherwise be occupied as a separate unit of residential accommodation.

Reason: In order to protect the amenities of adjacent properties in accordance with policy QD27 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
Site plan	101		13 January 2014
Block plan	102		13 January 2014

Report from: 20/02/14 to 12/03/14

Existing plans and elevations	103		13 January 2014
Existing elevations	104		13 January 2014
Proposed plans and elevations 1	105		13 January 2014
Proposed plans and elevations 2	106		13 January 2014

BH2014/00119

Land to Rear of 28 Eastern Place Brighton

Erection of 3no two bedroom dwellings (C3) and 1no commercial unit (B1).

Applicant: Mr Christopher Pearce & Mrs Lucy Lauener

Officer: Chris Swain 292178

Refused on 06/03/14 DELEGATED

1) UNI

The proposal, by reason of its inappropriate form, roof material, fenestration proportions and siting, restricted plot sizes and excessive site coverage, fails to demonstrate a high standard of design characteristic to the area or make a positive contribution to the visual quality of the environment contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, by reason of its, height, scale and design would result in an un-neighbourly form of development detracting from the amenity currently enjoyed by the occupiers of the adjoining properties in Lewes Mews by virtue of an overly dominant and overbearing impact and visual intrusion, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2014/00135

11 Longhill Road Ovingdean Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2013/03875.

Applicant: Mrs Val MacDonald

Officer: Anthony Foster 294495

Approved on 03/03/14 DELEGATED

BH2014/00199

1 Rowan Way Rottingdean Brighton

Certificate of lawfulness for proposed conversion of front roof space into shower room incorporating rooflight to front.

Applicant: Mrs Pamela Sewell

Officer: Joanne Doyle 292198

Approved on 26/02/14 DELEGATED

BH2014/00213

40 Victory Mews The Strand Brighton Marina Brighton

Certificate of lawfulness for proposed conversion of garage into habitable room with associated alterations to front fenestration.

Applicant: Mr Edward Smith

Officer: Oguzhan Denizer 290419

Approved on 12/03/14 DELEGATED

WOODINGDEAN

BH2014/00248

Report from: 20/02/14 to 12/03/14

Woodingdean Business Park Sea View Way Brighton

Non Material Amendment to BH2012/03050 to relocate cycle store to north access and alterations to window on East elevation from 2 panes to 3 panes.

Applicant: St Modwen Developments Ltd

Officer: Chris Swain 292178

Approved on 24/02/14 DELEGATED

BH2014/00371

115 Crescent Drive North Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, side dormers and windows to rear elevation.

Applicant: Mr & Mrs Rymer

Officer: Christine Dadswell 292205

Approved on 27/02/14 DELEGATED

BH2014/00372

115 Crescent Drive North Brighton

Certificate of Lawfulness for proposed single storey rear extension.

Applicant: Mr & Mrs Rymer

Officer: Christine Dadswell 292205

Approved on 27/02/14 DELEGATED

BRUNSWICK AND ADELAIDE

BH2013/00434

64 Waterloo Street Hove

Replacement of existing wooden balustrade with new iron railings to front of property.

Applicant: Miss Angelique Smith

Officer: Helen Hobbs 293335

Approved on 24/02/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 hereby approved railings shall be painted black within 1 month of their 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 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, existing and proposed front elevation			02/04/2013
Railing large scale details			12/12/2013

BH2013/01044

64 Waterloo Street Hove

Report from: 20/02/14 to 12/03/14

Replacement of existing wooden balustrade with new iron railings to front of property.

Applicant: Miss Angelique Smith

Officer: Helen Hobbs 293335

Approved on 24/02/14 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 hereby approved railings shall be painted black within 1 month of their installation and shall be 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.

BH2013/03253

17-19 Holland Mews Hove

Erection of 3no two bed houses with associated vehicle parking and cycle stores.

Applicant: Brighton Mews Developments Limited

Officer: Jason Hawkes 292153

Approved after Section 106 signed on 10/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses 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 and QD27 of the Brighton & Hove Local Plan.

3) UNI

Unless otherwise agreed, the front second floor front balconies shall be maintained as rain water harvesting trough areas as shown on drawing 0738-P-110-P1. Access to the balconies shall be for maintenance or emergency purposes only and these balconies shall not be used as roof gardens, terraces, patios or similar amenity areas.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

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 and QD27 of the Brighton & Hove Local Plan.

5) UNI

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

(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 und

7) 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.

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 HE6 of the Brighton & Hove Local Plan.

9) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, 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.

10) UNI

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

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

11) UNI

Notwithstanding the submitted Waste Minimisation Statement, no development shall take place until a detailed 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 policy SU13 of the Brighton & Hove Local Plan, policy WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

12) UNI

Prior to the commencement of development on site, detailed drawings and further information, including levels, sections and constructional details of the proposed accesses, surface water drainage, outfall disposal, street lighting and telegraph poles to be provided or moved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until these works have been fully implemented in accordance with the approved details.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1 & TR19 of the Brighton & Hove Local Plan.

13) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 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.

14) 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 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.

15) UNI

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

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

16) UNI

The development shall not be occupied until the parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used for any purpose other than the parking of motor vehicles.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1 & TR19 of the Brighton & Hove Local Plan.

17) UNI

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	0738-P-101-P 1		23 September 2013
Block Plan as Existing	0738-P-102-P 1		23 September 2013
Existing Street Elevation	0738-P-103-P 1		23 September 2013
Context Studies - Existing Site Photographs Sheet 1	0738-P-104-P 1		23 September 2013
Context Studies - Existing Site Photographs Sheet 2	0738-P-105-P 1		23 September 2013
Block Plan as Proposed	0738-P-106-P 1		23 September 2013
Roof Plan as Proposed	0738-P-107-P 1		23 September 2013
Ground Floor Plan	0738-P-108-P 1		23 September 2013

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First Floor Plan	0738-P-109-P 1		23 2013	September
Second Floor Plan	0738-P-110-P 1		23 2013	September
Front / Street Elevation	0738-P-111-P 1		23 2013	September
Rear Elevation	0738-P-112-P 1		23 2013	September
North Elevation	0738-P-113-P 1		23 2013	September
Section A-A	0738-P-114-P 1		23 2013	September
Section B-B	0738-P-115-P 1		23 2013	September
Urban Grain	0738-P-116-P 1		23 2013	September
Architects Impression Looking North	0738-P-117-P 1		23 2013	September
Architect's Impression Looking South	0738-P-118-P 1		23 2013	September

BH2013/03290

54 Brunswick Square Hove

Installation of replacement gas supply pipes and 1no gas meter. (Retrospective).

Applicant: Southern Gas Network

Officer: Helen Hobbs 293335

Approved on 12/03/14 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.

BH2013/03748

18 Church Road Hove

Formation of perimeter wall, timber cladding to shopfront and exterior, and replacement awning (part retrospective).

Applicant: M & O Trading Ltd

Officer: Sonia Gillam 292265

Approved on 05/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

The development hereby permitted shall be carried out in accordance with the Report from: 20/02/14 to 12/03/14

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 elevations	H1974.01	A	24/12/2013
Existing and proposed layout	H1974.02	A	24/12/2013
Site location plan	H1974.03		04/11/2013
Block plan	H1974.04		04/11/2013
Proposed shop sign details	H1974.05	A	24/12/2013

BH2013/04028

Basement Flat 49 Lansdowne Street Hove

Replacement of 2no existing timber windows to the rear with UPVC.

Applicant: Ms Caroline Sills

Officer: Helen Hobbs 293335

Approved on 03/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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			25th November 2013
Floor plan			25th November 2013
Window details			13th December 2013

BH2013/04395

First & Second Floor Flats 6 Farm Road Hove

Replacement of existing timber framed single glazed sash windows at first floor front elevation with timber framed double glazed sash windows. Replacement of existing UPVC double glazed window with timber framed double glazed sash window to second floor rear elevation.

Applicant: Lorna Overstall

Officer: Emily Stanbridge 292359

Approved on 03/03/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

Report from: 20/02/14 to 12/03/14

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
Location Map			30.12.2013
Higgins joinery sliding sash details			30.12.2013
Box frame joinery details			30.12.2013

BH2014/00071

St Andrews Church Waterloo Street Hove

Installation of commemorative plaque to front elevation.

Applicant: The Churches Conservation Trust

Officer: Helen Hobbs 293335

Approved on 07/03/14 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 method of fixing the plaque to the building have been submitted to and approved in writing by the Local Planning Authority. The works shall be fully implemented in strict accordance with the agreed details.

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

CENTRAL HOVE

BH2013/04096

Ground Floor Flat 22 Ventnor Villas Hove

Replacement of existing aluminium framed windows with UPVC double glazed sash windows.

Applicant: Lawrence Cooke

Officer: Emily Stanbridge 292359

Refused on 12/03/14 DELEGATED

1) UNI

The proposed replacement windows to the front elevation are an unacceptable alteration to this property. The use of UPVC within the street scene is inappropriate and significantly alters the character and appearance of the host property and wider conservation area. The use of such material would result in thicker frames to the property which would disrupt the general appearance to the building. In addition the proposed style of the vertical sliding sash windows does not reflect the existing arrangement of the building, further altering its character and appearance in addition to the wider street scene. As such the replacement windows are contrary to Policy QD14 with the Brighton & Hove Local Plan and SPD12: Design guide for extensions and alterations.

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BH2013/04180**Flat 25 The Ambassadors Wilbury Road Hove**

Replacement of existing timber framed windows with UPVC double glazed windows. (Retrospective).

Applicant: Ms Dorit Zak

Officer: Joanne Doyle 292198

Approved on 26/02/14 DELEGATED

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.

Plan Type	Reference	Version	Date Received
Site Location Plan			09 Dec 2013
Window Sections			30 Dec 2013
Window elevation/specification			09 Dec 2013

BH2013/04183**50 Church Road Hove**

Change of Use from retail (A1) to beauty salon and retail (A1/Sui Generis) (Retrospective).

Applicant: Miss Lydia Hess

Officer: Steven Lewis 290480

Approved on 25/02/14 DELEGATED

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.

Plan Type	Reference	Version	Date Received
Site Plan			18/12/2013
Floor Plan (Existing)			06/01/2014
Floor Plan (Proposed)			06/01/2014

2) UNI

Within three months of the date of this permission a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out 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) UNI

The use hereby permitted shall not be open to customers except between the hours of 07:00 and 23:00.

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

4) UNI

The premises shall be used as a beauty salon with retail and for no other purpose. Upon cessation of the hereby approved use the premises shall return to Report from: 20/02/14 to 12/03/14

a retail use within Class A1 of The Town and Country Planning (Use Classes) Order 1987 (as amended).

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 vitality of the Hove Town Centre, the amenities of the area and to comply with policies SR5 and QD27 of the Brighton & Hove Local Plan.

BH2013/04369

Warnham Court Grand Avenue Hove

Installation of 3no gas risers to side and rear elevations to supply gas to all flats at Warnham Court.

Applicant: Southern Gas Network

Officer: Jason Hawkes 292153

Approved on 25/02/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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			24th December 2013
Existing Ground Floor Plan	01		24th December 2013
Existing First Floor Plan	02		24th December 2013
Existing Upper Floor Plan	03		24th December 2013
Existing Elevation A	04		24th December 2013
Existing Elevation B	05		24th December 2013
Existing Elevation C	06		24th December 2013
Proposed Ground Floor Plan	11		24th December 2013
Proposed First Floor Plan	12		24th December 2013
Proposed Upper Floor Plan	13		24th December 2013
Proposed Elevation A	14		24th December 2013
Proposed Elevation B	15		24th December 2013
Proposed Elevation C	16		24th December 2013

BH2013/04383**119 Church Road Hove**

Application for Approval of Details Reserved by Conditions 7 and 8 of application BH2013/02074.

Applicant: Mr Elvis Kire

Officer: Helen Hobbs 293335

Approved on 03/03/14 DELEGATED

BH2014/00105**Flats 1 & 2 25 Ventnor Villas Hove**

Replacement of timber window at front basement level and replacement of 2no UPVC windows at rear basement and ground floor level.

Applicant: Mrs Jennifer Forbes

Officer: Emily Stanbridge 292359

Approved on 11/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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			14.01.2014
Schedule of photographs			14.01.2014
Window specifications			14.01.2014
Window mechanisms			14.01.2014

BH2014/00434**11 Hove Street Hove**

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2013/04030.

Applicant: Gary Coombs

Officer: Christopher Wright 292097

Approved on 07/03/14 DELEGATED

GOLDSMID**BH2013/03331****4-6 Montefiore Road Hove**

Change of use and redevelopment of existing mortuary (Sui Generis) and 2 no flats, comprising of conversion, enlargement and alterations of existing building to create an additional 9 residential units. Incorporating 10 flats and 1 studio within former mortuary building, off street parking, covered cycle storage, waste and recycling storage and associated works.

Applicant: Mr Richard Hunnisett

Officer: Steven Lewis 290480

Approved on 26/02/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of

Report from: 20/02/14 to 12/03/14

three years from the date of this permission.

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

2) UNI

All tree pruning works shall be carried out in full accordance with the requirements of British Standard 3998 (2010) Recommendations for Tree Work.

Reason: To protect the trees which are to be retained adjacent to 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

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 4-6 Montefiore Road.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

4) UNI

The windows marked within the approved drawings as obscure glazing shall not be glazed otherwise than with obscured glass and shall be bottom hung and inward opening and thereafter permanently retained as such.

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

5) UNI

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

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

6) UNI

No development shall commence until a scheme for sound insulation between the plant room and residential units above has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until construction has been completed in accordance with the agreed details. The development shall be retained as such thereafter.

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

7) 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.

8) UNI

Unless otherwise agreed in writing by the Local Planning Authority no development within the existing building 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.

9) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no new-build residential development shall commence until a Design Stage / Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 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.

10) UNI

No development or other operations shall commence on site in connection with the development hereby approved until an Arboricultural Method Statement regarding protection of street trees along the frontage of the application 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 Method Statement.

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

11) UNI

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.

12) UNI

The hereby approved residential units shall not be occupied until the window units and ventilators have been installed as specified within Section 5.1.1 (Sound Insulation requirements of building envelope) of the Anderson Acoustics 'Noise and Vibration Assessment' dated October 2013 (ref: 2216_001r). The windows and ventilators shall be retained as such thereafter.

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

13) UNI

The development hereby permitted shall not be occupied 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.

14) UNI

Prior to the occupation of the development the applicant shall reinstate redundant vehicle crossover along the frontage of the site 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.

15) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the hereby approved residential units within the existing building shall be occupied until an Ecohomes Design Stage Certificate (or certificate from equivalent or successor assessment tool) and a Building Research Establishment issued Post Construction Review Certificate confirming that each residential unit built has achieved a BREEAM Domestic Refurbishment rating has been submitted to, and approved in writing by, the Local Planning Authority.

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

16) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the hereby approved new-build residential units 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 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.

17) UNI

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

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

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,

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

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless

varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under

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.

Plan Type	Reference	Version	Date Received
Location & Block Plan	TA734/01	A	30/09/2013
Existing Lower Ground Floor Plan	TA734/02		30/09/2013
Existing Upper Ground Floor Plan	TA734/03		30/09/2013
Existing First Floor Plan	TA734/04		30/09/2013
Existing Second Floor Plan	TA734/05		30/09/2013
Existing Elevations 1	TA734/06		30/09/2013
Existing Elevations 2	TA734/07		30/09/2013
Existing Site Survey	TA734/08		30/09/2013
Proposed Site Layout	TA734/11	D	17/12/2013
Proposed Lower ground Floor Plan	TA734/12	D	17/12/2013
Proposed Ground Floor Plan	TA734/13	E	17/12/2013
Proposed First Floor Plan	TA734/14	B	30/12/2013
Proposed Second Floor Plan	TA734/15	B	30/12/2013
Proposed Third Floor Plan	TA734/16	C	30/12/2013
Proposed House Plans	TA734/17	C	17/12/2013
Proposed Elevation (east)	TA734/18	F	17/12/2013
Proposed Elevations	TA734/19	D	17/12/2013
Proposed Elevation 3	TA734/20	C	30/09/2013
Proposed Rear Elevation	TA734/21	C	17/12/2013
Proposed Section	TA734/22	A	17/12/2013
Proposed Street Elevation	TA734/23	A	17/12/2013

BH2013/04031

4 Granville Road Hove

Conversion of existing small House in Multiple Occupation (C4) and one bedroom flat to form 5no one bedroom flats (C305) with associated alterations including loft conversion incorporating rear dormer, rear and front rooflights and alterations to fenestration.

Applicant: Bayleaf Homes

Officer: Nicola Hurley 292114

Refused on 06/03/14 DELEGATED

1) UNI

Policy HO14 seeks to protect units of non self contained accommodation. The proposal would result in the loss of non self contained accommodation and no

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information accompanied the application to justify the loss of non self contained accommodation. The application is therefore contrary to the requirements of policy HO14 of the Brighton & Hove Local Plan.

2) UNI2

The proposal to create five self contained units is considered an overdevelopment of the site, particularly in view of the cramped accommodation proposed in each of the units and the small amount of usable space provided in the second floor unit of accommodation. The accommodation is therefore considered below the standard the council would reasonably expect and contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed roof lights to the front and rear roof slopes, by reason of their inappropriate siting, excessive size and proliferation would result in a cluttered and unbalanced appearance to the detriment of the character and appearance of the existing property. The roof lights are considered contrary to the advice contained in SPD12 Design Guide for Extensions and Alterations and policy QD14 of the Brighton & Hove Local Plan

BH2013/04074

Flat 3 Lincoln Court 78 The Drive Hove

Replacement of existing timber door and 2no. windows and double glazed UPVC units.

Applicant: Mrs Elizabeth Taylor

Officer: Christine Dadswell 292205

Approved on 11/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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			03/02/2014
Window Drawing			03/02/2014

BH2013/04249

89 Holland Road Hove

Application for variation of condition 7 of application BH2010/03167 (Application for variation of conditions 6 and 8 of original permission BH2009/02058 (Conversion of single dwelling house to form child day care nursery at ground floor level and self-contained flat at first floor level (Retrospective)) to allow an increase in maximum child numbers being looked after on the site at any one time from 33 to 51.

Applicant: Young Friends Nursery

Officer: Steven Lewis 290480

Approved on 04/03/14 DELEGATED

Report from: 20/02/14 to 12/03/14

1) UNI

The use hereby permitted shall not be open except between the hours of 08.00 to 18.00 Mondays to Fridays only, and not at anytime on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.

2) UNI

The outdoor play sessions shall be restricted to within the hours of 09.30 to 17.00 Mondays to Fridays only with no use permitted on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.

3) UNI

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

Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.

4) UNI

The outdoor area shall be used in accordance with details shown on the Garden Plan (drawing no.YFN/089/003), the Garden Action Plan and Nursery Routine details (all received on 5 October 2010) which together form a Management Plan. This scheme shall be retained for the duration of the approval with any required amendments made when necessary. Reason: To safeguard the residential amenities of the occupiers of neighbouring properties and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.

5) UNI

The first floor residential unit, as identified on drawing no. YFN/089/002, shall not be used as nursery accommodation for the care of children.

Reason: For the avoidance of doubt and to safeguard the residential accommodation and to comply with policies HO8 & HO26 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.

Plan Type	Reference	Version	Date Received
Site Plan	ADC566		16/12/2013
Visitor Cycle Parking			29/01/2014
Ground & First Floor Plan	YFN/089/002		05/10/2010
Garden Plan	YFN/089/003		05/10/2010

7) UNI

The number of children at the nursery at any time shall not exceed 51 without the prior approval of the Local Planning Authority.

Reason: To prevent over intensive use of the premises and consequent adverse effect on the character of the area and to comply with policies QD27 & HO26 of the Brighton & Hove Local Plan.

8) UNI

The premises shall only be used for Nursery D1 and for no other purpose

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(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: for the avoidance of doubt and to allow the Local Planning Authority opportunity to assess any new uses upon the site in the interests of the amenities of adjacent residents and to comply with policy QD27 of the Brighton & Hove Local Plan.

9) UNI

The nursery shall not accommodate more than 33 children until details of secure cycle parking facilities for 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.

10) UNI

The nursery shall not accommodate more than 33 children until a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, residents & suppliers) has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the agreed details.

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

11) UNI

The nursery shall not accommodate more than 33 children 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 visitors to the development at all times.

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

12) UNI

The secure and covered storage and buggy/pushchair storage area situated to the side of the former garage shall be made available for such use at all times.

Reason: To ensure the adequate provision of facilities to comply with policy HO26 of the Brighton & Hove Local Plan.

BH2013/04326

42 Shirley Street Hove

Formation of rear dormer and insertion of front rooflights.

Applicant: Miss K Wells

Officer: Robin Hodgetts 292366

Refused on 24/02/14 DELEGATED

1) UNI

The rear dormer by reason of its design and excessive size, with large areas of tile hung cladding, would represent an unsightly and bulky addition to the existing

Report from: 20/02/14 to 12/03/14

building that would dominate the rear roof slope, causing significant harm to the character and appearance of the property and wider surrounding area. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, design guide for extensions and alterations.

2) UNI2

The front rooflights would be poorly positioned in relation to the fenestration below, causing significant harm to the character and appearance of the recipient property and the wider street scene. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, design guide for extensions and alterations.

BH2013/04364

Flat 1 & 2 44 Wilbury Road Hove

Internal and external alterations to connect ground and first floor flats to create one dwelling, including insertion of internal stair, alterations to layout and removal of air conditioning units, pipe work and vents.

Applicant: Mr David Jay

Officer: Jason Hawkes 292153

Approved on 03/03/14 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 hereby approved works shall be undertaken in their entirety as a single operation.

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

BH2013/04376

7 Highdown Road Hove

Certificate of Lawfulness for proposed use of property as a single dwelling.

Applicant: Mrs Sue Nurse

Officer: Helen Hobbs 293335

Refused on 11/03/14 DELEGATED

1) UNI

Insufficient evidence has been submitted to indicate the former use of the property, which appears to have been used for up to four separate residential units. The creation of a single planning unit from four units would result in a material change of use under that requires planning permission by virtue of s55 of the Town and Country Planning Act 1990, as amended.

BH2014/00010

Flat 14 Drive Lodge 68-70 The Drive Hove

Replacement of existing timber windows and doors with UPVC windows and doors.

Applicant: Mrs P Bloom

Officer: Emily Stanbridge 292359

Approved on 26/02/14 DELEGATED

1) BH01.01

Report from: 20/02/14 to 12/03/14

The development hereby permitted shall be commenced before the expiration of 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			02.01.2014
Block Plan			02.01.2014
Brochure pages			13.01.2014
Window profiles			13.01.2014
Existing floor plan and window elevations	14456-01		02.01.2014
Proposed floor plan and window elevations	14456-02		13.01.2014

BH2014/00031

Flat 15 72 The Drive Hove

Replacement of existing timber framed single glazed windows and balcony door with double glazed UPVC windows and balcony door.

Applicant: William Giles

Officer: Emily Stanbridge 292359

Approved on 27/02/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 map			06.01.2014
Schedule of photographs			06.01.2014
Window and door specification			20.02.2014
Window and door brochure			15.01.2014

BH2014/00042

Flat 4 76 The Drive Hove

Internal alterations to facilitate installation of water pipe to provide water to the top floor flat. (Retrospective)

Applicant: James Burdis

Officer: Oguzhan Denizer 290419

Approved on 10/03/14 DELEGATED

1) UNI

The water pipe hereby approved shall be painted to match the walls to which it is fixed within three months from the date of this consent 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.

BH2014/00081

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: Andrew Huntley 292321

Approved on 26/02/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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			13.01.2014
Existing and Proposed Elevations	PL01		13.01.2014

BH2014/00082

37 Denmark Villas Hove

Removal of rear fire escape stairs and formation of rear balcony with canopy, privacy screens and steps to garden at upper ground floor level.

Applicant: 37 Denmark Villas RTM Co Ltd

Officer: Sonia Gillam 292265

Approved on 07/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 hereby approved balustrade and handrail shall be painted black within 3 months of their installation.

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
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Report from: 20/02/14 to 12/03/14

			Received
Site location plan and existing site photos	15-01-01		10/01/2014
Existing elevations and floor plans	15-01-02	A	21/02/2014
Proposed elevations and floor plans	15-01-03	A	21/02/2014

BH2014/00103

43 Palmeira Avenue Hove

Application for Approval of Details Reserved by conditions 9, 10, 12 of application BH2012/03903.

Applicant: Cedarmill Developments

Officer: Adrian Smith 290478

Split Decision on 05/03/14 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 9 and 12 subject to full compliance with the submitted details.

1) UNI

The details pursuant to condition 10 are NOT APPROVED

2) UNI2

1. The landscaping details submitted in respect of condition 10 include layout and boundary changes that are beyond the scope of the original permission and require permission in their own right.

BH2014/00160

56 Livingstone Road Hove

Certificate of lawfulness for existing use of property as a sui generis mixed use of light industrial and offices (B1) with retail (A1) and storage (B8).

Applicant: Mr T Hawkins

Officer: Liz Arnold 291709

Approved on 07/03/14 DELEGATED

BH2014/00186

45 Denmark Villas Hove

Replacement of existing entrance door with timber door.

Applicant: Mr William Whale

Officer: Joanne Doyle 292198

Approved on 07/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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			24 Jan 2014
Proposed Door Drawing			21 Jan 2014

Report from: 20/02/14 to 12/03/14

BH2014/00193**2 Wilbury Avenue Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.7m.

Applicant: Mr Mike Kempell

Officer: Sonia Gillam 292265

Prior approval not required on 27/02/14 DELEGATED

HANGLETON & KNOLL**BH2013/03311****3 Meyners Close Hove**

Certificate of Lawfulness for proposed rear dormer.

Applicant: Mr M Kelly

Officer: Clare Simpson 292454

Refused on 07/03/14 DELEGATED

BH2013/04325**188 Hangleton Valley Drive Hove**

Erection of two storey side and rear extension with rear dormer and alterations to front porch.

Applicant: Mr Kamal Patel

Officer: Steven Lewis 290480

Approved on 04/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 and block plan	1239/1	A	06/01/2014
Existing and proposed ground floor plan	1239/2	D	06/01/2014
Existing and proposed first floor plan	1239/3	D	06/01/2014
Existing and proposed front and rear elevations	1239/4	D	06/01/2014
Existing and proposed side elevations	1239/5	D	06/01/2014
Existing and proposed	1239/6	D	06/01/2014

Report from: 20/02/14 to 12/03/14

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BH2014/00078

137 Hangleton Valley Drive Hove

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Russell Gross

Officer: Emily Stanbridge 292359

Refused on 24/02/14 DELEGATED

BH2014/00104

3 Knoll Close Hove

Certificate of Lawfulness for proposed erection of single storey front extension, single storey rear extension and loft conversion incorporating hip to gable roof extension, rear dormer and 2no rooflights to the front.

Applicant: Mr Syed Hosain

Officer: Joanne Doyle 292198

Approved on 25/02/14 DELEGATED

BH2014/00224

32 Fallowfield Crescent Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.25m, for which the maximum height would be 2.75m, and for which the height of the eaves would be 2.75m.

Applicant: Michael Warne

Officer: Sonia Gillam 292265

Prior Approval is required and is refused on 26/02/14 DELEGATED

1) UNI

1. The proposed rear extension, by reason of its height, mass and depth would result in a significantly overbearing impact, an unacceptable sense of enclosure and a loss of light to the adjoining property, no. 34 Fallowfield Crescent.

This decision is based on the information listed below:

Plan Type	Reference	Version	Date Received
Proposed section	12170-03		24/01/2014
Proposed elevations	12170-05		24/01/2014
Proposed first floor plan	12170-06		24/01/2014
Site location plan	12170-10		24/01/2014
Block plan	12170-11		27/01/2014

NORTH PORTSLADE

BH2014/00319

176 Mile Oak Road Portslade

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to rear and 2no rooflights to front.

Applicant: David Smith

Officer: Christine Dadswell 292205

Approved on 26/02/14 DELEGATED

SOUTH PORTSLADE

BH2013/03050

Gardeners Arms 103-105 Abinger Road Portslade

Application for variation of conditions 9 and 10 of BH2012/02418 (Demolition of existing rear extensions and erection of a rear and side extension and other alterations to facilitate conversion to a convenience store. Alterations to existing 1st floor flat including a new roof terrace) to allow for changes to service and delivery times and to allow for changes to opening hours.

Applicant: Gardener Developments Ltd

Officer: Andrew Huntley 292321

Approved on 21/02/14 DELEGATED

1) UNI

The development hereby permitted shall be commenced before 05/08/2016.

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

2) UNI

The retail unit hereby permitted shall be operated solely as a single unit in A1 use and for no other purpose.

Reason: To ensure that the retail element does not prejudice the vitality and viability of the existing shopping centres and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan and policy CP4 of the submission City Plan Part One.

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 policies QD1 and QD14 of the Brighton & Hove Local Plan.

4) UNI

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

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

5) UNI

No development shall take place until there has been submitted to and approved in writing a scheme for hard and soft landscaping which shall included full details of the means of enclosure, materials to be used, measures to control surface water run-off and planting within the development.

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

6) UNI

The scheme for hard landscaping shall be implemented in accordance with the approved details prior to first use of the development hereby permitted and retained thereafter as approved.

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

7) UNI

All planting, seeding or turfing within the approved scheme of landscaping shall

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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. Any trees or plants which, within a period of five years from the time of planting die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species, unless the local planning authority gives written consent to a 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.

8) UNI

The A1 use hereby permitted shall not commence until a Delivery & Service Management Plan, which includes details of the types and sizes of vehicles, how deliveries will take place and their frequency has been submitted to and approved in writing by the local planning authority. Thereafter all deliveries shall take place in accordance with the agreed details.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with policies S10, QD27 and TR7 of the Brighton & Hove Local Plan.

9) UNI

With the exception of deliveries of newspapers and sandwiches, no servicing or deliveries shall be permitted to the site or premises except between the hours of 08.00 and 19.00 Monday to Saturday, and 10.00 to 16.00 on Sundays and Bank and Public Holidays. Newspaper and sandwich deliveries shall be made by light commercial vehicle only, and shall not take place before 06.00 hours or after 19.00 hours on any day.

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.

10) UNI

The use hereby permitted shall not be open to customers except between the hours of 07:00 and 22:00 on Mondays to Sundays, including Bank or Public Holidays. No other activity within the site shall take place between the hours of 00.00 and 05.00 daily.

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.

11) UNI

No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

12) UNI

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

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

13) UNI

The air-conditioning units hereby permitted shall be switched off between the hours of 22:00 and 07:00 daily.

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.

14) UNI

The door to the rear/western elevation shall not be used other than for emergency use only.

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.

15) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to its first occupation and shall be retained as such thereafter.

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

16) 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.

17) UNI

The development hereby permitted shall not be occupied until the parking facilities and layout detailed on drawing no TA620/22 rev H have been fully implemented and made available for use. The parking facilities shall thereafter be retained at all times for use by the occupants of, and visitors to, the development.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with policies TR1, TR7 & TR18 of the Brighton & Hove Local Plan.

18) 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.

19) 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	TA620/01		03/08/2012
Existing plans and elevations	TA620/03		03/08/2012
	TA620/04		03/08/2012
	TA620/05		03/08/2012
	TA620/06		03/08/2012
	TA620/07		03/08/2012
	TA620/08		03/08/2012
	TA620/09		03/08/2012
	TA620/10		03/08/2012
	TA620/11		18/10/2012
Proposed site plan, block plan, plans and elevations	TA620/02	B	14/12/2012
	TA620/20	G	14/12/2012
	TA620/21	G	14/12/2012

	TA620/22	H	14/12/2012
	TA620/23	C	12/11/2012
	TA620/24	C	12/11/2012
	TA620/25		14/12/2012
	TA620/26	C	18/10/2012
	TA620/27		18/10/2012

BH2013/04024

Former Infinity Foods Site 45 Franklin Road and 67 67a & 67b Norway Street Portslade

Application for approval of details reserved by condition 18 of application BH2013/01278.

Applicant: Taylor Wimpey (South West Thames) Ltd

Officer: Jason Hawkes 292153

Approved on 07/03/14 DELEGATED

BH2013/04291

89 Dean Gardens Portslade

Certificate of lawfulness for the proposed erection of a single storey rear extension.

Applicant: Lucy Walsh

Officer: Oguzhan Denizer 290419

Approved on 24/02/14 DELEGATED

BH2014/00066

Victoria House Vale Road Portslade

Prior approval for change of use of first floor and attic from office use (B1) to residential (C3) to form 1no two bed flat and 3no one bed flats.

Applicant: McMillan Architects

Officer: Guy Everest 293334

Prior approval not required on 06/03/14 DELEGATED

HOVE PARK

BH2013/02403

23 Tongdean Road Hove

Application for Approval of Details Reserved by Conditions 5 and 7 of application BH2013/01145.

Applicant: Mr Russell Pinsent

Officer: Adrian Smith 290478

Approved on 25/02/14 DELEGATED

BH2013/02613

17 Goldstone Crescent Hove

Demolition of existing three bedroom single dwelling and erection of part three/part four storey block of 7no flats.

Applicant: JB Howard Properties Ltd

Officer: Adrian Smith 290478

Approved after Section 106 signed on 06/03/14 COMMITTEE

1) UNI

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

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

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unimplemented permissions.

2) 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.

3) UNI

Other than the balcony areas identified in the approved drawings, access to the flat roofs to the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as roof gardens, terraces, patios or similar amenity areas.

Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) UNI

The vehicle parking areas shown on the approved plans shall not be used otherwise than for the parking of private vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

5) UNI

All hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the 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.

6) UNI

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation 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.

7) UNI

The development hereby permitted shall not be occupied until the privacy screens to the roof terrace as detailed on drawing no.TA725/14 rev B received on 25 September 2013 have been installed. The screens shall be retained at all times.

Reason: In order to protect adjoining properties from overlooking and to comply with policy QD27 of the Brighton & Hove Local Plan.

8) UNI

The development hereby permitted shall at all times be undertaken in accordance with the arboricultural method statement contained within the Arboricultural Report received on the 25 September 2013. All trees identified for retention within the submitted Arboricultural Report shall be protected to BS5837 (2005) in accordance with the approved method statement throughout all development works.

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

9) UNI

Report from: 20/02/14 to 12/03/14

The windows in the north 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.

10) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 4 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.

11) UNI

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

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

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 including replacement tree planting, indications of all existing trees to be retained and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

13) UNI

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

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

14) UNI

No development shall commence until a survey of the site to identify the presence or otherwise of badgers been submitted to and approved in writing by the Local Planning Authority in accordance with the details submitted in the Preliminary Ecological Appraisal received on 31 July 2013. The survey shall be carried out no earlier than six months prior to the commencement of works and in the event badger setts are found to be present within the site no development

shall commence until a mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved mitigation strategy.

Reason: To ensure the protection of any protected species and to comply with Policy QD18 of the Brighton & Hove Local Plan.

15) UNI

No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordinance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include finished floor levels. The development shall be constructed in accordance with the agreed details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

16) 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.

17) UNI

No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

18) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 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.

19) UNI

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.

20) 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 and block plan	TA725/01		31/07/2013
Existing floor plans	TA725/02 TA725/03 TA725/04		31/07/2013 31/07/2013 31/07/2013
Existing elevations and sections	TA725/05 TA725/07 TA725/08		31/07/2013 31/07/2013 31/07/2013
Proposed block plan	TA725/09	B	25/09/2013
Proposed site layout	TA725/10	B	25/09/2013
Proposed floor plans	TA725/11 TA725/12 TA725/13 TA725/14	B	31/07/2013 31/07/2013 31/07/2013 25/09/2013
Proposed elevations and sections	TA725/15 TA725/16 TA725/17 TA725/18 TA725/19 TA725/20	B B B B B B	25/09/2013 25/09/2013 25/09/2013 25/09/2013 25/09/2013 25/09/2013
Proposed street context	TA725/21	B	25/09/2013

BH2013/03841

Goldstone Retail Park Newtown Road Hove

Application for variation and removal of conditions of application BH2013/02445 (Erection of single storey restaurant (A3) with external seating area and alterations to car park). Variation of condition 6 to allow deliveries and the collection of goods/refuse from the site between 08:00 - 18:00 Mondays to Saturdays and not at all on Sundays and Bank Holidays.

Variation of condition 7 to read: All hard landscaping and means of enclosure shall be completed prior to occupation of the development.

Variation of condition 12 to read: Within three months of a start on site, a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved an overall BREEAM rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

Variation of condition 17 to read: Within three months of the first occupation of the development hereby approved, a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved an overall BREEAM rating of 'Good' shall be submitted to, and approved in writing by, the Local Planning Authority.

Applicant: Scottish Widows Investment Partnership Unit Trust

Officer: Steven Lewis 290480

Approved on 21/02/14 COMMITTEE

1) UNI

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.

2) UNI

Deliveries of goods to and collection of goods / refuse from the site shall not take

Report from: 20/02/14 to 12/03/14

place other than between the hours of 08:00 and 18:00 on Mondays to Saturdays. There shall be no such deliveries or collections on Sundays or Public Holidays.

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

3) UNI

Prior to the commencement of development hereby permitted a plan demonstrating that the number of disabled parking spaces meets the requirements of the adopted Parking Standards (SPGBH4 - Parking Standards). The use of the building shall not commence till all parking spaces have been marked out in accordance with approved details and thereafter the parking spaces shall not be retained and not used other than for the parking of vehicles.

Reason: To ensure that satisfactory facilities for the parking of vehicles are provided and to comply with policies TR1, TR7 and TR18 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4 (SPGBH4 - Parking Standards).

4) UNI

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

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

5) UNI

Within three months of the commencement of development a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM assessment within overall 'Good' and that a minimum of 9 credits to be scored in BREEAM Energy Category ENE1 (as Proposed) for all non-residential development has been achieved shall be submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

6) UNI

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

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

7) UNI

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

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

8) UNI

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

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

9) UNI

No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

10) UNI

Within three Months of occupation BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of overall 'Good and that a minimum of 9 credits to be scored in BREEAM Energy Category ENE1 (as Proposed) has been achieved shall be submitted to, and approved in writing by, the Local Planning Authority.

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

11) UNI

The development hereby permitted shall not be occupied until details of secure and, unless otherwise agreed in writing by the Local Planning Authority, covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

12) UNI

The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

13) UNI

The development hereby permitted shall be commenced before 26/09/2016.

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

14) 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	02880035/1		19/07/2013
Location Plan	782-N01	A	19/07/2013
Proposed Site Plan	782-N02	A	19/07/2013
Proposed Ground Floor Plan	782-N03	A	19/07/2013
Proposed Elevations	782-N04	A	19/07/2013
Proposed Part External Layout	782-N05		19/07/2013

15) UNI

The hereby unit, as indicated on drawing no. 782-N03 Rev A received 19 July 2013, shall only be used within Class A3 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) unless prior planning permission is obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of the premises in the interests of safeguarding the amenities of the area, protecting the vitality and viability of existing shopping centres, and to comply with policies SR1 and SR2 of the Brighton & Hove Local Plan.

16) UNI

No intoxicating liquor shall be sold or supplied within the unit hereby approved except to persons who are taking meals on the premises and who are seated at tables. 'Meals' means food that has been cooked or prepared and purchased within the premises. Any alcohol sales shall be ancillary to the approved use.

Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local

17) UNI

The premises shall not be open for customer trading except between the hours of 08:00 to 23:00 Monday to Saturdays; and 09:00 to 22:00 on Sundays and Bank Holidays.

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

18) 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.

BH2013/04232

3 Bishops Road Hove

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and removal of existing gable to create flat roof.

Applicant: Mr & Mrs J Norman

Officer: Christopher Wright 292097

Approved on 26/02/14 DELEGATED

Report from: 20/02/14 to 12/03/14

BH2013/04283**20 The Martlet Hove**

Conversion of garage to habitable space with associated external alterations.
(Retrospective)

Applicant: Mr Simon Page

Officer: Oguzhan Denizer 290419

Approved on 10/03/14 DELEGATED

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.

Plan Type	Reference	Version	Date Received
Site Location Plan			16/12/2014
Pre-Existing & Existing Floor Plans & Elevations			26/02/2014

BH2014/00030**113 Woodland Avenue Hove**

Non material amendment to BH2001/01925/FP to alter the pitch of the extension roof from 30 degrees to 35 degrees in order to satisfy the recommended minimum pitch for plain tiles.

Applicant: Mr Chris Heasman

Officer: Helen Hobbs 293335

Refused on 27/02/14 DELEGATED

BH2014/00032**113 Woodland Avenue Hove**

Non material amendment to 3/93/0074(F) to alter the pitch of extension roof from 30 degrees to 35 degrees in order to satisfy recommended minimum pitch for plain tiles.

Applicant: Chris Heasman

Officer: Helen Hobbs 293335

Refused on 27/02/14 DELEGATED

BH2014/00039**Co-operative Superstore Nevill Road Hove**

Installation of external horticulture storage unit to front elevation with associated alterations.

Applicant: Waitrose Ltd

Officer: Helen Hobbs 293335

Approved on 12/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
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Report from: 20/02/14 to 12/03/14

			Received
Existing ground floor general arrangement	13-082-YA(P)-GO1		9th January 2014
Proposed ground floor general arrangement	13-082-AG(P)-GO1		9th January 2014
External horticultural units proposed	13-082-AG(P)-002		7th January 2014
Large horticultural unit	13-082-AD(P)-001		7th January 2014
Mobile horticultural units	13-082-AD(P)-002		7th January 2014
Single compost unit	13-082-AD(P)-0030		7th January 2014
External horticultural unit	13-082-AD(P)-004		7th January 2014
Site location plan	13-082-AZ(P)-001		7th January 2014
Site block plan	13-083-AZ(P)-002		7th January 2014

BH2014/00052

Cottage Hove Recreation Ground Shirley Drive Hove

Application for Approval of Details Reserved by Conditions 6, 7, 8 and 9 of application BH2013/02917.

Applicant: Miss Leah Keating

Officer: Jason Hawkes 292153

Split Decision on 07/03/14 DELEGATED

1) UNI

The details pursuant to condition 7 and subject to full compliance with the submitted details.

1) UNI

The details pursuant to conditions 6, 8 & 9 for the reasons set out in below.

Given the lack of details regarding sustainability measures, the requirements of condition 6 have not been satisfied. The scheme is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document 8: Sustainable Building Design.

2) UNI2

Given the lack of details regarding the appearance and size of the proposed refuse and recycling storage proposed, the requirements of condition 8 have not been satisfied. The scheme is therefore contrary to policies SU2 & QD27 of the Brighton & Hove Local Plan.

3) UNI3

Given the lack of details regarding tree protection measures, the requirements of condition 9 have not been satisfied. The scheme is therefore contrary to policy QD15 of the Brighton & Hove Local Plan.

BH2014/00064

Co-operative Superstore Nevill Road Hove

Partial demolition of front elevation to facilitate installation of new shop front to café, alterations and additions to fenestration and associated landscaping and removal of existing plant and enclosure.

Applicant: Waitrose Ltd

Officer: Helen Hobbs 293335

Approved on 12/03/14 DELEGATED

Report from: 20/02/14 to 12/03/14

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 brickwork of the development hereby permitted shall match the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy 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 plan	13-082-AZ(P)-001		9th January 2014
Block plan	13-083-AZ(P)-002		15th January 2014
Proposed elevations	13-082-AE(P)-001		9th January 2014
Existing elevations	13-082-YE9(P)-001		9th January 2014

BH2014/00069

48 Hill Brow Hove

Alterations to front boundary including new wall with piers and installation of a gate to existing vehicle access with associated alteration to hardstanding.

Applicant: Anthony Nelson

Officer: Helen Hobbs 293335

Approved on 10/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 site plans and street scene	1214-FGDN-100		10th January 2014
Proposed front landscaping plan and street scene	1214-FGDN-101		10th January 2014

BH2014/00089

121 Shirley Drive Hove

Erection of raised timber decking to rear elevation with steel and glass balustrade

Report from: 20/02/14 to 12/03/14

and steps to garden level. Alterations to existing front dormer.

Applicant: Mr Paul Jefferson

Officer: Robin Hodgetts 292366

Approved on 07/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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 hereby permitted front dormer 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 plans and elevations	JE/03	A	13/01/14

BH2014/00112

Land at City Park Orchard Road Hove

Application for Approval of Details Reserved by Condition 11b of application BH2012/01354.

Applicant: BCM

Officer: Jason Hawkes 292153

Approved on 25/02/14 DELEGATED

BH2014/00216

34 The Martlet Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 2.95m, and for which the height of the eaves would be 2.95m.

Applicant: Andrew Bunch

Officer: Joanne Doyle 292198

Prior approval not required on 25/02/14 DELEGATED

BH2014/00250

4 Barrowfield Close Hove

Certificate of lawfulness for proposed loft conversion with side dormer and rooflights, two storey rear extension, single storey extensions to both sides, front porch extension and erection of 2no single storey outbuildings to rear.

Applicant: Mr and Mrs Platt

Officer: Liz Arnold 291709

Approved on 07/03/14 DELEGATED

BH2014/00256

6 Nevill Avenue Hove

Certificate of lawfulness for proposed loft conversion incorporating rear window

Report from: 20/02/14 to 12/03/14

and side dormer.

Applicant: Tracy Smith
Officer: Emily Stanbridge 292359
Approved on 24/02/14 DELEGATED

BH2014/00305

3 Frant Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.6m.

Applicant: Ms Sasha Davis
Officer: Steven Lewis 290480

Prior approval not required on 05/03/14 DELEGATED

BH2014/00334

17 Milcote Avenue Hove

Certificate of Lawfulness for proposed loft conversion incorporating rear dormer with Juliet balcony, front rooflights, roof extension and side window and single storey rear extension.

Applicant: Mr Andrew Lake
Officer: Christine Dadswell 292205

Refused on 07/03/14 DELEGATED

WESTBOURNE

BH2013/04108

42 Hove Street Hove

Replacement of existing metal double glazed front dormer window with white UPVC double glazed window.

Applicant: Mrs Sally-Anne Bowen
Officer: Andrew Huntley 292321

Refused on 27/02/14 DELEGATED

1) UNI

The introduction of a uPVC dormer window of a poor and unsympathetic design and material, would be in contrast to the existing timber Edwardian windows at ground and first floor level and would cause harm to the character and appearance of the existing property and the wider Pembroke and Princes Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Documents 09 and 12.

BH2013/04109

42 Hove Street Hove

Replacement of existing fascia, bargeboards, soffits, guttering and downpipe to the front of the property.

Applicant: Mrs Sally-Anne Bowen
Officer: Jason Hawkes 292153

Refused on 28/02/14 DELEGATED

1) UNI

Notwithstanding the lack of details submitted, the introduction of UPVC fascias, bargeboards, guttering and downpipes would be in contrast to the timber Edwardian windows at ground and first floor level and would cause harm to the character and appearance of the existing property and the wider Pembroke and Princes Conservation Area, contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan.

BH2013/04362**22 Pembroke Crescent Hove**

Erection of single storey side extensions incorporating demolition of existing detached garage.

Applicant: Mr Justin Everard

Officer: Andrew Huntley 292321

Refused on 27/02/14 DELEGATED

1) UNI

The proposals would appear as a visually incongruous, bulky, dominant and poorly related additions to the property by reason of their size, design, height and positioning. The proposed extensions and loss of the existing garage would visually harm the appearance of the property and the Pembroke and Princess Conservation Area. The proposal is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2014/00016**53 Wordsworth Street Hove**

Erection of single storey rear extension.

Applicant: Mrs Wendy Carter

Officer: Emily Stanbridge 292359

Approved on 04/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
As existing ground and roof plans, block and location plans	231WS53/01		03.01.2014
As existing rear and side elevations, section A-A and B-B	231WS53/02		03.01.2014
Proposed ground and roof plans, Block and location plans	231WS53.03		03.01.2014
Proposed rear and side elevations, section A-A and B-B and construction section	231WS53/04		03.01.2014

BH2014/00314

Report from: 20/02/14 to 12/03/14

61 Langdale Gardens Hove

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer, side window and 2no rooflights to the front roofslope.

Applicant: Mr & Mrs Abbott

Officer: Joanne Doyle 292198

Approved on 25/02/14 DELEGATED

WISH

BH2013/03352

37 St Heliers Avenue Hove

Erection of a single storey rear extension.

Applicant: Mr R Corbett

Officer: Steven Lewis 290480

Refused on 07/03/14 DELEGATED

1) UNI

The extension by reason of its height, depth and proximity to the shared (side) boundary would result in a harmful loss of light and outlook to occupants of the adjoining property to the north, 39 St Heliers Avenue. The proposal is thereby contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guidance for Extensions and Alterations.

BH2013/04037

64 Welbeck Avenue Hove

Erection of raised timber decking to rear of property with steps to garden level and a balustrade.

Applicant: John Frenchum

Officer: Andrew Huntley 292321

Refused on 05/03/14 DELEGATED

1) UNI

The raised terrace at 0.55m above ground level and extending up to the boundary with number 66 Welbeck Avenue would cause significant harm to neighbouring amenity by reason of overlooking and loss of privacy to 66 Welbeck Avenue. Therefore, the proposal would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2013/04118

Glebe Villas Playing Field Chelston Avenue Hove

Application for removal of condition 3 of BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) which states the structure hereby permitted shall not be used except between the hours of 08:00 and 18:00 on Monday to Friday only.

Applicant: St Christophers School

Officer: Jason Hawkes 292153

Refused on 28/02/14 DELEGATED

1) UNI

The removal of condition 3 and resulting unimpeded hours use of the pavilion is deemed inappropriate and would result in a detrimental impact on the amenity of adjacent residential properties in respect of noise disturbance and an unneighbourly use. The scheme is therefore deemed contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

BH2014/00049**14 Rothbury Road Hove**

Demolition of existing detached garages and chimney to side and erection of two storey side extension, erection of single storey rear extension and other associated alterations.

Applicant: Richard Blake

Officer: Helen Hobbs 293335

Approved on 06/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
Location and Block Plan	CH588/001	A	4th March 2014
Existing plans	CH588/002		8th January 2014
Existing elevations and sections	CH588/003		8th January 2014
Existing elevations and sections	CH588/004		8th January 2014
Proposed plans	CH588/005	A	4th March 2014
Proposed elevations and sections	CH588/006	A	4th March 2014
Proposed elevations and sections	CH588/007	A	4th March 2014

BH2014/00176**10 Chelston Avenue Hove**

Erection of front porch.

Applicant: Mrs J Muzzall

Officer: Emily Stanbridge 292359

Approved on 04/03/14 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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

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

Report from: 20/02/14 to 12/03/14

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 plan and elevations		A	20.01.2014
Proposed porch			20.01.2014

Withdrawn Applications

PLANS LIST 2 April 2014**PRESTON PARK**

Application No: **BH2014/00589**
51 Florence Road

Right-hand side: 1no Elder (T1) reduce and reshape by up to 1 metre. 1no Apple (T2) trim to shape by 0.5metre. Left-hand side: 1no Fig (T3) and 1no Plum (T4) reduce and reshape by up to 1 metre.

Applicant: Sharon Smith
Approved on 07 Mar 2014

Application No: **BH2014/00590**
74 Stanford Avenue

1no Yew reduce and reshape by 1-1.5 metres.

Applicant: Sharon Smith
Approved on 07 Mar 2014

REGENCY

Application No: **BH2014/00475**
7 Powis Square

1no Apple (T1) crown reduction, intended height reduced from 15m to 10m, width reduced from 15m to 8m.

Applicant: Mr Alex Wheatley
Approved on 20 Feb 2014

ST. PETER'S & NORTH LAINE

Application No: **BH2014/00564**
28/28b Crescent Road, Brighton

Fell 4no Sycamores (G1). Trees have no public visibility or amenity value.

Applicant: Mr David Phillips
Approved on 21 Feb 2014

Application No: **BH2014/00635**
St Paul's C E School, Nicholas Road

1no Elm (T1) crown lift to 3m over external footpath. 1no Elm (T2) prune lateral branches on the eastern side of the crown to provide a lateral clearance of 2m to the BT cables. 1no Whitebeam (T3) remove deadwood. 2no Apples (T4, T5) remove ivy. 2no Elms (T6, T7) remove deadwood.

Applicant: Linda Dupret

Approved on 07 Mar 2014

WITHDEAN

Application No: BH2014/00467
48 Harrington Road, Brighton BN1 6RF

Fell 1no Holly (C) causing structural damage to boundary wall.

Applicant: Mrs Rachel Espinosa

Approved on 07 Mar 2014

Application No: BH2014/00468
48 Harrington Road, Brighton BN1 6RF

1no Beech (T1) reduce lower canopy on south side by no more than 2m; lift lower edge of canopy by 2m, retaining the main scaffold limbs; thin remaining crown by 20%; no pruning wounds are to exceed 75mm in diameter. 1no Yew (T3) reduce canopy on North side by approx 1.5m to leave tree with a more symmetrical outline.

Applicant: Mrs Rachel Espinosa

Approved on 07 Mar 2014

HOLLINGDEAN & STANMER

Application No: BH2014/00565
6 Selham Drive, Coldean

1no Hornbeam (T1) 2m crown reduction, minimal crown lifting.

Applicant: Mrs Michelle Palmer

Approved on 07 Mar 2014

MOULSECOOMB & BEVENDEAN

Application No: BH2014/00465
Brighton Aldridge Community Academy, Lewes Road

1no Sycamore (T1) remove deadwood and reduce heavy limbs towards road by 3m. 2no Beech (T2, T15), 2no Sycamore (T10, T17) and 1no Elm (T19) reduce heavy limbs towards road by 3m. 1no Beech (T7) remove dead top in crown. 2no Sycamore (T13, T22), 1no Ash (T23) and 1no Beech (T25) reduce heavy limbs towards road by 2m. 1no Elm (T14) reshape by 40% approx 3m.

Applicant: Mr Harry Reynolds
Approved on 07 Mar 2014

Application No: BH2014/00474
Westlain Belt, Falmer Woodland to rear of houses on Lucaft Road

G1 - cut back branches overhanging neighbouring properties and over pathways to clear neighbour's gardens. Remove deadwood and hanging branches from all trees where necessary.

Applicant: Mr Harry Reynolds
Approved on 20 Feb 2014

Application No: BH2014/00633
The Keep, Falmer

Fell 1no Sycamore (T1) twin stemmed. The sycamore has significant decay at the base.

Applicant: Mr Adam Hennessy
Approved on 07 Mar 2014

QUEEN'S PARK

Application No: BH2014/00570
25 East Drive

Fell 1no dead tree to wall height (T1).

Applicant: Mr Myer
Approved on 07 Mar 2014

Application No: BH2014/00571
25 East Drive

1no Macrocarpa (T2) cut 15ft off the top and reduce the laterals.

Applicant: Mr Myer
Approved on 07 Mar 2014

ROTTINGDEAN COASTAL

Application No: BH2014/00515
The Grange, The Green, Rottingdean

Fell one Arbutus (tree in advanced state of decline) and one Sycamore (hollow - trunk abutting building, likely to cause actual structural damage).

Applicant: Mrs Sue Ingram
Approved on 18 Feb 2014
Application No: BH2014/00517

The Grange, The Green, Rottingdean

Holm Oak - alleviate weight on main stems by a light reduction and thinning of canopy.

Applicant: Mrs Sue Ingram
Approved on 18 Feb 2014

Application No: BH2014/00636
Pineglade, Bazehill Road

1no Corsican Pine (T1) remove large trunk overhanging house back to trunk union at base because of unstable root plate.

Applicant: Mr Richard Byrne
Approved - no conditions on 28 Feb 2014

Application No: BH2014/00639
Ovingdean Hall School, Greenways

G1 Elm x 2 - Reduce in height by approx. 1.5-2m. Reduce back remainder of crown by approx. 1m to balance. REASON: To allow more light into 2 Beacon Court.

Applicant: Mrs Alwen
Approved on 07 Mar 2014

WOODINGDEAN

Application No: BH2014/00641
49 Crescent Drive North

1no Birch (T1), the first in a row of trees running north on a steep bank and leaning toward the house. Reduce and thin crown with target pruning, maximum 1.5m reduction.

Applicant: Mr Michael Gaterell
Approved on 07 Mar 2014

BRUNSWICK AND ADELAIDE

Application No: BH2014/00563
18 Brunswick Place

1no Ash (T1) sever and remove the worst of the ivy, reduce length of all branches by 5 metres ensuring natural shape and balance typical of species is maintained where possible, remove dead and diseased wood and ivy clad stem. 1no Ash (T2) reduce length of all branches by 5 metres ensuring natural shape and balance typical of species is maintained where possible, remove dead diseased wood, sever and remove the worst of the ivy.

Applicant: Mr Tucker
Approved on 21 Feb 2014

CENTRAL HOVE

Application No: **BH2014/00540**
6 Albany Villas, Hove

2no Limes (T1, T2) reduce height to where cut before, ie. 2 metres off the height. Cut back overhanging branches on northern side. 1no Cotoneaster (T3) reduce height by half ie. 4 metres.

Applicant: Ms Jo Broom
Approved on 21 Feb 2014

Application No: **BH2014/00541**
5 Medina Villas

1no Bay (T1) remove young top growth and tidy the sides. 1no Fig (T2) cut back overhang over the lawn to the edge of the decking.

Applicant: Mrs Sue Hewitt
Approved on 21 Feb 2014

GOLDSMID

Application No: **BH2014/00619**
1 Champions Row, Hove

1no Leylandii (T1) light trim all round to reduce shading. 1no Field Maple (T2) and 1no Norway Maple (T3) reduce all round by 1.5m to maintain and reduce shading.

Applicant: Mrs Tara Grant
Approved on 07 Mar 2014

SOUTH PORTSLADE

Application No: **BH2014/00384**
Loxdale Centre, Locks Hill

1no Elm (T2), mature: Reduce canopy by approximately 1.5m. The reduction would be by target pruning back to suitable growth points. Since last applying the tree has shed a medium sized limb over the entrance drive to the school. It is as such my opinion that the tree would benefit from the reduction as well as reducing the risk of further shedding of limbs. 1no Elm (T3), mature. Reduce the canopy by 0.5m beyond the dieback in the crown. The tree shows poor vitality and struggles to recover from annual wind damage. In an attempt to increase vigour I wish to target prune to a suitable growing point approximately 0.5m below the dead or dying branch tips.

Applicant: Mrs Anna Thatcher
Approved on 28 Feb 2014

Application No: **BH2014/00388**
Loxdale Centre, Locks Hill

Fell 1no Beech (T1) Dead. Suspected cause: drought conditions of 2012. This tree showed signs of extensive die back which was addressed in March 2013. However, the tree continued to decline with full leaf cover browning in August 2013 (see photo T1-a). By Jan 2014 the bark was falling off (T1-b) and extensive *Libertella faginea* or similar was present (photo T1-c).

Applicant: Mrs Anna Thatcher
Approved on 28 Feb 2014

HOVE PARK

Application No: BH2014/00376
The Pantiles, 122 Shirley Drive

Fell 1no Beech (T3) because of excessive movement in gales of December 2013 and dangerous location.

Applicant: Dr Michael Austin
Refused on 07 Mar 2014

Application No: BH2014/00561
12 Tongdean Road

1no Holly (T1) trim round to reduce size and tidy. 1no Olive (T2) leaning - stake upright. 1no Cherry (T3) reduce length of all branches by 1.5m ensuring natural shape and balance typical of species is maintained where possible. 1no Sumach - replant in specified location. 1no Cherry (T5) formative prune lightly around to neaten (longer laterals only). 1no Mimosa (T6) stake upright.

Applicant: Mr Nichol
Approved on 21 Feb 2014

Application No: BH2014/00741
Lancing College Preparatory School The Droveaway

Fell 3no Elder (T17, T97 and T98). Fell G3 small group of 4 trees located by play equipment, some of outer trees have failed.

Applicant: Mr J Cowie
Approved on 07 Mar 2014

Application No: BH2014/00750
Lancing College Preparatory School The Droveaway

Fell 1no Elm (T78).

Applicant: Mr J Cowie
Refused on 07 Mar 2014

Application No: BH2014/00751

Lancing College Preparatory School The Droveaway

1no Elm (T2) crown lift to 5.5m and clear services. 2no Elm (T4, T91) crown lift to 5.5m and sever ivy. 2no Elm (T16, T83) crown lift to 3.5m. 2no Elm (T25, T28) crown lift to 3.5m and sever ivy. 1no Elm (T26) remove major deadwood and stem. 1no Elm (T29) clear building by 2m, sever ivy, crown lift to 5.5m. 1no Elm (T30) remove epicormic growth, clear building by 2m, crown lift to 5.5m and sever ivy. 1no Elm (T31) clear building by 2m, sever ivy and remove stem. 2no Elm (T34, T90) crown lift to 5.5m. 1no Field Maple (T37) crown lift to 3.5m and remove major deadwood. 4no Field Maple (T38, T39, T40, T41) crown lift to 3.5m. 1no Elm (T56) clear building by 2m. 1no Norway Maple (T64) crown lift to 5.5m, sever ivy. 2no Norway Maple (T66, T67) crown lift to 5.5m. 1no Elm (T72) crown lift to 3.5m, remove stem. 1no Elm (T73) shorten branches by 3m, crown thin by 20%. 2no Elm (T76, T77) clear building by 2m, sever ivy. 1no Elm (T84) crown lift to 3.5m, sever ivy, remove damaged branches. 1no Elm (T85) remove sucker.

Applicant: Mr J Cowie

Approved on 07 Mar 2014

WESTBOURNE

Application No: BH2014/00491

10 Pembroke Gardens, Hove

T1 Beech- Reduce back to previous points (approx. 1m).

Applicant: Mrs Sabin

Approved on 21 Feb 2014

NEW APPEALS RECEIVED**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOLLINGDEAN & STANMER**

BH2013/02100

10 Barrow Hill Brighton

Change of use from dwelling house (C3) to either dwelling (C3) or small house in multiple occupation (C4).

APPEAL LODGED

20/02/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2013/03920

26 Saltdean Drive Saltdean Brighton

Installation of steel balcony to the rear and alterations to fenestration.

APPEAL LODGED

21/02/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOLLINGDEAN & STANMER**

BH2013/03866

81 Dudley Road Brighton

Demolition of existing rear conservatory and erection of single storey rear and side extension with raised rear decking with steps to garden.

APPEAL LODGED

26/02/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****EAST BRIGHTON**

BH2013/02343

30 Whitehawk Road Brighton

Rebuild and extension of rear side return addition and removal of existing timber structure and erection of single storey rear extension (part retrospective).

APPEAL LODGED

03/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANOVER & ELM GROVE**

BH2013/04046

31 Melbourne Street Brighton

Erection of three storey block containing 5no self-contained flats.

APPEAL LODGED

03/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****MOULSECOOMB & BEVENDEAN**

BH2013/02561

30 Colbourne Avenue Brighton

Change of use from dwellinghouse (C3) to house in multiple occupation (Sui Generis) (Retrospective).

APPEAL LODGED

03/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HANGLETON & KNOLL**

BH2013/02358

Airwave Solutions Site Number SUS107 Court Farm Barn Hove

Application for removal of condition 1 of application BH2008/03539 (Radio base station for the airwave network, 9 metre timber mast within compound) which states that the mast is hereby permitted for a limited period only expiring on 31 September 2015 after which the land shall be reinstated to its former condition.

APPEAL LODGED

03/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2013/03513

49 Withdean Road Brighton

Demolition of existing single storey garage and erection of two storey building comprising of garage and guest room to the front. Erection of single storey rear extension.

APPEAL LODGED

05/03/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****REGENCY**

BH2012/04035

43 Russell Square Brighton

Change of use from single dwelling (C3) to House in Multiple Occupation (Sui Generis) on upper floors and 1no one bedroom basement

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

flat. Alterations including increased roof height of rear extension and provision of slate roof. (Part Retrospective).
APPEAL LODGED
05/03/2014
Planning Committee

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

HANGLETON & KNOLL
BH2013/04222
The Bungalow 11 Hangleton Lane Hove
Erection of single storey front, side and rear extensions incorporating associated roof alterations.
APPEAL LODGED
05/03/2014
Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

HOLLINGDEAN & STANMER
BH2013/03203
53 Hollingbury Road Brighton
Change of use from residential dwelling (C3) to house in multiple occupation (Sui Generis). (Retrospective)
APPEAL LODGED
10/03/2014
Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

ST. PETER'S & NORTH LAINE
BH2013/00349
Ground Floor Flat 28 Ditchling Rise Brighton
Replacement of timber sash bay window with UPVC tilt and turn bay window to front elevation (Retrospective).
APPEAL LODGED
07/03/2014
Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

REGENCY
BH2013/03850
23A Preston Street Brighton
Construction of mansard roof incorporating front & rear dormers, erection of second floor rear extension and associated alterations.
APPEAL LODGED
10/03/2014
Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2013/04017

20 Marlborough Street Brighton

Erection of single storey extension to ground floor level and extension to first floor level to the rear.

APPEAL LODGED

11/03/2014

Delegated



**Brighton & Hove
City Council**

INFORMATION ON HEARINGS / PUBLIC INQUIRIES 2nd April 2014

This is a note of the current position regarding Planning Inquiries and Hearings

Richmond House, Richmond Road, Brighton BN2 3RL

Planning application no: BH2013/02838

Description: Demolition of existing 2no storey building and construction of part three storey part five storey building providing 138 rooms of student accommodation, with associated ancillary space, 76 cycle spaces, removal of existing trees, landscaping and other associated works.

Decision: Planning Committee

Type of appeal: Informal Hearing

Date: 15th April 2014

Location: Brighton Town Hall

Flat 5a, 6 Palmeira Square, Hove BN3 2JA

Planning application no: BH2012/01706

Description: Creation of 1no one bed studio flat. (Retrospective)

Decision: Delegated

Type of appeal: Public Inquiry

Date: 24th June 2014

Location: Hove Town Hall

Flat 5a, 6 Palmeira Square, Hove BN3 2JA

Planning application no: BH2012/01707

Description: Internal alterations to create 1no one bed studio flat. (Retrospective)

Decision: Delegated

Type of appeal: Public Inquiry

Date: 24th June 2014

Location: Hove Town Hall

21 Rowan Avenue, Hove BN3 7JF

Description: Change of use to Dog Kennels.

Decision: Enforcement

Type of appeal: Informal Hearing

Date: 1st July 2014

Location: Brighton Town Hall

20-22 Market Street and 9 East Arcade, Brighton

Planning application no: BH2013/01279

Description: Change of use from retail (A1) to restaurant (A3) incorporating installation of ventilation system.

Decision: Delegated

Type of appeal: Informal Hearing

Date: TBC

Location: TBC

APPEAL DECISIONS

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H – 56 LONDON ROAD, BRIGHTON – ST. PETER’S & NORTH LAINE

Application BH2012/03117 – Appeal against refusal to vary condition 3 of application BH2010/02854 (Change of use from retail (A1) to hot food takeaway (A5) incorporating new shop front and installation of extract duct) without complying with a condition attached to planning permission BH2011/02890, dated 21 November 2011 **APPEAL ALLOWED (COMMITTEE DECISION)** **377**

I – 110 QUEEN’S ROAD, BRIGHTON - ST. PETER’S & NORTH LAINE

Application BH2012/03691 – Appeal against refusal for conversion of and extension of existing vacant lower ground ancillary accommodation to form 2x1 bed residential flats. **APPEAL ALLOWED** (delegated decision) **381**

J – 4 ROSE HILL TERRACE, BRIGHTON – ST. PETER’S & NORTH LAINE

Application BH2012/03899 – Appeal against refusal for erection of a rear extension at first floor level. **APPEAL DISMISSED** (delegated decision) **387**

K – 6 WOODVIEW CLOSE, BRIGHTON – HOLLINGDEAN & STANMER

Application BH2013/03414 – Appeal against refusal for two storey side and rear extension. **APPEAL DISMISSED** (delegated decision) **389**

L – 25 HARRINGTON VILLAS, BRIGHTON – WITHDEAN

Application BH2013/02881 – Appeal against refusal for removal of part boundary wall to enable creation of car park space and cross over. Approx size 3m x 5.6m. **APPEAL DISMISSED** (delegated decision) **391**

M.-.16 BANKSIDE, BRIGHTON – WITHDEAN

Application BH2013/01522 – Appeal against refusal for erection of three-storey detached dwelling to the rear of 16 Bankside, with formation of access from Highbank. **APPEAL ALLOWED – APPLICATION FOR COSTS REFUSED** (delegated decision) **393**

N – 38 SHIP STREET, BRIGHTON – REGENCY

Application BH2013/01666 – Appeal against refusal for an automatic telling machine. **APPEAL DISMISSED** (delegated decision) **397**

O – 42 WILBURY VILLAS, HOVE – GOLDSMID

Applications BH2013/01576 / BH2013/00572 – Appeals against refusal for one externally - illuminated post sign, one non - illuminated fence panel sign, and one externally – illuminated oval sign on the north elevation of the building. **APPEAL ALLOWED** (consent for 5 years) (delegated decisions) **399**

P – 105 CHURCH ROAD, HOVE – CENTRAL HOVE

Applications (A) BH2013/03136 / (B) BH2013/03137 – Appeals against refusal for demolition of existing vacant ancillary storage area to chemist (A1) and replacement with new single storey extension to provide A2 use (estate agents). **APPEALS DISMISSED** (delegated decisions) **403**

Q – 9 GLEBE VILLAS, HOVE – WISH

Application BH2013/03494 – Appeal against refusal for erection of single storey rear extension. **APPEAL DISMISSED** (delegated decision) **407**

R – 18 MIDDLETON AVENUE, HOVE - WISH

Application BH2013/04196 – Appeal against refusal for first floor dormer to front elevation. **APPEAL DISMISSED** (delegated decision) **409**

S – 17 MEADOW CLOSE – HOVE PARK

Application BH2013/03488 - Appeal against refusal of two storey pitched roof side extension to form a garage at ground floor level with bedroom and en-suite over. **APPEAL ALLOWED** (delegated decision) **411**

T – 188 HANGLETON VALLEY DRIVE, HOVE – HANGLETON & KNOLL

Application BH2013/03160 – Appeal against refusal of first floor side extension. **APPEAL DISMISSED** (delegated decision) **415**

Appeal Decision

Site visit made on 6 January 2014

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 March 2014

Appeal Ref: APP/Q1445/A/13/2205378

Beacon Mill, 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 Ms Helen Byrne against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02327, dated 4 July 2013, was refused by notice dated 5 September 2013.
 - The development proposed is the remodelling of an existing bungalow to create a two storey house (resubmission of application BH2013/00674).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the surrounding area, including the South Downs National Park and the setting of the nearby Rottingdean Conservation Area; and the effect on the living conditions of the occupiers of Nos 50 and 52 Nevill Road in respect of privacy and outlook.

Reasons

3. The appeal property is a detached bungalow located behind No 50 Nevill Road. The bungalow is simply designed and is much smaller in scale than the two storey houses on Nevill Road. The appellant submits that the appeal property is an incongruous feature in the area. However, whilst the bungalow is of a different design it seems to be a very well established part of the character of the surrounding area.
4. Whilst the appeal property is only a single storey structure, due to its position near the top of a hill it is very prominent in the landscape and is visible from a number of locations, including the adjacent South Downs National Park and Beacon Hill Nature Reserve. The bungalow is also highly visible from Sheep Walk which is a short but wide road with broad grass verges that provides public access to the National Park. The dwelling can also be seen when within the National Park from Rottingdean Windmill, although due to its relatively low roof, it is less prominent in the skyline than the properties on Nevill Road.
5. Sheep Walk separates the appeal property from Rottingdean Conservation Area by a short distance. The Council's Conservation Area Character Statement

refers to the historic core of Rottingdean village which retains medieval street patterns and has a very close relationship with the surrounding downland areas. In the vicinity of the appeal site, the Conservation Area is very open and consists of allotments and rear gardens of properties in the historic centre. It provides views from Sheep Walk east towards the historic centre of the village.

6. The bungalow has a simple pitched roof and a relatively plain appearance. The proposal would add an additional floor, and whilst the new ridge height would be lower than that of a previously proposed extension, the increased height would result in the property being significantly more prominent than at present. The addition of dormers and a large projecting gable feature at the front and a two storey gabled extension on the north elevation would also be very noticeable, and would add considerably to the bulk of the property. This would render the building a prominent and unduly dominant and intrusive structure when viewed from the south on Sheep Walk towards the National Park and when within the Park close to the bungalow. The proposed dormer windows on the west elevation would also be prominent and add to the mass of the building.
7. The National Planning Policy Framework (the Framework) confirms that great weight should be given to conserving landscape and scenic beauty in National Parks. The proposed increase in the scale and form of the appeal property would result in a highly visible and dominant structure in this sensitive location on the edge of the National Park.
8. Although the existing property is noticeable in long views looking south-west from the Conservation Area, due to its current size and height it does not dominate the view. However, the proposed increase in height and bulk would result in the dwelling being much more visible when viewed across the open the allotments and gardens in this part of the Conservation Area. It would also be more of a prominent feature than the existing property from the north end of Sheep Walk, where the views open out to the Conservation Area to the east. It would therefore have a detrimental effect on the setting of the Conservation Area.
9. It has been put to me that the proposed increase in the size of the dwelling and use of materials would be appropriate in relation to the scale and nature of the surrounding properties and that the majority of the proposed development is restricted to the current footprint. Whilst I agree that the appeal proposal would be of a similar scale to the properties along Nevill Road, nevertheless it would be out of keeping with the character of the area to the north and east of the appeal site.
10. From the open area to the north, the properties along Nevill Road are visible against the skyline but are set back from the boundary by relatively long gardens. The proposed increase in the roof height of the property would not break the ridgeline created of dwellings on Nevill Road. There is also a restricted view of the property in between Nos 50 and 52 Nevill Road with only a small part of its roof and conservatory visible. Although there would be more of the property visible as a result of the appeal proposal, I do not consider that this would be detrimental to the views to the north from Nevill Road. However these factors do not outweigh the harm I have found in respect of the visual impact of the development from other viewpoints.

11. My attention has been drawn to a hedge planting scheme for the northern boundary of the site. However, I have not been provided with any details of the scheme and therefore I cannot be certain that it would materially reduce the visual impact of the development when viewed from the north. In any case, it would be likely to be several years before the landscaping would provide the degree of maturity and screening to offset any harm that I have identified.
12. The appellant has referred to other properties in Nevill Road that have recently been extended and I have also been directed to other examples of new development close to the National Park and the Conservation Area. They include a new house on northern edge of the Beacon Hill Nature Reserve which I noted on my site visit. However, I am not aware of the full circumstances surrounding their construction and I am therefore unable to give these examples significant weight in considering the proposal before me.
13. I conclude that the appeal proposal would cause serious harm to the character and appearance of the surrounding area and the landscape and scenic beauty of the South Downs National Park. It would also compromise the setting of the nearby Conservation Area, the significance of which, as a designated heritage asset, should be safeguarded under the provisions of the Framework. It would conflict with Policies QD1, QD2, QD4, QD14, NC7, NC8 and HE6 of the Brighton Local Plan (LP) 2005, which amongst other things, seek to ensure new development demonstrates a high standard of design and does not detract from important views, including the setting of protected landscapes and Conservation Areas. It would also be contrary to the provisions of the Framework relating to the need for high quality design.

Living conditions

14. The appeal property lies to the north of No 50 Nevill Road, on slightly higher ground, and the south elevation of the proposed development would be relatively close to the common boundary. The garden of No 50 is much smaller than those of adjacent properties and is lower than the bungalow. As a result, the height and bulk of the proposed development would lead to an increased sense of enclosure when within viewed within the garden and the rooms to the rear of No 50. However, the proposal includes obscured glazing to windows and doors on the south elevation, and I am satisfied this would reduce the potential for overlooking and loss of privacy for the occupiers at No 50.
15. The proposal incorporates four dormer windows on the west elevation to the rear of the appeal property which would be higher than the boundary wall with the garden on No 52. Whilst the upper floors of the adjoining properties on this part of Nevill Road already have views across the garden, the view from the new dormer windows in the appeal property would be much more direct and closer towards the rear of the garden of No 52 than other the properties. This would result in a significant reduction in the current level of privacy which the occupiers of No 52 could expect to enjoy.
16. I conclude that the appeal proposal would cause harm to the living conditions of the occupiers of No 50 Nevill Road in respect of outlook and No 52 Nevill Road in respect of loss of privacy. It would conflict with Policies QD14 and QD27 of the LP which amongst other things seek to ensure development which does not result in a significant loss of privacy or amenity to neighbouring properties and occupiers. It would also be contrary to the provisions of the

Framework which requires development to provide a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

17. For the reasons given above and having regard to all other matters raised including some local support for the appeal proposal, the appeal is dismissed.

L Gibbons

INSPECTOR



Appeal Decision

Site visit made on 3 March 2014

by **J L Cheesley BA(Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 March 2014

Appeal Ref: APP/Q1445/D/14/2212505

Pineglade, Bazehill Road, Rottingdean, Brighton, East Sussex BN2 7DB

- 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 Richard Byrne against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/03668 was refused by notice dated 24 December 2013.
 - The development proposed is replacement garage, store and workspace.
-

Costs

1. An application for costs was made by Mr Richard Byrne against Brighton and Hove City Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issue

3. I consider the main issue to be the effect of the proposal on the character and appearance of the Rottingdean Conservation Area.

Reasons

4. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: firstly at Section 16(2), of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses; and secondly, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
5. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. Saved Policy HE6 in the Brighton and Hove Local Plan 2005, seeks to preserve or enhance the character or appearance of a conservation area. Saved Policy QD2 states that the design of new development should emphasise and enhance the positive qualities of the local neighbourhood. I consider that these policies are broadly in accordance with the Framework as far as they meet the Framework's core principles; particularly that planning should be seeking to conserve heritage assets in a manner appropriate to their significance; should be taking account of the different roles and character of an area and should be seeking to ensure high quality design.

7. The appeal site lies within the Rottingdean Conservation Area, a designated heritage asset. The conservation area includes a large part of the historic village. The appeal site lies in close proximity to a number of historic farm buildings including the Grade II listed Challoners building and a number of former farm buildings originally associated with the Challoners building, which are now in residential, use. Due to local topography, the existing garage site is in an elevated position in relation to these former farm buildings and in relation to the host dwelling.
8. The proposal includes the retention of the existing carport and replacement of the existing garage/outbuilding with a larger garage/store and workspace. The existing building is a low-key structure visible from Bazehill Road. The new building would be some 9 metres in depth, around 6 metres in width and some 5.3 metres to the roof ridge.
9. Due to the scale of the proposed building and particularly the bulk and height of the proposed roof, I consider that it would appear as an overly prominent building in this location, in close proximity to historic buildings. In addition, due to its scale within the local topography, it would appear as an incongruous addition to the hierarchy of buildings, which focuses on the principal former farm buildings. This would not preserve the character or appearance of the conservation area but this would be less than substantial harm as set out in the Framework.
10. The provision of the building would provide off street parking and enable the appellant to undertake restoration work. This would provide some public benefit. However, having regard to the Framework I find for the above reasons that the harm is not outweighed by any public benefit.
11. I have been provided with examples of other developments in the vicinity, none of which are directly comparable to the proposal before me, which I have considered on its individual merits. I have been referred to a previous Appeal Decision for a different proposal on the site Ref: APP/Q1445/D/13/2203332. I realise that the proposal before me differs from that former proposal.
12. For the reasons state above, I conclude that the proposal would have an adverse effect on the character and appearance of the Rottingdean Conservation Area. This would be contrary to saved Policies HE6 and QD2.

J L Cheesley

INSPECTOR

Costs Decision

Site visit made on 3 March 2014

by **J L Cheesley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 March 2014

**Costs application in relation to Appeal Ref: APP/Q1445/D/14/2212505
Land at Pineglade, Bazehill Road, Rottingdean, Brighton,
East Sussex BN2 7DB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Richard Byrne for a full award of costs against Brighton and Hove City Council.
 - The appeal was made against the refusal of planning permission for a replacement garage, store and workspace.
-

Decision

1. I refuse the application for an award of costs.

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.
3. I realise that the planning officer's report contained some inaccuracies. Nevertheless, the Council provided a clear explanation of its reasons for refusal, with reasonable planning grounds. The Council was entitled to raise concern with regard to the effect of the proposal on the character and appearance of the conservation area. This is a matter of judgement. The Decision Notice referred to Local Plan Policies in this respect.
4. The appellant has stated that comments arising from the previous case officer's report and previous Appeal Decision had clearly defined the design revisions necessary from the previous proposal. I have not been made fully aware of all previous planning advice and the previous Appeal Decision does not provide specific advice. I realise that the Council's Heritage Team considered the proposal acceptable, although noting that the design could be approved upon. Nevertheless, the decision maker is required to balance all issues in reaching a decision.

5. It is up to the appellant to seek pre-application advice. The Council has indicated that the appellant's agent was fully aware that pre-application advice the Council offers through its householder duty appointment procedure could be sort at any time. The level of service in comparison to neighbouring Councils is not a reason to award costs.
6. The Council has indicated that the scale of the amendments it would require would have been considerable and thus amendments were not sought. From the representations before me, it is unlikely that further dialogue would have altered the outcome of the planning application. Therefore, I do not consider that the Council has acted unreasonably in this respect.
7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

J L Cheesley

INSPECTOR



Appeal Decision

Site visit made on 27 February 2014

by **C J Leigh BSC(HONS) MPHIL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 March 2014

Appeal Ref: APP/Q1445/D/14/2212306

52 Greenways, Ovingdean, Brighton, BN2 7BL

- 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 D Ainsworth against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03553 was refused by notice dated 13 December 2013.
 - The development proposed is the erection of single storey rear extension.
-

Procedural matters

1. The content of the National Planning Practice Guidance has been considered but in light of the facts in this case the Guidance does not alter my conclusions.

Decision

2. The appeal is dismissed.

Main issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. No. 52 Greenways is one half of a pair of distinctive houses set on the edge of the village of Ovingdean. The pair of houses are located at the corner of Greenways and Beacon Hill, the latter being a steep hill. This gives long views towards the houses and means the front, rear and side elevations of the properties are very visible in the wider area. The attractive flint and brick cottages and the traditional, largely unaltered symmetrical design of the houses, are positive features in the character of the area.
5. The pair of houses sees a shared 'outrigger' projection on the party wall. There is a small side projection to the appeal property fronting Beacon Hill, with a steeply pitched roof. The proposed extension would see an extension rearward from this side projection to the depth of the existing outrigger, with a new infill extension with a low pitched roof that would be partly glazed. This infill extension would sit between the proposed and existing rear projections. The proposed extension would come forward of the existing building line of the main house as it fronts Beacon Hill.
6. The scale of these changes would be a significant alteration to the host property. The pitched roof rear extension, by projecting to the rear and forward of the existing side building line of the house, would appear excessive in scale

when viewed in the context of the scale of the host property and the depth of the existing rear outrigger. The infill extension would compound the harmful effect of the proposed development through its scale and design, whereby the roof would sit at an uncomfortable height in relation to the eaves of the existing and proposed rear projections.

7. I therefore agree with the Council that the resulting appearance of the proposed extensions would be over-dominant to the host property. Furthermore, the scale and design of the extensions would lead to a notable imbalance to the pair of properties, whose symmetry at present play an important role to the character and appearance of the surrounding area.
8. The appellant has provided illustrative drawings that are contended would be 'fall-back' positions achievable under permitted development rights. From what has been presented to me it appears that the dimensions on those schemes are in excess of what is permissible under the relevant regulations, or would require the system of prior notification to be followed and so cannot be conclusively said to be permitted development. In the absence of any confirmation that such schemes would in fact be lawful, I place very little weight on such schemes being a realistic fall-back position.
9. My findings above therefore remain unaltered and my conclusion on the main issue is that the proposed development would be harmful to the character and appearance of the surrounding area. This would be contrary to the objectives of Policy QD14 of the Brighton & Hove Local Plan 2005, which states that planning permission will only be granted for extensions to existing buildings if, amongst other matters, it is well designed and sited in relation to the property and the surrounding area. The proposals would also conflict with the Council's Supplementary Planning Document 12: Design Guide for Extensions and Alterations 2013, whose overall objective is to resist extensions that dominate or detract from the original building or character of an area. The appeal is dismissed accordingly.

C J Leigh

INSPECTOR



Appeal Decision

Site visit made on 11 March 2014

by **E A Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2014

Appeal Ref: APP/Q1445/D/14/2213087 77 Tumulus Road, Brighton, BN2 8FR

- 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 R Chick against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03640 was refused by notice dated 13 December 2013.
 - The development proposed is removal of existing roof and construction of new first floor with pitched roof above. Alterations to existing windows.
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Preliminary matter

1. On 6 March 2014 the Planning Practice Guidance (PPG) was published by the Department for Communities & Local Government. In relation to this Appeal the PPG refers to the design statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.

Decision

2. The Appeal is dismissed.

Main issues

3. The first main issue is the effect of the scheme on the character and appearance of the host building and the surrounding area. The second main issue is the effect of the scheme on the living conditions of the occupiers of 75 Tumulus Road (No.75) with particular regard to daylight and sunlight.

Reasons

Character and appearance

4. The Appeal site is located within an area that is characterised by a mixture of two storey houses and bungalows set within open and steeply undulating roads. Tumulus road is located at the northern end of the estate and adjoins the open downland to the northwest. It is situated on land which slopes down steeply to the north and where there are expansive views of the roof-scape from the upper part of the road.
5. The Appeal site occupies a prominent position within the street scene close to the junctions of Tumulus Road with Perry Hill and Wivelsfield Road. The Appeal bungalow sits at a lower level to the adjacent bungalow at No.75 and its ridge height is considerably lower than that of the two storey property at No.79/81.

- As a result the height of all three buildings varies and the Appeal dwelling appears particularly modest in height and form.
6. With the Appeal scheme the eaves height of the building would be raised above those of Nos.75 and 79/81 and it would have an uncharacteristically shallow pitched roof. Due to their position and shallow pitched roofs the proposed dormers on the side elevations would reduce the perceived pitch of the main roof and the proposed first windows on the front elevation would similarly reinforce the shallow pitch of the roof. As a result the proposed resultant dwelling would appear squat, incongruous and totally out of keeping with the adjacent and nearby bungalows and two storey properties.
 7. In addition, from Wivelsfield Road the roof of the proposed resultant dwelling would appear cluttered and top heavy due to the number of roof lights and the rear roof overhang.
 8. As a result of these factors the proposed scheme would appear contrived, poorly proportioned and totally out of keeping with the host building and the street scene. As stated in section 7 of the NPPF the Government attaches great importance to the design of the built environment. Permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of an area.
 9. The scheme would also conflict with policies QD2 and QD14 of the Brighton and Hove Local Plan and the Council's Supplementary Planning Document 12: *Design guide for extensions and alterations*. Together and amongst other things they seek to ensure that extensions are well designed and detailed both in relation to the host and adjoining properties. They should be designed to emphasis and enhance the positive qualities of the local neighbourhood by taking into account local characteristics such as height, scale, bulk, design, topography and impact on the skyline.
 10. I conclude on this main issue that the proposal would materially harm the character and appearance of the host dwelling and the surrounding area, contrary to policies QD2 & QD14 of the Local Plan, the SPD and the NPPF.

Living conditions

11. The Appeal dwelling is located some two metres to the northeast of No.75 and the eaves height of that property is approximately one metre higher than that of the Appeal dwelling. As a result the flank wall and roof of the dwelling at No.75 dominate the outlook from the windows and glazed entrance door on the southwest side of the Appeal property. No.75 also results in a material level of overshadowing and reduced daylight within the rooms served by these windows. However the relationship is not unusual for deep bungalows sited alongside each other and the modest overall ridge height helps minimise any loss of light.
12. With the Appeal scheme the juxtaposition and relationship between No.75 and the Appeal property would be reversed, with the eaves height of the resultant Appeal dwelling being approximately one metre higher than that of No.75. However, No.75 benefits from an open and favourable outlook to the northwest, southwest and southeast. Accordingly in these respects and on balance, any loss of daylight or sunlight, would not have a significant impact on the living conditions of the occupants of that property.

13. However, the proposed roof overhang to the rear would exacerbate the loss of daylight and sunlight within the rooms served by windows towards the rear of No.75. For this reason the overall scheme would result in a significant loss of daylight and sunlight within various rooms at No.75.
14. Accordingly, I conclude on this main issue that the scheme would materially and unacceptably harm the living conditions of the occupants of No.75, due to loss of daylight and sunlight. The scheme would therefore conflict with policies QD14 and QD27 of the Local Plan, which together and amongst other things seek to ensure that new development does not have a materially harmful impact on the living conditions of the occupiers of neighbouring properties.

Conclusion

15. The conclusions on both main issues represent compelling reasons for dismissing this Appeal, which could not be satisfactorily addressed through the imposition of conditions.

E Lawrence

INSPECTOR

Appeal Decision

Site visit made on 21 February 2014

by **P Jarvis Bsc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2014

Appeal Ref: APP/Q1445/A/13/2209521

132 Longhill Road, Ovingdean, Brighton BN2 7BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr George Albrow against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/02177 dated 26 June 2013 was refused by notice dated 28 October 2013.
 - The development proposed is the demolition of the existing bungalow and erection of new four bedroom chalet style bungalow.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect on the character and appearance of area.

Reasons

3. The appeal site is an irregularly shaped plot located on steeply sloping land between Longhill Road and Wanderdown Road. Although the address of the existing property is Longhill Road, the existing dwelling is sited in the northern part of the site fronting Wanderdown Road. There is an existing access off Wanderdown Road serving a detached garage to the front of the dwelling. The larger central part of the site is located to the rear of Nos. 130 and 130a Longhill Road which are themselves set in a 'backland' position to the rear of dwellings fronting this road. These dwellings share an access from Longhill Road.
4. The proposed dwelling would be sited in the central part of the site to the south of and at a lower level than No. 16 Wanderdown Road. It would be located to the rear and north-east of No. 130 Longhill Road, at a higher ground level with a higher overall ridge height. It would be served by the existing access off Longhill Road and the existing dilapidated dwelling and garage in the northern, higher, part of the site would be demolished and the area set out as garden.
5. The proposed chalet bungalow style design would incorporate low level eaves with a deep pitched roof with small 'half hips' at either end. Nevertheless, I consider that it would appear as a large dwelling with a bulky roof. Whilst the pattern of development within the immediate area contains a number of 'backland' plots these generally consist of a single row, albeit not regularly spaced, between the dwellings fronting the two parallel roads of Longhill Road

and Wanderdown Road. The proposal would however introduce an additional dwelling between these rows comprising the existing 'backland' plots at 130 and 130a Longhill Road and the dwellings to the north fronting Wanderdown Road. As a result, the proposed dwelling would be sited in relatively close proximity to both existing adjoining dwellings particularly No. 130 to the south-west which is a large detached 2/3 storey dwelling.

6. Having regard to the above factors and taking into account the overall size of dwelling proposed, and notwithstanding that the existing dwelling is to be demolished, I consider that this would introduce a cramped form of development which would not complement its surroundings. I note that the appellant argues that the proposed dwelling would be difficult to see from either adjoining road; whilst I do not wholly agree, the concerns that I have raised are not simply to do with the wider visual impact, but whether the proposed dwelling would sit well within its surroundings. For the reasons set out I do not consider that it would.
7. The Council also raises concerns with regard to the impact on the streetscene of Wanderdown Road resulting from the loss of the existing dwelling. Whilst I agree that the predominant character is of a fairly continuous built frontage, there is a noticeable gap already at the appeal site as the existing relatively modest bungalow is set further back into its plot than the adjoining properties such that only the top part of the roof is readily visible in the streetscene. As such I do not agree that any significant harm would flow from the loss of this dwelling in terms of the character of Wanderdown Road.
8. Notwithstanding this, for the reasons set out, I find that the proposal would have a harmful impact on the character and appearance of the area. This would be in conflict with Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan (2005) (LP) which seek to ensure that all development proposals demonstrate a high standard of design, make a positive contribution to the visual quality of the environment, and enhance the positive qualities of an area by taking account of, amongst other things, layout of streets and spaces at a density appropriate to its surroundings.
9. It would also fail to satisfy policy in the National Planning Policy Framework (the Framework) which states that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of local surroundings.

Other Matters

10. A number of concerns have been raised by local residents, some of which are dealt with above. At the time of the site visit I was able to view the adjoining dwelling, No. 130 Longhill Road, and assess the impact on that property. In my view, the relative proximity of the proposed dwelling and the level differences between the two sites would be such as to result in an overbearing relationship with this property.
11. I noted whilst on site that the proposed site section drawing did not accurately depict the position of the boundary fence relative to the existing ground form, but I have no reason to believe that the relative position of the dwellings shown is inaccurate. Notwithstanding this, it is my assessment that the

proposal would have an unacceptable impact on the living conditions of the occupiers of this adjoining property, in conflict with LP Policy QD27.

12. In respect of the other dwelling to the south, No. 130a whilst I was not able to inspect this site, I saw that it is sited further from the proposed dwelling. Whilst I acknowledge that there would be some impact arising, given the distance retained between the properties and the oblique angle at which any overlooking might be possible, I do not consider that the relationship with this property would be unacceptable. In respect of the remaining concerns, I find no unacceptable impacts.
13. The appellant is confined to a wheelchair and the proposed dwelling has been designed specifically to meet his needs. This would include the provision of a level access from the proposed parking area which would be located to the front of the proposed dwelling and in this context I note the appellant's concern regarding the 'ranson strip' along Wanderdown Road. I also consider that the dwelling itself would be well designed and of sustainable construction, with the use of solar panels to provide renewable energy. However, whilst I attach significant weight to these factors overall, I do not consider that they outweigh the harm that I have identified.
14. The content of the Planning Practice Guidance has been considered but in light of the facts in this case it does not alter my conclusions.

Conclusions

15. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 3 February 2014

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: 5 March 2014

Appeal Ref: APP/Q1445/E/13/2205350

41 Marine Parade, Brighton, BN2 1PE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Stephen Bull against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01492, dated 12 May 2013, was refused by notice dated 16 July 2013.
 - The works proposed are window alterations, new external render finish and internal refurbishment works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed works on the special architectural or historic interest of the listed building.

Procedural Matter

3. The appeal works have already been carried out on site. However, I am making my decision on the basis of the above description and appeal plans submitted.

Reasons

4. The appeal site is a grade II listed building. Whilst it is now in use as a hotel, it was previously vacant. It forms the end unit of a terrace of similar four storey properties, with basements and rooms in the roof. Designed by Charles Augustin Busby, its stucco elevations, with decorative detailing and slate roof add to its Regency elegance. Elements such as its timber painted windows and doors, of traditional design and its decorative front portico, add to its significance. The original floorplan and hierarchy of grandeur, proportions and decoration, along with its historic fabric, are characteristic of the building period and an important element of its significance and special interest.
5. I have very limited information on the justification for, or nature of, works to strengthen the front portico or the floor to bedroom 4. Both would be likely to affect historic fabric. On the basis of the information provided, I cannot be assured that they would not adversely affect the special interest of the listed building.

6. The Council considers that the replacement of some windows, as outlined in the appeal application, is acceptable subject to the inclusion of a putty line as opposed to a timber bead and the replacement bottom sash on the third floor landing matching the top sash of that window. The Council has suggested conditions to ensure this. It has been confirmed that the previous windows were in a bad state of repair. The proposed windows would generally be of appropriate design and detailing, would improve the exterior of the listed building and its energy efficiency. On this basis, I have no reason to take an alternative view.
7. It has been confirmed that the opening between the new boiler room and the owner's bathroom at basement level was previously made and is indicated on the proposed floor plan. It is intended to block this up with a stud partition. Whilst this is a structural wall, as it was previously removed, I consider this approach would preserve the existing situation and no harm would result to the listed building as a consequence.
8. However, partitions to create small spaces such as the bathroom, boiler room and staff toilet, together, would create irregular shaped spaces that do not relate to the regular shaped service rooms previously evident. Brighton and Hove City Council Supplementary Planning Guidance Note 11: *Listed Building Interiors*, in providing advice regarding basement and service wings, indicates that basements, often used as service spaces, should not be considered unimportant simply because they lack obvious decorative features. These spaces played an important role in the history of the building and their relationship with the main house should be carefully considered. I consider that the proposed alterations would compromise the generally regular floorplan of the basement.
9. Opening up the proposed lounge and dining room would create a regular shaped space, and retain references to the original floorplan, in the small nib of the dividing wall and the two door openings which provided access into each room. On this basis, subject to a downstand within the opening, details of which could be dealt with by a condition, I consider that this would be acceptable.
10. However, the fireplace in the proposed dining room has been opened up and the fire surround restored. Whilst this is an advantage of the proposed works, a tiled hearth, in small module black and white tiles, that extends beyond the fireplace opening is proposed. I have no evidence before me to justify the material, or shape and size of the proposed hearth and its relationship to the fire surround. Neither do I have information to indicate what was there before. On this basis I cannot be convinced that it would be appropriate for one of the primary rooms within this listed building, and that it would not result in harm to it.
11. The proposed works would include removal of areas of lime plaster, where this is in a poor condition. However, I have no evidence to suggest where this approach is necessary or the condition of the plaster. Such an approach, would involve the loss of some historic fabric, which would be irreversible. For this reason, it would cause harm to the listed building. In the absence of justification, this would be unacceptable.
12. Covering the lathe and plaster with plasterboard, throughout the building, in the absence of justification, would unnecessarily conceal historic fabric,

particularly where covings would be covered. No further detail on this matter is provided. The insertion of modern downlighters, as a general approach throughout the listed building, would introduce a modern feature which would fail to pick up on the design traditions of the listed building and would result in harm to it.

13. The appellant confirms that few skirting boards, except in the stairs and landings, or cornices survive. This is not in dispute. However the introduction of skirting boards, as proposed, would result in a mixture of profiles and depths within the different floors of the building, which would confuse its historic layout. Further, in proposing to run the skirting and cornices around the proposed rooms, including the ensembles, rather than the original room shape, any true sense of the original room layout and proportions would be lost.
14. New doors have been proposed throughout the building. Those in the basement are modern, unpainted flush doors. Whilst doors in the secondary parts of the building, such as the basement, which were often not open to public view, would be less ornate, these modern insertions fail to accord with the listed building's traditional floorplan and layout. Whilst not a reason for refusal, I note Council concern regarding the doors on the top floor. These are unpainted panelled and moulded doors, similar to those on the remainder of the floors. It is indicated, for the same reason, that these doors, with decorative moulding are too ornate for secondary spaces, and on this basis, would confuse the original hierarchy of the listed building.
15. The remainder of the doors are unpainted panelled and moulded doors, of appropriate design for their position within the listed building. Even though some have glass panels, subject to the doors being painted, as was the tradition at the time of building, I consider that these would be appropriate.
16. All in all, I conclude that the appeal proposals would, together, fail to preserve the special architectural interest of the listed building. They would fail to accord with Brighton and Hove Local Plan (2005) Policy HE1. This promotes proposals that would not have an adverse effect on the architectural and historic character or appearance of the interior or exterior of a listed building. It would also be contrary to Brighton and Hove Supplementary Planning Guidance Note 11: *Listed Building Interiors* (SPG:11), which on page 4, indicates that any new layout must respect the original plan form and room proportions and SPG:13 *Listed Buildings-General Advice*, which sets out general principles for protecting listed buildings.

Public Benefits

17. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, I find that any harm identified to the listed building, would, in the context of the significance of the heritage asset, be less than substantial. Paragraph 134 of the Framework requires that where the harm identified would be less than substantial, that harm should be weighed against any public benefits of the proposal. I have noted that some of the works proposed would be advantageous in enhancing the significance of the listed building, notably the external finish, reroofing, refurbishment of some shutters, some removal of internal partitions to open up the front bedrooms in particular, opening up and refurbishment of the staircase, resurfacing of the frontage and

some energy saving measures such as insulation of walls. In addition, the proposed works would bring a previously vacant building, in need of repair, back into use with a reduced occupancy. However, together, they would not constitute the public benefits referred to in Paragraph 134 of the Framework required to outweigh the harm that would result to the listed building, as a consequence of the totality of the works proposed.

Conclusion

18. Those elements of the proposed works that I have found to be acceptable, subject to conditions, are not clearly severable from the remainder of the appeal proposal. For this reason I have not issued a split decision in this case. Therefore, for the above reasons, and taking all other matters raised into consideration, I conclude that the appeal should be dismissed.

R Barrett

INSPECTOR



Appeal Decision

Site visit made on 27 February 2014

by **C J Leigh BSC(HONS) MPHIL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 March 2014

Appeal Ref: APP/Q1445/D/14/2212001

14 Tower Road, Brighton, BN2 0GF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms N Lewis against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03587, dated 21 October 2013, was refused by notice dated 19 December 2013.
 - The development proposed is conversion of garage, proposed works to ground floor single storey extension, replacement of hung tile with brickwork, creation of single storey extension to rear.
-

Procedural matters

1. The content of the National Planning Practice Guidance has been considered but in light of the facts in this case the Guidance does not alter my conclusions.

Decision

2. The appeal is allowed and planning permission granted for the conversion of garage, proposed works to ground floor single storey extension, replacement of hung tile with brickwork, creation of single storey extension to rear at 14 Tower Road, Brighton, BN2 0GF in accordance with the terms of the application, ref BH2013/03587, dated 21 October 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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 0152/PA/101, 0152/PA/201, 0145/SK/102, 0145/SK/103, 0145/SK/202 & 0145/SK/203.

Main issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Character and appearance

4. The appeal property lies within a terrace of housing which appears to date from the 1970s. There is some consistency in the appearance of this terrace, but I noted at my site visit that a number of properties have had alterations to their front elevations. Most notably, Nos. 22 and 24 have seen the reconfiguration of the front facade and the incorporation of new materials to their elevations. A new dwelling has also been erected at the end of the terrace, and the wider area contains a variety of building forms and architecture. These changes have not diminished the quality of the area or harmed the appearance of the terrace or the wider Queens Park Conservation Area.
5. The proposed development would see, at the front of the property, the conversion of the garage, a new lobby created and the use of new materials to the façade. This would be a similar approach to that seen at the houses referred to above. The alterations would be sensitive and low-key modifications to the building that would not appear out of character with the area.
6. The proposals also show a new cycle/bin store at the front of the property, within the garden area. I saw at the site visit that the new house adjoining No. 24 incorporates a store, whilst No. 24 itself has a large wall and seating area in the front gardens. Other gardens are more open and a number contain extensive parking areas. Thus, there is a variety in appearance. The proposed store to No. 14 is modest and well-designed, being not excessive in height and using materials that would reflect the re-modelled house. It would not be prominent in the street. Furthermore, it would allow for the safe storage of cycles and bins, which would be a positive feature of the scheme rather than having such items stored in the open.
7. The proposed development would therefore be consistent with the character of the surrounding area and the host property, and so would comply with the objectives of Policy QD14 of the Brighton & Hove Local Plan 2005. The character and appearance of the Queens Park Conservation Area would be preserved, and so there would be no conflict with Policy HE6 of the Local Plan. With the provision of sensitive alterations and additions to the property, the general thrust of the Council's Supplementary Planning Document 12: Design Guide for Extensions and Alterations (2013) would also be satisfied.

Other considerations

8. The proposed development would see a rear extension to the property. This would be in line with the existing rear projection of the adjoining house at No. 16. The rearward extent of this addition would not be imposing upon the neighbours at Nos. 16 or 12. The location and design of the extension would not harm the character and appearance of the host property or the Conservation Area.

Conclusions and conditions

9. For the reasons given, and having regard to all other matters raised, it is concluded that the proposed development accords with the objectives of the development plan and planning permission is granted. The Council have

suggested only the time limit condition in the event of the appeal being allowed. I note that the appellant's Design & Access Statement suggested a condition to secure the exact specification of the materials to be used for the proposed works. As the scheme would see new materials to the building, I agree such a condition is necessary to ensure a satisfactory appearance to the development.

10. Finally, a condition is also necessary specifying the approved drawings is necessary in order that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning

C J Leigh

INSPECTOR

Appeal Decision

Site visit made on 10 February 2014

by Jonathan Manning BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 February 2014

Appeal Ref: APP/Q1445/A/13/2209971
56 London Road, Brighton, BN1 4JE

- 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 Dominos against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03117, dated 6 September 2013, was refused by notice dated 22 November 2013.
 - The application sought planning permission for variation of condition 3 of application BH2010/02854 (Change of use from retail (A1) to hot food take-away (A5) incorporating new shop front and installation of extract duct) without complying with a condition attached to planning permission Ref BH2011/02890, dated 21 November 2011.
 - The condition in dispute is No 1 which states that: The premises shall not be in use except between the hours of 08.00 and 24.00 Sunday to Thursday, between 08.00 Friday and 02.00 Saturday, and between 08.00 Saturday and 02.00 Sunday.
 - The Council's decision notice (Ref BH2011/02890) did not stipulate a reason for the disputed condition
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Decision

1. The appeal is allowed and planning permission is granted for variation of condition 3 of application BH2010/02854 (Change of use from retail (A1) to hot food take-away (A5) incorporating new shop front and installation of extract duct) at 56 London Road, Brighton, BN1 4JE, in accordance with application ref BH2013/03117, dated 6 September 2013, without compliance to condition No 1 previously imposed on planning permission BH2011/02890, dated 21 November 2011, but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect, and subject to the following new conditions:
 - 1) For 12 months from the date of this decision, the premises shall not be in use except between the hours of 08.00 and 04.00 Monday to Sunday. The premises will not be open for walk-in counter sales between the hours of 01.00 and 04.00 Monday to Sunday. After this date, the premises shall not be in use except between the hours of 08.00 and 24.00 Sunday to Thursday, between 08.00 Friday and 02.00 Saturday, and between 08.00 Saturday and 02.00 Sunday.
 - 2) Electric delivery vehicles shall be the only form of motor vehicle used for such purposes between the hours of 01.00 and 04.00 Monday to Sunday.

Background and Main Issue

2. The appellant is seeking to extend the opening hours of the premises to 08.00 to 04.00 daily, so as to broadly align with those permitted under the Premises Licence granted in March 2013 by the Council under the Licensing Act 2003.
3. The main issue is the effect of the proposed variation of condition No 1 on the living conditions of local residents, with particular reference to noise and disturbance.
4. Whilst the Council did not provide a reason for the disputed condition upon its decision notice Ref BH2011/02890, I have had regard to the reason provided upon decision notice Ref BH2010/02854 which states that the original condition was required "To safeguard the amenities of the locality and comply with policies QD27, SU9 and SU10 of the Brighton and Hove Local Plan".

Reasons

5. The appeal site is located on London Road, which is a busy high street that accommodates a range of uses including retail, business, restaurants, hot food take-aways and public houses. I observed on my site visit that there are residential properties in close proximity to the appeal site, predominantly flats above ground floor units. It was evident that London Road, by its nature and activities, is likely to experience noise and disturbance until late at night.
6. There is some disagreement over the level of importance of the Premise Licence that has been granted by the Council for the premises. Whilst I concur with the Council that there is a clear distinction between licensing considerations and those of planning, the Premise Licence does however, form a planning consideration. In any event, I have considered the proposal's effect on the living conditions of local residents on the individual merits of the case that are before me.
7. The appellant is seeking to extend the opening hours until 04.00 daily. I consider that opening to counter customers until 04.00 daily would likely cause an unacceptable level of noise and disturbance to local residents, due to the associated level of likely comings and goings that it would generate. However, the appellant has offered for counter sales to cease at 01.00 daily, with delivery sales only between the hours of 01.00 and 04.00. This would result in the premises opening to counter customers one hour later on weekdays and closing one hour earlier on weekends, from that currently undertaken. Given the nature of the area and its likely late night activities, I do not consider that the extension to opening times for one hour on weekdays is likely to result in any significant increase in noise or disturbance to local residents.
8. The appellant has also offered to restrict deliveries between 01.00 and 04.00 to be made by electric vehicles only, which by their nature are quieter than other motor vehicles. As a result, the only likely noise and disturbance that would occur during this time would be from the opening and closing of the premises and delivery vehicle doors, plant and machinery and voices. The appellant has provided evidence for other similar stores that demonstrates that deliveries between the hours of 01.00 and 04.00 are likely to be relatively modest. Whilst I acknowledge that these are remote from the appeal site, I nonetheless consider that they offer a reasonable indication. In addition, there is no evidence provided by the Council to suggest that the plant and machinery

which would be contained within the premises, would cause unacceptable noise and disturbance to local residents. I am also mindful that the Environmental Health Officer (EHO) does not raise concern in this regard. For these reasons, I consider that the proposal with these measures in place, which could be secured through planning conditions, is unlikely to result in an unacceptable level of noise or disturbance to local residents.

9. In addition to my findings above, there are a number of letters of support. The appellant has also set out that there have been no complaints made since the premises was opened. The Council's EHO also raises no objection, but requests that a temporary permission is granted in the first instance. I consider that this is both reasonable and necessary, given that the extension of hours are significant and would allow the Council to fully assess the impact of the proposal during this period.
10. Sussex Police have concerns in relation to the extended opening hours, however, I am mindful that the Premise Licence has been granted for the sought hours and Sussex Police would have been consulted during that process. I am also mindful that in the event of late night noise and disturbance local residents could seek a review of the authorisation for the Premise Licence by the Council. Given this and my findings above, I am not minded to reach any alternative conclusion.
11. The Council has set out that the existing opening hours are consistent with others in the area, however whilst this may be the case, I must consider the appeal on the individual circumstances of the case that are before me.
12. I conclude that the proposal would not result in any unacceptable noise or disturbance to local residents thereby harming their reasonable living conditions. I consider that the proposal complies with the objectives of the Brighton & Hove Local Plan (2005), particularly Policies SU10 Noise nuisance and QD27 Protection of amenity.

Conditions

13. With due regard to the advice of Circular 11/95 Use of Conditions in Planning Permission and the submissions of both the Council and the appellant, I consider it necessary in the interests of the living conditions of local residents to impose conditions for the opening times 08.00 to 04.00 Monday to Sunday, with counter sales to cease at 01.00 daily and for electric delivery vehicles to be the only form of motor vehicle used for such purposes between the hours of 01.00 and 04.00 daily. In addition, to allow the Council to fully assess the effect of the proposal on the living conditions of local residents Condition 1 requires the extended opening hours to cease after one year from the date of this decision and to revert to the current arrangement thereafter.

Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed. I will therefore grant a new planning permission omitting the disputed condition No 1 and imposing new conditions.

Jonathan Manning

INSPECTOR



Appeal Decision

Site visit made on 3 February 2014

by D Lamont BSc(Hons) MBA MRTPI MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 March 2014

Appeal Ref: APP/Q1445/A/13/2203681

110 Queens Road, Brighton, BN1 3XF.

- 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 Christos Demetriou against the decision of Brighton and Hove City Council.
 - The application Ref BH2012/03691, dated 20 November 2012, was refused by notice dated 29 May 2013.
 - The development proposed is the conversion and extension of existing vacant lower ground ancillary accommodation to form 2 x 1 bed residential flats.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of existing vacant lower ground ancillary accommodation to form 2 x 1 bed residential flats at 110 Queens Road, Brighton, BN1 3XF, in accordance with the terms of the application, Ref BH2012/03691, dated 20 November 2012 (as amended), 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: TA678/01A (Site and Block Plans); TA678/02A (Existing Floor Plans); TA678/03 (Existing Elevations / Section); TA678/10F (Proposed Floor Plans); TA678/11D (Proposed Elevations / Section) and TA678/13 (Proposed Elevations / Section).
 - 3) 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 details.
 - 4) Unless otherwise agreed in writing by the local planning authority, the dwellings hereby approved shall be constructed to Lifestyle Homes standards prior to their first occupation and shall be retained as such, thereafter.
 - 5) The development hereby permitted shall not come into use until the host building's rear windows at ground floor level have been obscure glazed and
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fixed shut and maintained as such, thereafter, to the satisfaction of the local planning authority.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extension, enlargement or other alteration to the dwellings other than expressly authorised by this permission shall be carried out without planning permission obtained from the local planning authority.

Procedural Matters

2. Although the development description refers to 2 x 1 bed residential flats, I note that while the apartment proposed for the extended element is a one bedroom apartment, the proposed floorplan for the basement conversion shows a studio apartment (with store room). I deal with the appeal on the basis of the proposed floorplans.
3. The appellant has submitted revised plans in response to the Council's concerns over levels of daylight to the proposed dwelling units and the effects of these levels on living conditions of future occupiers. These revisions represent very minor alterations to the subject appeal, increasing the area of glazing, so improve the living conditions of future occupants. As accepting them would not prejudice any other parties' interests I have determined to take them into account.

Main Issues

4. The main issues are a) the effect of the proposed development on the character and appearance of the building and b) its effect on the living conditions of future occupiers.

Reasons

Building Character and Appearance

5. The host property lies within a relatively high density inner urban area. It occupies a prominent position, a short distance from the city's railway station, on Queen Street which is a principal commercial street. The building has a traditional Georgian terraced three storey frontage incorporating a red brick facade with contrasting light horizontal banding. The building's traditional frontage makes a significant positive contribution to its character and appearance and to that of the area. However, as the appeal relates to the basement and rear of the property, the proposal would maintain the character and appearance of the building's Queen Street frontage
6. By contrast, the rear of the building is essentially concealed from public view by the buildings fronting North Road and Frederick Street, the substantial height of the adjacent Regis building and its rear extensions, and the lower level of Frederick Street. Private views of the rear of the building from adjacent properties are limited by the height and orientation of the Regis building's rear windows and there being only two significant oblique-facing windows to the south. Private views of the building from the rear are limited by the substantial height of the site's rear boundary wall and the low two storey properties fronting Frederick Street. As such, private views of the rear building are largely confined to those from the subject property's rear yard.

7. From the host property's rear curtilage, the character and appearance of the rear elevation is very modest, by contrast with the Queen Street facade. The brickwork is darker and the lintels are plain. The traditional fenestration detail has been replaced by more contemporary units. The effect is that the character and appearance of the rear elevation is simple, plain and essentially devoid of the architectural qualities which make such a positive contribution to the street facade. The exposure of the rear basement wall compounds the relative blandness of the rear elevation by its four storey height. The surface of the building's rear curtilage is essentially unkempt bare earth.
8. The proposal seeks to convert the lower ground floor to a studio apartment and excavate the rear curtilage to extend the building, at a similar grade, to provide a one bedroom dwelling, extending around a courtyard to be subdivided and landscaped to provide private open space for the two apartments. Alterations are also proposed to provide office and WC facilities for the ground floor cafe. The proposal would be restricted to a lower ground floor level extension and its height would be minimised by a flat roof. It would maintain the integrity, scale and proportion of the building's three principal upper floors and the character and appearance of the rear of the building.
9. The proposal would not be visible from any public views. Its effect on the character and appearance of the building from private views would also be mitigated by the dwarfing effect of the height of the adjacent Regis building rear projection and the height of the subject site's existing rear boundary wall. The character and appearance of the building would also be largely maintained from private views from the rear of the adjacent property to the south as there is no evidence of any meaningful use of its rear yard and, it only has two oblique facing windows and these are at an elevated height and one appears to serve a stairwell.
10. For these reasons, I conclude that the proposal would maintain the height, scale, bulk and design of the host building and its character and appearance, consistent with the key design principles of the Brighton and Hove Local Plan 2005 (Local Plan) Policy QD2. Although reference to Local Plan Policies QD1 and QD14 is made in the reason for refusal, these are not referred to in the officer report nor included in the Questionnaire; on this basis I too discount them in respect of the first main issue. I am also satisfied that the proposal is consistent with the provisions of the National Planning Policy Framework (the Framework) which encourages sustainable residential development which respects the built environment and local distinctiveness. I am also content that the relevant policies identified above are broadly consistent with those of the Framework in respect of design.

Living Conditions

11. The glazing which would serve the studio would be limited to the north side of the apartment. However, it would provide a large expanse of glazing to the principle living room / bedroom area. Although the apartment would be served by windowless rooms to the west, they would be limited to bathroom and storage functions. Although the second apartment's glazing would also be restricted to facing its terrace it would be similarly extensive and be south and west-facing. This would provide extended glazing to the kitchen and living room and to the bedroom. Additionally, the appellant has made minor

adjustments to increase the extent of proposed glazing and submitted a daylight report which demonstrates that this would make appropriate daylight provision the two units.

12. The design of the proposed glazing installations have the capacity to be opened to provide generous amounts of natural ventilation to both units. Although the outlook from the apartments would be limited to their respective exterior open space this would be consistent with their relatively high density inner urban context and commensurate with their limited accommodation capacity. The quality of the outlook would be improved by the glazed areas' expanse, the privacy of the outdoor space onto which they front, and the occupants' ability to control and enhance the visual amenity of their respective courtyards.
13. At the time of my site visit, the host property's ground floor was operating as a cafe and the adjacent 'Subway' frontage unit onto Queen Street was operating and a sandwich shop. There was no evidence of any noise or odour issues from the host property's rear yard. There was no visual evidence of any significant extraction equipment mounted to the rear of the subject building. Although the 'Subway' sandwich bar fronts Queen Street it did not appear to extend into the substantial rear projection of the Regis building and there was no visual evidence of any significant extraction equipment in respect of the 'Subway' use on the rear of the Regis building or upon the expansive site-facing blank gable of its rear projection.
14. Although the top of the Regis building's rear element had the appearance of a substantial exterior plant enclosure, no noise or odours could be detected from the appeal site. Additionally, the roof-mounted plant enclosure is significantly higher than the lower basement level of the proposed apartments; and, as such, is much closer to the numerous rear windows of the Regis building and the subject appeal building's first and second floor level flats. Although two mechanical units are mounted to the rear wall of the property to the south (fronting North Road), they are separated from the appeal site by their host building's rear yard. They are similar in appearance to air conditioning units and the Council has suggested they are chiller units. I consider that there is an absence of any evidence of significant noise or odours, or the close proximity of plant indicating the propensity for such.
15. Within the context of the appeal site's established high density inner urban environment and the nature of the proposed one bedroom and studio apartments, I consider that there are no noise or odour issues which would cause substantial harm to the living conditions of the occupiers consistent with Local Plan Policy QD27. For the foregoing reasons, I also consider that the proposal would provide sufficient natural light, ventilation and outlook for residents' living conditions, consistent with Local Plan Policy SU2.
16. I have had regard to the suggestion that the studio's natural light and ventilation would be limited towards the rear of the principal room. However, as the deepest part of the room would be restricted to a largely open-plan area for kitchen activity, and the interim area to sleeping, I consider the associated daylight and ventilation would provide acceptable living conditions for the proposed studio accommodation. The bi-folding doors could also be constructed in such a manner as to incorporate minor natural ventilation detailing.

17. Although the planning officer reported noise and smells from nearby plant and extraction units, promoting an objection from the Council's Environmental Health Team, he was unable to identify these sources at the appeal site visit. The site lies close to a number of existing dwellings, including the host property's flats, above. Any noise and smells from local plant would be unlikely to cause harm to living conditions of the proposed apartments above that already experienced in neighbouring dwellings; and which might reasonably be expected in such an inner city context.
18. I acknowledge the concerns expressed by adjacent occupiers in respect of the impact of the development on their living conditions. However, I, like the Council, conclude that because of the established degree of enclosure of the site, no material harm to living conditions, in respect of noise, disturbance, loss of light or privacy, would result.

Conclusion and Conditions

19. For these reasons, and having had regard to all other matters, I conclude that the proposal would maintain the character and appearance of the building and make appropriate provision for the living conditions of future occupiers whilst avoiding harm to adjacent residential amenity. This would be consistent with the identified Local Plan policies and the Framework; and I allow the appeal.
20. In addition to the standard time limit condition, for the avoidance of doubt and in the interests of proper planning, I attach a condition requiring the development be carried out in accordance with the approved plans. In the interests of residents' living conditions and the character and appearance of the building, I have also attached conditions requiring that the host building's rear ground floor windows be obscure glazed and fixed closed, the submission of finishing materials details, the delivery of Lifetime Homes standards, and the removal of permitted development rights for building alterations.

D Lamont

INSPECTOR



Appeal Decision

Site visit made on 21 February 2014

by **P Jarvis Bsc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2014

Appeal Ref: APP/Q1445/A/13/2199354

4 Rose Hill Terrace, Brighton, BN1 4JJ

- 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 Katy Pirayesh against the decision of Brighton & Hove City Council.
 - The application Ref BH2012/03899 dated 18 December 2012 was refused by notice dated 14 March 2013.
 - The development proposed is the erection of a rear extension at first floor level.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposal on (a) the character and appearance of the host property and its surroundings and (b) the working conditions of the occupiers of the adjoining property, No. 77B London Road.

Reasons

3. The appeal site comprises a terraced property set over four levels comprising a dentist surgery on the ground floor and upper levels with a basement flat below.
4. It is located just off the busy London Road shopping centre which has a wide range and variety of shops and services. The adjoining property, No. 77B London Road, is currently in use as an estate agents with accommodation over three floors including basement level.

Effect on character and appearance

5. The proposed extension would be built over an existing rear addition. Notwithstanding the flat-roofed design of the existing extension, the proposal would introduce a flat-roofed element at the higher more visible first floor level where it would be read more clearly in the context of the existing building with its traditional pitched roofs. In addition, it would sit awkwardly in relation to the pitched roof of the 'outrigger' with the eaves level of the proposed flat roof cutting into the lower part of that roof slope. In my view, its design and appearance would be unsympathetic to the host property.
6. Overall I consider for the above reasons that the proposal would fail to complement and harmonise with the host dwelling. It would thus conflict with

policy QD14 of the Brighton and Hove Local Plan which seeks extensions that are well designed, sited and detailed in relation to the property to be extended.

Effect on working conditions of occupiers of No. 77B London Road

7. The rear rooms of the adjoining property are currently mainly used for ancillary storage. However, the current occupant advised that the accommodation is used flexibly and sometimes provides additional office space. The existing building on the appeal site already has somewhat of an overbearing impact on the basement and ground floor rear rooms of this property. In my view the proposed extension, which would be sited right on the boundary, would exacerbate this relationship to an unacceptable degree and could restrict the future use of these rooms thus compromising the flexible use of the building.
8. I therefore find that the proposal would have a harmful effect on the working conditions of the occupiers of the property contrary to LP policies QD14 and QD27 which seek to prevent development that causes loss of amenity to occupiers of adjoining properties.

Other Matters

9. The existing surgery has been operating from the premises for a number of years and from my site visit I could see that it was a busy and thriving business as well as providing a useful community facility. The appellant explains that the additional room is required to provide a separate decontamination room to comply with new regulations.
10. The National Planning Policy Framework (the Framework) and the supporting Planning Practice Guidance (PPG), which I have also taken into account, seeks to support sustainable economic growth and existing businesses and to ensure that planning takes account of need to deliver sufficient community facilities to meet local need.
11. However, there is little evidence to demonstrate whether any alternatives have been considered to meet the appellant's needs in this respect. Whilst I attach significant weight to the above factors, I do not consider that they outweigh the harm identified.

Conclusions

12. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 27 February 2014

by **C J Leigh BSC(HONS) MPHIL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 March 2014

Appeal Ref: APP/Q1445/D/14/2211967

6 Woodview Close, Brighton, BN1 9GH

- 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 S Mills against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03414 was refused by notice dated 3 December 2013.
 - The development proposed is a two storey side and rear extension.
-

Procedural matters

1. The content of the National Planning Practice Guidance has been considered but in light of the facts in this case the Guidance does not alter my conclusions.

Decision

2. The appeal is dismissed.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal property lies at the end of a short terrace of modern housing within a wider residential estate. The terrace is raised up above Woodview Close and the adjoining access road to a garage court that lies to the west. The location of the proposed extension is visible from public viewpoints, including along the access to the garage court (which provides a pedestrian route through to housing further westwards).
5. There is a large side and rear garden to the appeal property, with an angled boundary. The proposed extension is an unusual shape to fit this boundary, and would be two storeys high and 500mm from the northern boundary. Whilst the size of the side and rear garden indicate that an extension may be possible to No. 6, the sheer scale, form and proximity of the proposals in the submitted drawings appear excessive and out of character with the area.
6. The appearance of the extension would be discordant with the host property and imposing upon the wider area, due to the proximity to the boundary and the shape of the extension, which would project to the side and appear to wrap around in an oddly angular form to the rear. Both of these matters would be emphasised by the elevated position of the extension.

7. The proposals would therefore cause harm to the character and appearance of the surrounding area. This would be contrary to Policy QD14 of the Brighton & Hove Local Plan 2005, which states that planning permission will only be granted for extensions to existing buildings if, amongst other matters, it is well designed and sited in relation to the property and the surrounding area. The proposals would also conflict with the objectives contained in the Council's Supplementary Planning Document 12: Design Guide for Extensions and Alterations 2013, which resists side extensions that are poorly designed. The appeal is dismissed accordingly.

C J Leigh

INSPECTOR



Appeal Decision

Site visit made on 3 March 2014

by **J L Cheesley BA(Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 March 2014

Appeal Ref: APP/Q1445/D/14/2212385

25 Harrington Villas, Brighton, East Sussex BN1 6RG

- 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 Dr Steve Singh against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/02881 was refused by notice dated 1 November 2013.
 - The development proposed is removal of part boundary wall to enable creation of car park space and crossover. Approx size 3m x 5.6m.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposal on the character and appearance of the Preston Park Conservation Area.

Reasons

3. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability, at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
4. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. Saved Policy HE6 in the Brighton and Hove Local Plan 2005, seeks to preserve or enhance the character or appearance of a conservation area. I consider that this policy is broadly in accordance with the Framework as far as it meets the Framework's core principles; particularly that planning should be seeking to conserve heritage assets in a manner appropriate to their significance.
6. Guidance in the Councils Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD 12) (2013) states that the loss of original boundary walls that contribute to the character of a conservation area will be resisted. Guidance in the Councils Supplementary Planning Document: Architectural Features (SPD 09) (2009) does not allow the partial demolition of boundary walls in conservation areas.
7. The appeal site lies within the Preston Park Conservation Area, a designated heritage asset. This area comprises predominantly residential property dating

mainly from the mid to the late 19th century. A distinct characteristic of this part of the conservation area is the front boundary treatment comprising low red brick garden walls and pillars. Even though there are some driveways and garages, parking is primarily on street, rather than within the residential curtilages.

8. The appeal property is a traditional semi-detached dwelling with characteristic front boundary wall and pillars. The proposal would remove part of the boundary wall to allow for on site parking. From my observations, the removal of part of the traditional wall would unbalance the appearance of this pair of semi-detached properties. Due to its height, traditional design, and sense of enclosure, I consider the wall makes a positive contribution to the character of the Conservation Area. Thus, the demolition of part of this wall would not preserve the character or appearance of the Conservation Area, but this would be less than substantial harm as set out in the Framework.
9. The provision of one off street parking area would make minimal contribution to parking provision in the area. Thus, I consider it would provide little public benefit. Having regard to the Framework I find for the above reasons that the harm is not outweighed by any public benefit.
10. In reaching my conclusion, I have had regard to all other matters raised, including on site parking provision at some nearby residential properties. I note that none is directly comparable to the proposal before me, which I have considered on its individual merits. Others are primarily parking areas to the side of dwellings or garages, rather than parking places in front of the front elevations of dwellings.
11. I conclude that the proposal would have an adverse effect on the character and appearance of the Preston Park Conservation Area. This would be contrary to saved Policy HE6, and guidance in SPD 09 and SPD 12.

J L Cheesley

INSPECTOR



Appeal Decision

Site visit made on 3 March 2014

by J L Cheesley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 March 2014

Appeal Ref: APP/Q1445/A/13/2205434

16 Bankside, Brighton, East Sussex BN1 5GN

- 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 M Deller against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/01522, dated 14 May 2013, was refused by notice dated 25 July 2013.
 - The development proposed is erection of three-storey detached dwelling to the rear of 16 Bankside, with formation of access from Highbank.
-

Costs

1. An application for costs was made by Mr M Deller against Brighton and Hove City Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a three-storey detached dwelling to the rear of 16 Bankside, with formation of access from Highbank at 16 Bankside, Brighton, East Sussex BN1 5GN in accordance with the terms of the application, Ref BH2013/01522, dated 14 May 2013, subject to the conditions attached as Annex 1 to this Decision.

Main Issues

3. I consider the main issues to be:

the effect of the proposal on the character and appearance of the surrounding area; and

the effect of the proposal on the living conditions of occupiers of residential properties in Bankside, with particular reference to visual impact and privacy.

Reasons

4. The appeal site is a rear garden in a primarily residential area where local topography allows distant views. The design of the proposed dwelling has incorporated the local topography, allowing for the dwelling to cascade down the steep slope towards the rear of the dwelling at 16 Bankside. It would be of contemporary design with a high standard of sustainability.
-

5. Access would be obtained from Highbank. There is a recent contemporary dwelling adjacent to the site and other dwellings further along Highbank on this side of the road. In my opinion, a suitably designed dwelling on the appeal site would be in keeping with the residential character of the area and in particular, of this row of dwellings.
6. From Highbank the view would be of what would appear to be a discrete single-storey garage structure. This would be similar in scale to the dwelling at 21 Highbank adjacent to the appeal site. Due to its siting, design and scale, I consider that the proposal would be in keeping with the character and appearance of the surrounding streetscene in Highbank and would not have an adverse visual impact on neighbours in Highbank.
7. I note that the white rendering on the adjacent dwelling at 21 Highbank appears stark within its setting, particularly from distant views. The proposed dwelling would be rendered. The cascade design would break up the rear elevation to some extent. In order to ensure compatibility with the wider setting, I consider it reasonable and necessary to impose a condition regarding the colour of rendering, to ensure strategic views are not compromised.
8. Reference has been made to the need for a 21 metre separation distance specified by the Inspector with regard to the adjacent dwelling at 21 Highbank. The Council has acknowledged that boundary treatment would largely eliminate overlooking from ground floor windows of the new dwelling to neighbouring properties. I have been provided with a drawing showing the separation distance between the intermediate floor and the dwelling at 16 Bankside to be 21 metres and with the upper floor to be 22.15 metres. From my observations, I consider that this would provide sufficient separation distance between the dwellings in Bankside and the parking area and bedrooms on the intermediate floor at the proposed dwelling.
9. For the above reasons and having taken into consideration all matters raised upon which I have not specifically commented, I conclude that the proposal would be in keeping with the character and appearance of the surrounding area and would not have an adverse effect on the living conditions of neighbours. Thus, the proposal would be in accordance with saved Policies QD1, QD2, QD3, QD4 and QD27 in the Brighton and Hove Local Plan 2005, where these policies seek a high standard of design, seek to enhance the positive qualities of an area and seek to protect residential amenity. I consider that these policies are broadly in accordance with the National Planning Policy Framework as far as they meet the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area; should be seeking to ensure high quality design and seeking a good standard of amenity for all existing occupants of land and buildings.

Conditions

10. Apart from a standard time condition, external materials condition and condition regarding conformity with the plans, the Council has suggested ten conditions.
11. I consider it reasonable and necessary to impose conditions restricting permitted development to protect neighbouring amenity. It is not necessary to

impose conditions regarding refuse and cycle storage as the plans, to which the development must conform, provide sufficient detail.

12. In the interest of sustainability and the living conditions of future occupiers, I consider it reasonable and necessary to impose conditions regarding Sustainable Homes and Lifetime Homes. The appellant has indicated that the proposed dwelling would be constructed to Level 5 of the Code for Sustainable Homes. The appellant has indicated that the dwelling would comply with all relevant provisions of Lifetime Homes. Therefore, the conditions will specify these.
13. In the interest of visual amenity, I consider it reasonable and necessary to impose landscaping conditions, but see no reason for a condition regarding parking at the front of the property.
14. I have amended the suggested conditions where necessary to accord with the principles in Circular 11/95.

J L Cheesley

INSPECTOR

Annex 1

Conditions to be attached to planning permission Ref: BH2013/01522.

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted, (including the colour of the render, paintwork and colourwash), have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) The development hereby permitted shall be carried out in accordance with the approved plans on Drawing numbers: 01.1303561, 02.1303561, 03/1303561, 04/1303561, 05/1303561, 06/1303561, 07/1303561, 08/1303561, 09/1303561, 10/1303561, 11/1303561, 12/1303561, 13/1303561, 14/1303561 and 15/1303561.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other external alteration to the dwelling house hereby permitted shall be

- carried out without the prior grant of planning permission from the local planning authority.
- 5) 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, roof lights or doors other than those expressly authorised by this permission shall be constructed without the prior grant of planning permission from the local planning authority.
 - 6) The dwelling shall achieve Level 5 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 5 has been achieved.
 - 7) The dwelling hereby permitted shall be constructed to Lifetime Homes standards.
 - 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of 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.
 - 9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation. All hard landscaping and means of enclosure shall be completed prior to the first occupation of the dwelling hereby permitted.

Appeal Decision

Site visit made on 27 February 2014

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2014

Appeal Ref: APP/Q1445/A/13/2206573
38 Ship Street, Brighton, BN1 1AB

- 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 Clare Douglas against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01666, dated 23 May 2013, was refused by notice dated 25 July 2013.
 - The development proposed is a new Automatic Telling Machine (ATM) to the front elevation.
-

Procedural matters

1. The content of the Planning Practice Guidance has been considered but in light of the facts in this case the Guidance does not alter my conclusions.

Decision

2. The appeal is dismissed.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the Old Town Conservation Area, within which the appeal site lies.

Reasons

4. The premises the subject of this appeal lie within a street with an attractive character of buildings and shop fronts having a predominately traditional character and form; although there is a modern shop front to the north, that is an exception and somewhat divorced from the character of Ship Street since it turns the corner into North Street and more obviously forms part of the character to that street. The shop front at the appeal premises is of a good quality and, together with its nearby neighbours along Ship Street that similarly have a traditional character, is a positive feature to the locality. It therefore plays a positive role in the Old Town Conservation Area.
5. The proposed development would see the removal of a pane of glazing and the installation of an ATM. This would introduce an unattractive and unwelcome feature in the shop front by creating a disruption in the existing consistent facade and a void through the bulky design of the ATM. This would be readily visible in the wider area and would appear jarring, with an imbalance created to the group of properties within which the appeal site lies. The fact that the frame of the glazing would not be altered does not change the visual impact

and disruption to the shopfront that would arise. Clear harm would be caused to the character of the street.

6. I note the appellant's reference to a planning permission granted by the Council at a property in Trafalgar Street, which included the installation of an ATM. I note, though, that the development permitted in that instance was for the installation of a new shop front along with the relocation of an ATM machine, rather than the insertion of an ATM machine into an existing traditional shopfront, as is the case in the current appeal. The two cases are thus not directly comparable; I have determined this appeal on its own merits and my findings remain unaltered by the facts of the other case.
7. My conclusion on the main issue is therefore that the proposed development would be harmful to the character and appearance of the surrounding area. This would be contrary to Policies QD14 and HE6 of the Brighton & Hove Local Plan 2005, which grants planning permission for alterations to existing buildings if, amongst other matters, they are well designed in relation to the property and the surrounding area, and where the character and appearance of a conservation area is preserved or enhanced. The appeal is dismissed accordingly.

C J Leigh

INSPECTOR



Appeal Decision

Site visit made on 27 February 2014

by **C J Leigh BSC(HONS) MPHIL MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2014

Appeal Ref: APP/Q1445/A/13/2203071

42 Wilbury Villas, Hove, East Sussex, BN3 6GD

- 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 K Peach against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/01576, dated 13 May 2013, was refused by notice dated 4 July 2013.
 - The development proposed is a fence around part of the perimeter of the garden, being 1.8m high with trellis on top.
-

Procedural matters

1. The fence the subject of this appeal has been erected. The appeal premises are used as a children's day nursery.

Decision

2. The appeal is allowed and planning permission granted for a fence around part of the perimeter of the garden, being 1.8m high with trellis on top at 42 Wilbury Villas, Hove, East Sussex, BN3 6GD in accordance with the terms of the application, ref BH2013/01576, dated 13 May 2013, subject to the development being carried out in accordance with the following approved plans: site location plan & 2013/0020-01B,

Main issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Character and appearance

4. The appeal property is a large building set at the end of Wilbury Villas, at the junction with The Upper Drive and Old Shoreham Road. The character of this part of Wilbury Villas is notably different from the rest of the road to the south. There is a greater degree of openness caused by the large and busy road junction area with the meeting of roads, whilst the school to the north introduces a more institutional feeling to the area. Houses close to the appeal site on the western side of The Upper Drive are also different in character. Due to the location and height of the appeal premises at the junction of the roads, the building has a high degree of prominence in the area.

5. The fence that has been installed can be seen in views along the roads in the area. It is taller and runs for a longer length than most boundary treatments along Wilbury Villas. However, there are some examples of tall boundary treatments in the wider area, including fences and walls. The fence it is not intrusive to the appearance of that road due to the location of the appeal site at the end of Wilbury Villas, and adjoining a busier area that is less domestic in character. The appearance and proportions of the fence are not intrusive in the area, or dominant to the host property. The height is not excessive and the design a simple timber fence.
6. The development is therefore consistent with guidance contained in Policies QD2 and QD14 of the Brighton and Hove Local Plan 2005, the general thrust of which is to ensure all new developments, including alterations and extensions, are well designed in relation to the host property and surrounding area.

Other considerations

7. The appellant has drawn my attention to the Ofsted requirement to provide safe and secure premises for children at the nursery. The fence has been installed in order to provide a secure environment for the garden, and I could see at my site visit that the height and extent of the fencing does indeed provide this. The National Planning Policy Framework states that great weight should be given to the need to alter schools (I note the appellant's point that the nursery is an early years education provider). The provision of safe premises for the nursery is therefore a consideration of great weight in favour of the development.

Conclusions and conditions

8. I have had regard to the content of the National Planning Practice Guidance, but in light of the facts in this case the Guidance does not alter my conclusions.
9. For the reasons given, and having regard to all other matters raised, it is considered that the proposed development accords with the objectives of the development plan and the Framework, and planning permission is granted.
10. The Council have not suggested any conditions in the event of the appeal being allowed, and the development has been undertaken. It is only necessary to attach a condition specifying the approved drawings in order that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning

C J Leigh

INSPECTOR



Appeal Decision

Site visit made on 27 February 2014

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 March 2014

Appeal Ref: APP/Q1445/H/13/2203015

42 Wilbury Villas, Hove, East Sussex, BN3 6GD

- 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 Mrs K Peach against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/00572, dated 19 February 2013, was refused by notice dated 4 July 2013.
 - The advertisements proposed are one externally-illuminated post sign, one non-illuminated fence panel sign, and one externally-illuminated oval sign on north elevation of building.
-

Procedural matters

1. The advertisements the subject of this appeal have been installed. The appeal premises are used a children's day nursery.

Decision

2. The appeal is allowed and express consent for the display of the advertisements as applied for is granted. The consent is for five years from the date of this decision and is subject to the standard conditions set out in the Regulations.

Main Issue

3. The main issue in this appeal is the effect of the advertisements on the visual amenity of the area.

Reasons

4. The appeal property is a large building set at the end of Wilbury Villas, at the junction with The Upper Drive and Old Shoreham Road. The character of this part of Wilbury Villas is notably different from the rest of the road to the south. There is a greater degree of openness caused by the large and busy road junction area with the meeting of roads, whilst the school to the north introduces a more institutional feeling to the area. Houses close to the appeal site on the western side of The Upper Drive are also different in character. Due to the location and height of the appeal premises at the junction of the roads, the building has a high degree of prominence in the area.
5. The signs that have been installed on the premises are not obtrusive in the wider area. The oval sign on the building faces the area dominated by the road junction to the north, and in views within that area can be seen signs connected with other educational institutions. The positioning, size, design and illumination

of the sign is not intrusive to that character, nor harmful to the appearance of the building. The sign on the fence is modest in size and similarly not intrusive. The sign fronting Wilbury Villas is also an unobtrusive externally-illuminated sign, set back from the boundary and discretely but effectively indicating the business and the entrance to the premises.

6. The signs are not harmful to public safety, due to their position, size and design.
7. The development is therefore consistent with the objectives of Policy QD12 of the Brighton & Hove Local Plan 2005, and guidance within the Council's Supplementary Planning Document: Advertisements 2007, which seek to ensure advertisements and signs are sensitively designed and contribute to the visual amenity of the area.
8. I have had regard to the content of the National Planning Practice Guidance, but in light of the facts in this case the Guidance does not alter my conclusions. For the reasons given, and having regard to all other matters raised, consent is granted for the display of the advertisements.

C J Leigh

INSPECTOR



Appeal Decisions

Site visit made on 3 February 2014

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: 18 March 2014

Appeal A Ref: APP/Q1445/A/13/2208797

105 Church Road, Hove, East Sussex BN3 2AF

- 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 Partridge against the decision of Brighton & Hove City Council.
 - The application Ref BH2013, dated 9 September 2013, was refused by notice dated 5 November 2013.
 - The development proposed is demolition of existing vacant ancillary storage area to chemist (A1) and replacement with new single storey extension to provide A2 use (estate agents).
-

Appeal B Ref: APP/Q1445/E/13/2208806

105 Church Road, Hove, East Sussex BN3 2AF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Robert Partridge against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03137, dated 12 September 2013, was refused by notice dated 7 November 2013.
 - The works proposed are demolition of existing vacant ancillary storage area to chemist (A1) and replacement with new single storey extension to provide A2 use (estate agents).
-

Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matter

2. The Planning Practice Guidance came into force, and various previous national planning guidance documents were cancelled, on 6 March 2014. Given the nature of these proposals, those changes to the guidance framework have not affected my decision.

Main Issues

3. The main issue in Appeal A and B is whether the proposed works and development would preserve the special architectural or historic interest of the listed building and, in addition, in Appeal A only, whether the proposed development would preserve or enhance the character or appearance of the The Avenues Conservation Area.

Reasons

Listed Building

4. The appeal site is a four storey end of terrace building on Church Road at its junction with Norton Road. It is currently in use as a chemist on the ground floor with a single storey storage area, in relation to that use, accommodated at the rear. The building is grade II listed, as part of the grade II listed terrace which it terminates. The shopping terrace opposite, which has similarities in scale and design, is also grade II listed. Together they have value as a group.
5. The appeal site is at the end of an attractive shopping terrace. Its front, primary elevation reflects its commercial public purpose with decorative yellow stock brick, stone detailing, attractive bays with canopies and iron railings at first floor level. Shopfronts are generally set between rusticated piers.
6. In contrast, the building's return into Norton Road, which terminates the listed terrace, is much plainer, with light colour rendered elevations and less detailing. This reflects its secondary status in relation to the shopping frontage. The single storey element to the rear is considerably plainer again and reflects its ancillary role in relation to the rest of the building. These elements of the design add to the significance of the listed building.
7. Even though it is suggested that the single storey element to that elevation is a later addition, it has a garage door opening which is not attractive and is in a bad state of repair, it still relates appropriately to the listed building and reads as secondary to the main elevation. In addition, whilst the return has been punctuated with window openings which are a later alteration to it, these relate only to the four storey element of the listed building's return onto Norton Road, are obscure glazed and do not function as shop windows. They are plainer and read as secondary to the main shop frontage, which is confined to Church Road, and do not compromise the significance I have identified.
8. The appeal proposal would introduce a central doorway with decorative pilasters, flanked by two large windows, intended to act as shop windows, within the return elevation. This would extend the listed building's shopping frontage into Norton Road, which would diminish its original design concept. In addition, by introducing more openings and decorative detailing into the single storey element of that return, it would alter the secondary nature of the return as a whole, and the ancillary nature of the single storey element to it. I consider that the proposed shape and size of the window openings would fail to relate to the window openings on the upper floors which would result in unacceptable harm, even though they would replicate existing ground floor openings on that return. Whilst the appeal plans do not indicate the detailing of the proposed windows, suggested vertical and horizontal subdivisions would fail to relate to the proportions of the space within which the windows would sit. Whilst I am aware that the appellant indicates a willingness to amend this element of the appeal proposal, the details before me add to my concern regarding its unacceptable effect on the appeal building. In any event, the appeal proposal is unacceptable for other reasons.
9. I conclude that Appeal A and Appeal B would fail to preserve the special architectural interest of the listed building. Due to this they would fail to accord with Brighton and Hove Local Plan (2005) (LP) Policy HE1, which

promotes works that would not have any adverse effect on the architectural and historic character or appearance of listed buildings.

Conservation Area

10. The Avenues Conservation Area was developed in the late nineteenth century in general accord with a street plan designed by Sir James Knowles, which set out the primary shopping streets and those secondary to them. The buildings have reflected this, generally with the more decorative elevations and shop frontages focussing on the main shopping streets. A consistent scale of three and four storey buildings, recurring materials, architectural features and high quality design add to the Conservation Area's character and appearance. The appeal site, the listed terrace of which it forms a part, and the grade II listed terrace opposite contribute to the character and appearance of the Conservation Area.
11. As the appeal site positively contributes to the Conservation Area and I have identified that unacceptable harm would be a consequence of the appeal proposal, it follows that unacceptable harm would result to the Conservation Area. In addition, by introducing openings and decoration into the ancillary part of a secondary elevation to the terrace, on a road that does not generally have shops, it would look out of place. It would disrupt the attractive views of the return elevations of the appeal site and the terrace opposite (no's 94-108), as seen from Church Road.
12. I conclude that Appeal A would fail to preserve or enhance the character or appearance of The Avenues Conservation Area. Due to this it would fail to accord with Brighton and Hove Local Plan (2005) (LP) Policies HE6 and QD14. These, together, promote well designed extensions and alterations and development that preserves or enhances the character or appearance of conservation areas.

Public Benefits

13. Paragraph 132 of the National Planning Policy Framework (the Framework) states that great weight should be given to the conservation of heritage assets, as they are irreplaceable and any harm should require clear and convincing justification. In this case, I consider that the unacceptable harm identified to both the listed building and the Conservation Area would be notable, although in the context of the significance of those heritage assets, less than substantial in each case. Paragraph 134 of the Framework requires that where the harm identified would be less than substantial, the harm should be weighed against the public benefits of the proposal. I acknowledge that the appeal proposal would provide some jobs and raising the parapet of the rear section of the building to link in with the rest of the side elevation and its horizontal detailing may improve its appearance. However, this would not outweigh the harm identified to either the listed building or The Avenues Conservation Area and their significance as designated heritage assets.

Conclusion

14. For the above reasons, and taking all other matters raised into consideration, I conclude that the appeals should be dismissed.

R Barrett INSPECTOR



Appeal Decision

Site visit made on 21 February 2014

by **P Jarvis Bsc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 February 2014

Appeal Ref: APP/Q1445/D/14/2211791

9 Glebe Villas, Hove, BN3 5SL

- 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 & Mrs Donna M and Daniel E Clitheroe against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/03494 was refused by notice dated 9 December 2013.
 - The development proposed is erection of single storey rear extension.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposal on (a) the character and appearance of the host property and its surroundings and (b) the living conditions of the occupiers of the adjoining property, No. 11 Glebe Villas.

Reasons

3. The dwelling on the appeal site is a two-storey semi-detached traditional property, probably of Victorian age, with two-storey rear outrigger. The attached property, No. 11, is essentially a mirror image of the form and size of the dwelling on the appeal site and lies to the north.

Effect on character and appearance

4. The proposed single-storey addition would extend out from the rear of the existing two-storey rear projection but would be wider than it, albeit having the same width as the main front part of the dwelling. It would have a high, simple mono-pitch roof extending above the cill level of first floor windows.
5. The mono-pitch shaped roof would result in the inner facing wall, where it extends beyond the side wall of the rear outrigger, appearing as a rather incongruous addition with high facing wall unrelated to the design and appearance of the existing dwelling. In my view, the proposed addition would not relate well to the host property in design terms and would appear overly large and out of scale with the existing proportions of the dwelling.
6. Overall I consider that by reason of its awkward design and relative scale, the proposal would fail to complement and harmonise with the host dwelling. Thus it would conflict with policy QD14 of the Brighton and Hove Local Plan which

seeks extensions that are well designed, sited and detailed in relation to the property to be extended.

7. It would also fail to satisfy the guidance contained in the Council's Design Guide for Extensions and Alterations Supplementary Planning Document (2013) (SPD) which seeks to ensure that extensions are subordinate and respectful of the design of the host dwelling. It specifically recommends that single storey extensions should not normally be wider than that of the main house, including rear projections, and that where a pitched roof is proposed the ridge height must be visibly lower than the cill height of first floor windows. The proposed extension would not satisfy either of these criteria and in my view would result in an extension which would not appear subordinate or complementary to the host property.

Effect on living conditions of occupiers of No. 11 Glebe Villas

8. The dwelling on the appeal site lies directly to the south of No. 11 and the proposed extension would be right on the common boundary. Whilst such a relationship is not uncommon, it seems to me that by reason of the overall height of the proposal, particularly where it would be adjacent to the rear wall of the dwelling, it would be unacceptably overbearing and result in overshadowing. A significant amount of the proposal would be visible above the existing boundary feature resulting in the introduction of a bulky and intrusive form of development.
9. There are French windows in the rear elevation of No. 11 with a patio area immediately outside with pergola over. Due to the orientation of the dwellings, these areas only receive sun light in the first part of the day with the dwelling at No. 9 blocking out afternoon sunlight. The proposed extension would therefore have a significant impact on what is already a limited amount of sunlight to these areas.
10. I consider that this would result in a harmful effect on the living conditions of the occupiers of No. 11 Glebe Villas and would be contrary to LP policy QD27 which seeks to prevent development that causes loss of amenity to occupiers of adjoining properties.

Other Matters

11. I have noted the other nearby sites referred to by the appellant and the details provided of the various extensions that have been permitted. I was only able to obtain limited views from the road of these sites but having regard to the information that was available, it seems to me that none are directly comparable to the appeal site before me being of different designs and relationships with neighbouring properties. I have also noted that the proposed extension would not be readily visible in the public realm and that it would enhance the internal space of the existing dwelling. However, none of these factors outweighs the harm that I have identified.
12. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR



Appeal Decision

Site visit made on 11 March 2014

by **E A Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 March 2014

Appeal Ref: APP/Q1445/D/14/2212943

18 Middleton Avenue, Hove, BN3 4PJ

- 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 A Page against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/04196 was refused by notice dated 28 January 2014.
 - The development proposed is described as proposed first floor dormer to front elevation.
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Preliminary matter

1. On 6 March 2014 the National Planning Practice Guidance (NPPG) was published by the Department for Communities & Local Government. In relation to this Appeal the NPPG refers to the design statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.

Decision

2. The Appeal is dismissed.

Main issue

3. The main issue is the effect of the scheme on the character and appearance of the host building and the street scene.

Reasons

4. The Appeal building is located within an area of symmetrically designed pairs of semi-detached houses which are from a limited range of designs. The dwellings follow a linear street pattern and have consistent front building lines, which add to the uniformity and rhythm in the layout and appearance of the buildings and the street scene as a whole.
5. Policy QD14 of the Brighton and Hove Local Plan requires extensions to be well designed sited and detailed both in relation to the host and adjoining properties. The Council's Supplementary Planning Document 12: *Design guide for extensions and alterations* is consistent with this. It advises that roof extensions are unacceptable where they would result in an imbalance between pairs of semi-detached houses. Dormer windows should be kept as small as possible and be seen as a subordinate addition to the roof, set well in from the sides of the roof.

6. The proposed dormer window would fill almost the full width of the catslide roof and its roof would project slightly above the existing first floor eaves line. The proposed dormer would project over two metres forward of the catslide roof and the proposed window would be the same size as the ground floor window below and significantly wider than the first floor window on the southern side of the front elevation.
7. As a result of these factors the proposed dormer extension would form a dominant feature on the front elevation of the property. The proposed window would appear top heavy and the overall dormer would appear bulky when viewed from the north and immediately to the front of the site. Due to its size and dominance it would upset the symmetry of the pair of dwellings and appear unbalanced within the street scene.
8. Within Colemans Avenue front dormers set within the front catslide roofs is an established feature of that road and typically matching dormers are provided in each pair of houses. In addition, the vast majority of dormers are smaller than the dormer the subject of this Appeal. They are narrower and their eaves sit slightly below the adjacent first floor eaves line. As a result they form part of the uniformity within the street scene and do not dominate the host buildings.
9. It is noted that there is a front dormer addition on a comparable dwelling in St Keyna Avenue. However that dormer is lower, narrower and does not project as far forward as the Appeal dormer. As a consequence it sits comfortably within the roofslope, is subservient to the host building and is not dominant in the street scene. It does not have a significant impact on the overall symmetry of the pair of houses.
10. In addition to the extensions referred to above, there are a number of front extensions in the locality which have blended into the street scene with varying degrees of success. They appear to have been constructed prior to the adoption of the current Local Plan and SPD and serve to highlight how front extensions can appear overly dominant and can disrupt the rhythm of the street scene.
11. I conclude that due to both the size of the dormer and the proposed window the proposal would materially and unacceptably harm the character and appearance of the host building and the street scene. Accordingly the scheme would conflict with policy QD14 of the Local Plan and SPD12. It would also conflict with section 7 of the National Planning Policy Framework which deals with design. It states that new development should respond to local character and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. The scheme would also conflict with the NPPF which states that decisions should aim to ensure that developments should respond to local character and reflect the identity of local surroundings.

E Lawrence

INSPECTOR



Appeal Decision

Site visit made on 11 March 2014

by **E A Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 March 2014

Appeal Ref: APP/Q1445/D/14/2213305
17 Meadow Close, Hove, BN3 6QQ

- 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 R Noel against the decision of Brighton & Hove City Council.
 - The application Ref: BH2013/03488 was refused by notice dated 16 December 2013.
 - The development proposed is described as proposed two storey pitched roof side extension to form a garage at ground floor level with bedroom and en-suite over.
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Preliminary matter.

1. On 6 March 2014 the Planning Practice Guidance (PPG) was published by the Department for Communities & Local Government. In relation to this Appeal the PPG refers to the design statements set out in the National Planning Policy Framework (NPPF), which are addressed in this decision.

Decision

2. The appeal is allowed and planning permission is granted for proposed two storey pitched roof side extension to form a garage at ground floor level with bedroom and en-suite over at 17 Meadow Close, Hove, BN3 6QQ in accordance with the terms of the application, Ref: BH2013/03488, dated 9 October 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: 1222008/01 Rev.B, 1222008/04 Rev.A & 1222008/02 Rev.B.
 - 3) The materials to be used in the construction of the external surfaces of the side extension hereby permitted shall match those used in the existing dwelling.

Main issues

3. The first main issue is the effect of the scheme on the character of the street scene. The second main issue is the effect of the scheme on the living conditions of the occupiers of Les Reveurs, with particular regard to visual impact, daylight and sunlight.

Reasons

Character of the street scene

4. Meadow Close is characterised by individually designed dwellings, with varied building lines and occupying generous sized plots. The steeply sloping topography provides views over and between dwellings and together with the soft planting within the front gardens and the central grass islands within the highway, it contributes to the spacious and suburban character and appearance of the street scene.
5. Policy QD14 of the Brighton and Hove Local Plan requires extensions to be well designed sited and detailed both in relation to the host and adjoining properties. Extensions should take into account space around buildings and retain appropriate gaps between dwellings to prevent a terracing effect.
6. The Council's Supplementary Planning Document 12: Design guide for extensions and alterations is consistent with policy QD14 of the Local Plan. It advises that side extensions can cause harm by excessively filling the rhythm of spaces between dwellings to create a terracing effect and that greater care has to be taken with side extensions to ensure they assimilate well with the host building and the street scene. Gaps between buildings are usually an important component of the street scene. With this in mind the SPD advises that two storey extensions should be subservient to the host dwelling and a minimum gap of one metre left between the site boundary and the extension.
7. The proposed extension has been designed to respect the proportions and design detailing of the host dwelling. Although the two storey element would share the same front building line as the main house, it would be set behind the projecting single storey porch and front section of the garage. Overall the extension would relate well and would be subservient to the host dwelling.
8. Previously the former garage at No.17 was physically attached to the side wall to Les Reveurs and the front wall of the garage was physically attached to the main dwelling at No.17. As such the two properties were physically attached at ground floor level. With the proposal the two properties would be fully detached and would be separated by a one metre open gap. At the same time the roofs of the two properties would be hipped away from the party boundary and the dwelling at Les Reveurs is both single storey and has a very shallow pitched roof.
9. Both No.17 and Les Reveurs are positioned at a lower level to the highway and there is a tall boundary hedge around the front garden of Les Reveurs. As a result Les Reveurs is largely screened in most views within the street scene. Instead, above ground floor level there is a large open gap between the Appeal property and the two storey dwelling at No.16 Meadow Close.
10. As a result of these factors the proposed relationship between Les Reveurs and the Appeal dwelling would not appear awkward or cramped. The extension would be readily assimilated into the street scene and would respect the diverse, spacious and undulating character and appearance of the street scene.
11. It is noted that permission was granted for a similar two storey extension in 2008, although the first floor element was set in further from the boundary with Les Reveurs. With the current proposal the first floor element would be closer to the dwelling at Les Reveurs, although the ground floor element would

be further away. For the reasons outlined above the new scheme would blend in appropriately with the street scene and would comply with policy QD14 of the Local Plan and the SPD, which have been adopted since the 2008 decision.

12. The Council has suggested the imposition of a materials condition which is necessary to ensure the proposed extension blends in appropriately with the host property. It is also necessary to impose a condition which requires the development to be carried out in accordance with the approved drawings. This is for the avoidance of doubt and in the interests of proper planning.
13. I conclude on this main issue that the scheme would not harm the character of the street scene. It would therefore comply with policy QD14 of the Local Plan and the SPD. It would similarly comply with the NPPF which states that new development should respond to local character and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

Living conditions

14. The two storey element of the proposed side extension would not project beyond the front elevation of the dwelling at Les Reveurs, or more than half way along the depth of the dwelling at Les Reveurs. In addition, there are no windows in the northwest elevation of Les Reveurs. As a consequence the proposed extension would not dominate the outlook from that dwelling or its rear garden.
15. The extension would be clearly visible from the front garden of Les Reveurs, although the physical relationship between the two dwellings would be unexceptional. Also, the proposed two storey extension would be less than eight metres in depth and its roof would be both lower than that of the main house and hipped away from the boundary with Les Reveurs. As a result the extension would not be visually dominant or oppressive when seen from the front garden at Les Reveurs.
16. There are two new roof-lights on the northwest roof-slope of Les Reveurs which serve bathrooms. These roof-lights are elevated slightly above the roofline and are angled, one to the front and one to the rear of the property. In view of the fact that the proposed two storey extension would be located to the northwest of Les Reveurs, it would not have a material impact on the level of sunlight and daylight within the bathrooms concerned.
17. For these reasons I conclude on this main issue that the proposed extension would not have a materially harmful impact on the living conditions of the occupiers of Les Reveurs due to visual impact or loss of daylight or sunlight. The scheme would therefore comply with policy QD27 of the Local Plan, which seeks to ensure that new development does not harm the living conditions of the occupiers of neighbouring properties.

Conclusion

18. Having regard to the conclusions on both main issues the Appeal is allowed.

E Lawrence

INSPECTOR



Appeal Decision

Site visit made on 3 March 2014

by **J L Cheesley BA(Hons) DIPTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 March 2014

Appeal Ref: APP/Q1445/D/14/2212435

188 Hangleton Valley Drive, Hove, East Sussex BN3 8FE

- 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 Kamal Patel against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/03160 was refused by notice dated 15 November 2013.
 - The development proposed is first floor side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Whilst the proposal is for a first floor side extension, it is clear from the representations that it comprises a part single- storey, part two-storey front and side extension and associated works as outlined on the decision notice. I have determined the appeal on this basis.

Main Issues

3. I consider the main issues to be the effect of the proposal on the character and appearance of the host dwelling and surrounding streetscene.

Reasons

4. Saved Policy QD14 in the Brighton and Hove Local Plan 2005 requires the design of extensions to take account of the existing space around buildings and the character of the area. I consider that this policy is broadly in accordance with the National Planning Policy Framework as far as it meets the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area and should be seeking to ensure high quality design.
5. Guidance in the Council's Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD 12) (2013) states that two-storey side extensions should be subservient to their host building and their roof form should reflect that of the host building.
6. The appeal dwelling lies within a primarily residential area comprising 1960s/70s development in a row of similar detached properties. The proposal includes a side extension set back from the frontage behind a single-storey

front projection. The side extension would replace an existing single-storey side extension. The two-storey element would be set down from the main roof ridgeline with a flat summit and this side extension would extend beyond the rear of the existing dwelling.

7. From my observations, the subservience of the proposed side extension with regard to the front set back would be obscured by the front single-storey projection. In addition, the flat summit roof would be an incongruous addition, not in keeping with the roof design of the host dwelling. I consider these details would not be in keeping with the character and appearance of the host dwelling. This would be to the detriment of the character and appearance of the wider streetscene.
8. At my site visit, I was able to view the rear of the property from a neighbouring garden. The proposed rear elevation to the side extension would be visible to some extent from neighbouring gardens. The proposed rear projection of the side extension would fail to appear subservient. In addition, the proposed ground floor window would appear as an incongruous addition, not in keeping with the positioning of fenestration in the existing rear elevation. These would be to the detriment of the character and appearance of the existing dwelling.
9. For the above reasons and having taken into consideration all matters raised, I conclude that the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding streetscene. Thus, the proposal would be contrary to saved Policy QD14 and guidance in SPD 12.

J L Cheesley

INSPECTOR