





Brighton & Hove  
City Council

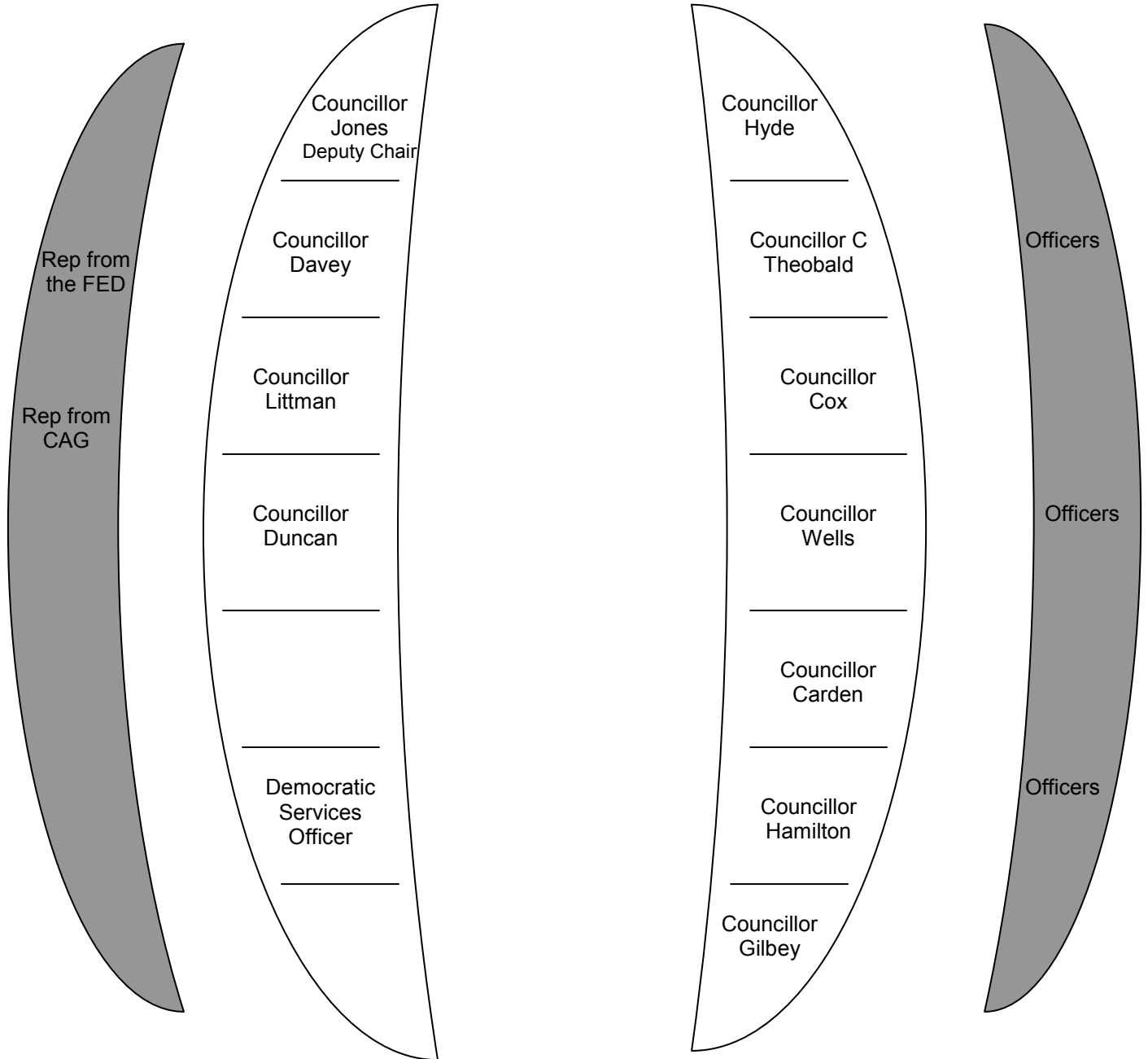
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>8 October 2014</b>
Time:	<b>2.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillors:</b> Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, Phillips, C Theobald and Wells  <b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group)
Contact:	<b>Ross Keatley</b> Acting Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk

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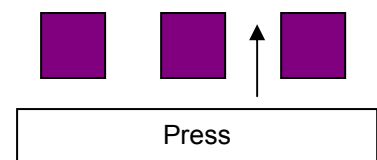
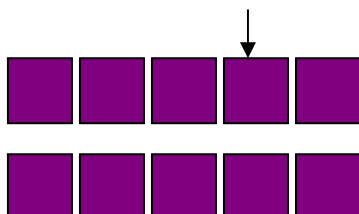
# Democratic Services: Planning Committee

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

Part One

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### 74 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

### 75 MINUTES OF THE PREVIOUS MEETING

Minutes of the meeting held on 17 September 2014 (to follow).

### 76 CHAIR'S COMMUNICATIONS

### 77 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 12 noon on 1 October 2014.

### 78 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

### 79 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 BH2013/03793 - 11B (Former Ice Rink) and 11 Queen Square, Brighton - Full Planning 1 - 30**

Demolition of former Ice Rink and number 11 Queen Square and erection of a 5no storey building providing 31no residential units (C3) and office use (B1 or A2) at lower ground floor level with associated works.

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

**RECOMMENDATION – MINDED TO GRANT**

**B BH2013/03930 - Bowling Green, Dyke Road Park, Dyke Road, Hove - Full Planning 31 - 52**

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

*Ward: Hove Park*

**RECOMMENDATION – MINDED TO GRANT**

#### MINOR APPLICATIONS

**C BH2014/01523 - Symbister Road, Portslade - Full Planning 53 - 74**

Demolition of existing building and erection of a part three/part four storey building to form 9no flats incorporating communal garden to rear and 4no off street parking spaces to the front.

*Ward: South Portslade*

**RECOMMENDATION – MINDED TO GRANT**

## PLANNING COMMITTEE

- D BH2014/01015 - 12 Mallory Road, Hove - Full Planning 75 - 90**  
Demolition of existing dwelling and erection of five bedroom dwelling, detached outhouse in rear garden and associated works.  
*Ward: Hove Park*  
**RECOMMENDATION – GRANT**
- E BH2014/00645 - 15 Upper Rock Gardens, Brighton - Full Planning 91 - 108**  
Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens (FP).  
*Ward: Queens Park*  
**RECOMMENDATION – MINDED TO GRANT**
- F BH2014/00646 - 15 Upper Rock Gardens, Brighton - Listed Building Consent 109 - 118**  
Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens (LBC).  
*Ward: Grant*  
**RECOMMENDATION – GRANT**
- G BH2014/01956 - Land to Rear of 28 Eastern Place, Brighton - Full Planning 119 - 136**  
Erection of 1no. four bedroom dwelling.  
*Ward: Rottingdean Coastal*  
**RECOMMENDATION – GRANT**

**80 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

- 81 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 137 - 138**  
(copy attached).
- 82 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 139 - 290**  
(copy attached)

## PLANNING COMMITTEE

**83 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 291 - 292**

(copy attached).

**84 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 293 - 294**

(copy attached).

**85 APPEAL DECISIONS 295 - 320**

(copy attached).

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

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

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

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

For further details and general enquiries about this meeting contact Ross Keatley, (01273 29-1064/5, email [planning.committee@brighton-hove.gov.uk](mailto:planning.committee@brighton-hove.gov.uk)) or email

**PLANNING COMMITTEE**

[democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk).

Date of Publication - Tuesday, 30 September 2014





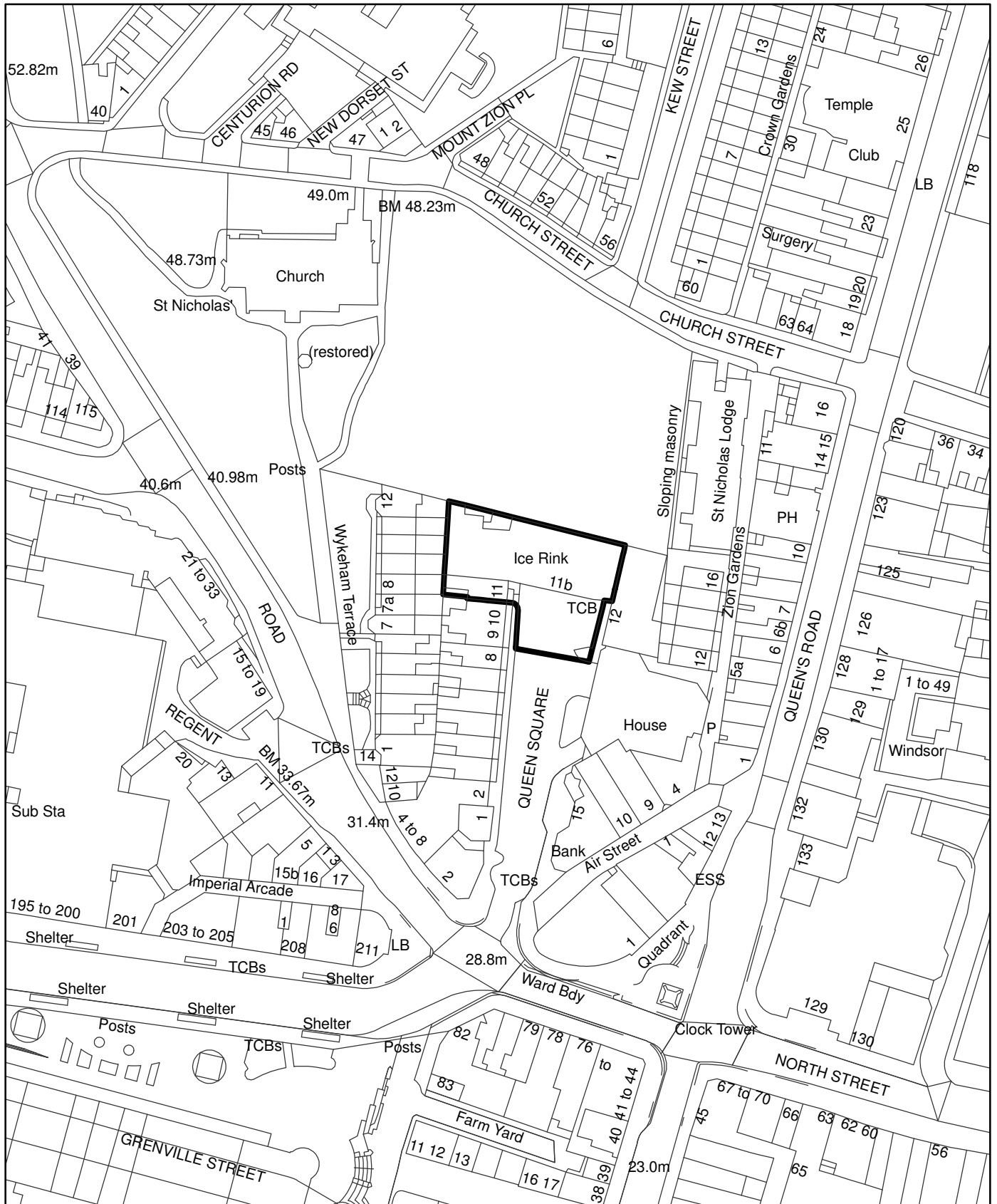
# **ITEM A**

**11B (Former Ice Rink) and 11 Queen Square,  
Brighton**

**BH2013/03793  
Full planning**

**08 OCTOBER 2014**

BH2013/03793 11B (Former Ice Rink) and 11 Queen Square, Brighton.



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2013/03793</b>	<b><u>Ward:</u></b>	<b>ST. PETER'S &amp; NORTH LAINE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>11B (Former Ice Rink) and 11 Queen Square Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of former Ice Rink and number 11 Queen Square and erection of a 5no storey building providing 31no residential units (C3) and office use (B1 or A2) at lower ground floor level with associated works.</b>		
<b><u>Officer:</u></b>	Sue Dubberley Tel 293817	<b><u>Valid Date:</u></b>	22 November 2013
<b><u>Con Area:</u></b>	Adjoining the Montpelier and Clifton Hill Conservation Areas	<b><u>Expiry Date:</u></b>	21 February 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Conran + Partners, 1st Floor, Hanover House, 118 Queens Road Brighton BN1 3XG		
<b><u>Applicant:</u></b>	Stonehurst Estates, Clive Lynton, C/O Conran + Partners 1st Floor, Hanover House, 118 Queens Road, Brighton BN1 3XG		

## 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 site is located at the far northern end of Queen Square and contains a single storey building which spans the length of the northern end of the square and a three storey office building No.11 Queen Square which adjoins the site and is located on the west side of the square. The single building has been vacant since 2003 having last been in used as an ice rink.
- 2.2 The site is situated outside of a conservation area but adjoins the Montpelier and Clifton Hill Conservation Area to the north and west of the site and is close to and visible from the West Hill Conservation Area.
- 2.3 To the rear of the site is a churchyard with St Nicholas Church, a Grade II\* listed building that dates from the late 14<sup>th</sup> century. The Churchyard also contains a number of historic tombs, several of which are listed.
- 2.4 Queen Square leads off a central junction of Dyke Road, Western Road, North Street and Air Street and is of 19<sup>th</sup> century origin. The 19<sup>th</sup> century buildings survive on the west side some of which remain in residential use. No. 12 in the north-east corner is a former 19<sup>th</sup> century chapel that has had its façade completely remodelled in classical style. It is an undesignated heritage asset of value. The east side is occupied by the modern office building, Queen Square House.

- 2.5 Adjoining the site to the west is Wykeham Terrace, a Grade II listed building constructed 1827-830 in a Tudor-Gothic Style. It has an embattled parapet interrupted by gabled windows in a mansard roof with pointed-arched windows. It has a taller turret at its south end. The roof is enlivened by tall octagonal chimneys. It has projecting bays with corner buttresses terminating in pinnacles rising above roof level and presents an ornamented silhouette to Dyke Road. Wykeham Terrace site is cut back deeply into the hillside so that from the Churchyard it is set low in the ground and there are views onto the roofs of the houses.

### 3 RELEVANT HISTORY

The ice rink building was constructed in the early 20<sup>th</sup> century and was used as a drill hall by the Territorial Army until the 1960's. The use as an ice rink commenced during the 1970's until its closure in 2003. The building has been vacant since 2003.

The planning history for Drill Hall, 9, 10 and 11 Queen Square has the following entries:

**BH2012/00782** Demolition of former Ice Rink and number 11 Queen Square and erection of a 5no. storey 56 room serviced apartment hotel with a restaurant/café at lower ground floor level and associated ancillary facilities, incorporating creation of outside seating area, new service area, 3no. car parking spaces and cycle spaces. Approved 31/10/2012.

**BH2011/03227:** Demolition of former Ice Rink and number 11 Queen Square and erection of a 5no. storey serviced apartment hotel with a restaurant/café at ground floor level and associated ancillary facilities, incorporating creation of outside seating area, new service area, 3no. car parking spaces and cycle spaces. Withdrawn.

**70/1728:** Use for recreation and admin purposes (amended). Granted 29/09/1970.

**70/147:** Recreational and administrative purposes. Granted 17/02/1970.

### 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the former Ice Rink and number 11 Queen Square and erection of a 5no storey building providing 31no residential units (C3) and office use (B1 or A2) at lower ground floor level with associated works.

- 4.2 The accommodation would comprise of 31 units:

- 14 x 1 bed flats
- 15 x 2 bed flats
- 2 x 3 bed flats

On the ground floor there would be 213sqm of commercial space for use as either A2 or B1 office use.

- 4.3 The design of the proposal is for a modern five storey building, at lower ground floor the building would be cut into the gradient as the land slopes upwards towards the application site. The upper floors on the front south elevation have been designed with a vertical emphasis with floor to ceiling glazed windows and balconies and doors with glazed balcony railings. The front elevation incorporates a visual break in the building at ground and first floor levels towards the western end, which allows a view through to the churchyard. A vertical feature photovoltaic panel spanning four floors is also proposed. The top storey is set back and has been designed as a glass pavilion with a frameless balustrade surrounding the roof terrace. The front elevation is shown as white painted render on the upper floors with brickwork and glazing to the ground floor office.
- 4.4 The rear north elevation which faces onto the churchyard has a more horizontal appearance with large windows that include the use of coloured glazed bricks which aim to reflect the stained glass windows of St Nicholas Church. The proposed materials are a dark grey textured brick.
- 4.5 The west elevation which faces onto the rear of Wykeham Terrace is in the form of a stepped elevation. The proposed materials are brickwork and aluminium windows.
- 4.6 The east elevation is a blank elevation with a mixture of brickwork and render proposed.

## 5 PUBLICITY & CONSULTATIONS

### External

- 5.1 **Neighbours: Thirteen (13)** letters of representation have been received from **7A, 8, 9, 10, 11 Wykeham Terrace, 2 St Nicholas Road, 8 (x2), 12, 15 Queen Square, 51, flat 18 St Nicholas Lodge, Church Street, and Worple Road, London (no number given)** objecting to the application for the following reasons:
- Height, scale and bulk have increased from the previous proposal.
  - Planning guidance issued in March 2009 stated that four storeys would be the maximum acceptable height for development on the site.
  - Building should only be four storeys in height.
  - Development is described as 5 storeys but should be described as 6 storeys. Top storey is shown as hardly visible on the drawings which is misleading.
  - Currently building line has a historical precedent with each building rising in proportions as they progress up the hill. The proposed structure is at odds with this historical design and surrounding environment.
  - No access should be allowed to the roof except for maintenance.

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- Loss of stepping at 3<sup>rd</sup> floor level will result in a sheer wall causing loss of light and extreme sense of enclosure to Wykeham Terrace.
- Loss of light loss of sunlight and vistas, reducing light and visible sky to Wykeham Terrace.
- Lack of any landscaping or gardens.
- The impact on the adjoining office building 12 Queen Square is not considered in the planning statement; the eastern wall will block daylight and overshadow exiting roof lights.
- East wall will cast rainwater onto the roof of No.12, with a risk of flooding and water ingress.
- Loss of privacy overshadowing of the front of 12 Queen Square from south facing windows and balconies.
- Loss of privacy, overlooking and overshadowing of residential properties in Queen Square.
- The Square is currently 40% residential and 60% offices, the privacy and quiet enjoyment residents between 17.00 and 09.00 and over the weekend will be lost.
- Loss of privacy to residents in St Nicholas Lodge and Church Street
- Offices in Queen Square House concerned that increased congestion in the square will impact on their business. Levelling of highway and public paving in front of the new building could reduce road service area adding to congestion.
- Queen Square House has underground car parking which is used by delivery vehicles. If the development goes ahead without underground parking the square will be heavily congested with delivery vehicles.
- Unclear if car parking spaces or motorcycle spaces are remaining.
- Unclear if 3 large fixed refuse bins are remaining in the square further adding to congestion.
- If the taxi rank remains the square will become even more congested with additional traffic from the development.
- Design is out of character with the area.
- Development is an overdevelopment and will lead to 'town cramming'.
- Building will dominate south-east aspect of the churchyard and cause extensive overshadowing.
- Will ruin views from the historic St Nicholas Church towards the sea.
- Overlooking and loss of privacy for residents in Wykeham Terrace, along with an increased sense of enclosure.
- No leisure use proposed to replace the ice rink. Ideal central location for a leisure facility.
- Question if existing Victorian sewer could cope with increased demand. Proposed excavation could disturb or rupture sewers outside properties in Queen Square.

- Welcome that fact that a mixed residential scheme is now being sought rather than a hotel development.

**5.2 Regency Society: Object:**

- Welcomes the application which will provide 31 much needed new homes and is an improvement on the previous application for a hotel.
- Concerned that there is a degree of overlooking of properties to the west. Windows will overlook the gardens of Wykeham Terrace and seem superfluous and should be omitted. Also potential noise and disturbance from west facing terrace.
- Welcome the exterior design of the building which is modest self-effacing, and will fit well into a very heterogeneous context.
- Do not believe there will be a detrimental impact on the churchyard and believe the windows overlooking the churchyard have the potential to improve security.
- Regret the loss of the restaurant and proposals for enlivening Queens Square which were part of the original submission. Opportunity should be taken to investigate improvements to the square.

**5.3 Wykeham Terrace Residents Association: Object:**

- Development is too high for the surrounding area and should be one storey lower.
- The lower ground floor and upper ground floor will be too close and in parts abutting a Grade 2 listed boundary wall next to Wykeham Terrace. Concerns regarding future maintenance of the listed wall and west flank of the new build. Listed walls should remain intact and at the same height.
- Overlooking, loss of privacy to the rear of properties and gardens in Wykeham Terrace particularly the rear of no.8 and the garden of 7A, 7 Wykeham Terrace. Noise and disturbance from the proposed terraces.
- Loss of privacy from west facing windows at 2<sup>nd</sup> and 3<sup>rd</sup> floors.
- Provision for a large terrace at 4<sup>th</sup> floor albeit set back from Wykeham Terrace, this has the potential for noise and disturbance. Should be no access to flat roof areas.
- The building is too bulky, lacking in architectural merit and an overdevelopment of a small sensitive town centre site which borders a conservation area and its immediate open green spaces.

**5.4 Montpelier and Clifton Hill Association: Object:**

- Object to impact of the height and bulk on the Montpelier and Clifton Hill Conservation Area and the adjacent listed buildings. No objection in principle to a mixed office and residential development on the site.
- Development is at least one storey too high and will be an oppressive presence at the rear of the listed Wykeham Terrace. The terraces on the west elevation have potential to be very obtrusive.

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- Boundary wall should remain intact and be retained at the same height. (This was a condition of the previous planning application for a hotel on this site).
  - Height will cause an unacceptable impact on the views on and out of the conservation area such as sea views from across the churchyard and Dyke Road.
  - Concerned over the impact of the development on the mature Wych Elm tree (T04 on tree constraints plan).
  - No affordable housing.
  - Shaving half a metre off the building is not going to make it any less overbearing.
  - Use of glass, glazed brick and powder coated aluminium construction is out of keeping with the rest of the square.
  - Increase in traffic and noise and disturbance.
- 5.5 **CAG: Object:** The Group noted that they are supportive of the development of offices and flats; however feel the design of this proposal is poor and does not respect the architecture of nearby buildings. The Group believes that the building as proposed is too high and if the current design is considered acceptable, then the indented penthouse should be brought down a floor. Finally the need for the west facing windows, which overlook Wykeham Terrace was questioned.
- 5.6 **Brighton & Hove Archaeological Society: Comment:** It is possible that previous incursions into the landscape may have already terraced away archaeological deposits. However, the site is close to the location of a number of finds from the Bronze Age. The Brighton & Hove Archaeological Society would suggest that you contact the County Archaeologist for his recommendations.
- 5.7 **County Archaeologist: Comment:** The proposed development is situated within an Archaeological Notification Area defining both an area of prehistoric activity and the medieval church of St Nicholas. The site has a high potential for below ground archaeological remains and despite the likelihood that these may have been impacted by modern developments, it will be necessary to evaluate and mitigate any impacts through the application of an appropriate planning condition.
- 5.8 **District Valuation Office: Comment:** The District Valuer is of the opinion the scheme could provide 6 units (2x2 bed rent, 4x1 bed shared) this reflects 19.4% affordable housing by unit.
- 5.9 **UK Power Networks: No objection.**
- 5.10 **Environment Agency: No objection.**
- 5.11 **Southern Gas: Comment:** Information provided with map showing the location of the gas pipes in the area.



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5.12 **Southern Water:** Comment: Information provided with map showing the location of water mains and sewers in the area.

5.13 **East Sussex Fire and Rescue Service:** No objection.

**Internal:**

5.14 **Aboriculturist:** No objection subject to suitable conditions being attached to any planning consent granted.

5.15 **Access Consultant:** Comment: The layouts appear to be satisfactory in terms of Lifetime Homes. There should be 2 wheelchair accessible units but none is currently shown. Wheelchair accessible units on any floor above or below entrance level must be served by two lifts to allow for periods of maintenance or breakdown but both cores on the proposed plans show only a single lift.

5.16 **Ecology:** Support: The existing nature conservation value of the site is negligible, there is lack of any significant new nature conservation features in the development apart from the 117sqm of Sedum green roof. Options to make up for the shortfall in nature points could include the installation of bird nest boxes into the walls of the building, green walls or a more ambitious habitat creation scheme for the green roof, which could be secured through conditions.

5.17 **Environmental Health:** Support Conditions have been recommended for potentially contaminated land; delivery and collection times and sound insulation.

5.18 **Education:** Support: Would seek a contribution towards the cost of providing educational infrastructure for the school age pupils this development would generate. In this instance a contribution of £40,298.40 in respect of primary and secondary education. The closest primary school to the development is St Pauls CE Primary School which currently has no surplus capacity. The next closest community primary schools are Middle Street Primary, St Mary Magdalene RC Primary School, St Bartholomews CE Primary School, Carlton Hill Primary, Davigdor Infant School and Queens Park Primary School. None of these schools have any surplus capacity either and it is anticipated this will be the case for the foreseeable future.

5.19 **Heritage:** Object:  
Original Plans

The principle of development on this site is welcomed and has the opportunity to enhance the appearance of Queen Square and to create a more fitting visual closure of the important view from the Dyke Road/Western Road junction. It also has the opportunity to create an active frontage, with physical links to the churchyard, and contribute towards a more coherent and attractive public realm and thereby help to create true square in place of the current cul-de-sac. The site is a very challenging for development in townscape terms as what is appropriate

in scale in Queen Square could appear over-development and over dominant in relation to the churchyard setting of St Nicholas and the setting of Wykeham Terrace.

- 5.20 As a result of its height and massing the proposed development would cause very clear harm to the setting of the grade II listed buildings of Wykeham Terrace and to the setting of the Montpelier and Clifton Hill conservation area. It may also cause harm to the setting of the grade II\* listed St Nicholas Church but this cannot be properly assessed in the absence of winter views without trees in leaf. Indeed the proposals as a whole rely greatly and unduly on the screening provided by existing trees in summer. In accordance with paragraph 134 of the NPPF the identified harm to the heritage assets is considered to be less than substantial and must therefore be judged against the public benefits of the development. Whilst there are no compensating heritage benefits there are undoubted urban design benefits arising from the redevelopment of this site and the scale of the building would provide a much more fitting visual closure to Queens Square. In design terms the building is somewhat modest and a more informal and graded approach to the fenestration of the front elevation would have been welcomed, whilst the ground floor has a cluttered appearance and does not relate well to the floors above. There are also potential public realm benefits that could be achieved for Queen Square but none have been included with the application.
- 5.21 There may well be other, wider public benefits to the scheme that may be identified by the local planning authority to be weighed against the harm to the heritage assets and the previous approval for this site will be a material consideration.

Amended plans

- 5.22 It is disappointing that that the proposals have not addressed any of the main concerns raised in the previous comments. The only revision appears to be to the ground floor of the south elevation where two narrow windows have been replaced by one larger window. This is considered to be a modest improvement. The revised tracking views have helped to clarify the changes to the scheme and the impact that those changes would have on key views and on the settings of the heritage assets. The line of proposed development on these views does now appear to correspond with the plans. The revised views clarify that, whilst the slight reduction in height is welcome, the overall bulk and massing of the development would be greater and it would have less of a stepped appearance at the western end and therefore a more abrupt visual relationship with Wykeham Terrace. The increased footprint of the 4<sup>th</sup> floor would result in a less elegant profile and greater massing when seen from the south looking towards Queen Square and would also result in a greater bulk and massing when seen from St Nicholas churchyard and from Church Street, within the conservation area. The effect would be that the 4<sup>th</sup> floor would appear more as a continuation of the third floor than as a discreet and subsidiary termination of the building.

- 5.23 **Housing:** Comment: No issues under the Housing Act
- 5.24 **Planning Policy:** Support: The principle of the proposed development and loss of the ice rink is acceptable in policy terms, however note should be taken of the conclusions from the District Valuer regarding the proposed level of affordable housing, as this currently raises a significant concern.
- 5.25 **Public Art:** Comment: The public art element for this application is to the value of £16,200.
- 5.26 **Sustainability:** Support: Approval is recommended with conditions.
- 5.27 **Sustainable Transport:** Support: The application is acceptable subject to a S106 contribution and conditions as described in the main comments.

## 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
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – Street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO2	Affordable housing – ‘windfall sites’
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas
EM5	Release of redundant office floorspace and conversions to other uses
EM6	Small industrial, business units and warehouse units
SR1	Loss of indoor recreation facilities

#### Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH15	Tall Buildings

#### Supplementary Planning Documents:

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

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

SS1	Presumption in Favour of Sustainable Development
CP17	Sports provision

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, design and impact on adjoining Conservation Areas, and adjoining listed buildings, impact upon neighbouring amenity, transport and sustainability.

### **Principle of development on the site:**

- 8.2 The use of the site for residential development is considered acceptable in this location as there are existing residential units in Queen Square and in nearby Wykeham Terrace and the area is in mixed residential and commercial use. The proposed density and mix of unit sizes is considered to be appropriate for the city centre location and is an efficient use of the site, thereby conforming with Policy HO3 of the Local Plan.
- 8.3 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 (24,000 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.
- 8.4 The proposed office use is compatible with existing office development on the site at 11 Queen Square and there are other existing offices within Queen Square such as Queen Square House. The application would conform with Policy EM4 of the Local Plan, relating to the provision of new business uses on unidentified sites. It is also considered to meet the requirements of Policies CP2 and CP3 of the Submission City Plan, by bringing forward new modern employment floorspace in a prime central Brighton location.
- 8.5 The principle of the redevelopment of the site has also been established by the extant planning permission on the site (BH2012/00782) for a 56 room serviced apartment hotel with a restaurant/café at lower ground floor level and associated ancillary facilities.
- 8.6 The existing building on the site is of no architectural merit and currently in a state of disrepair, and its replacement in principle with an appropriately well designed building is welcomed in urban design terms.

### **Loss of existing uses on the site ice rink (D2) and offices (B1) at no.11 Queen Square office**

Ice rink (Loss of Indoor Recreation Facilities D2)

- 8.7 The previous established use of the site was as an indoor ice rink. Policy SR21 of the Local Plan relates to the loss of indoor recreation facilities. When considering a loss of indoor recreation or sporting facilities, to meet policy SR21 the applicant should demonstrate that a) there is an excess of provision within the catchment area of the facility; b) the facilities are to be replaced by improved facilities that meet the aims of the City Council's sport and recreation strategy and c) that replacement facilities are in a location as close as is practicable to existing and potential users and readily accessible by a choice of transport modes.
- 8.8 The principle of alternative uses on the site has been established through the approval of the previous application BH2012/00782 for a hotel on the site when it was argued that the proposal could also be considered against the City Council's plans to provide an ice rink at the Black Rock site adjacent to Brighton Marina. The Black Rock site is allocated for D2 use in the Local Plan (policy SR19), in the emerging City Plan (policy DA2) and is the subject of separate discussion. The ambition to provide a new ice rink at Black Rock is reiterated in the City Council's Sports Facilities Plan 2012. For these reasons when assessing the application for a hotel use on the site, it was considered that the requirements of policy SR21 were satisfactorily met and the loss of the D2 use was accepted. There have been no material changes that would change this view in the case of the current application.
- 8.9 Policy CP17 of the Submission City Plan is also relevant and states that planning permission can be granted for the loss of indoor sports facilities where the building has been demonstrated to be redundant for a sports use and marketed for at least 18 months at a price that reflects its condition and market value. The site has been closed for a period of approximately ten years, and despite being marketed over a number of years no viable proposals for it reopening to secure D2 use have been brought forward. The loss of the ice rink is therefore considered acceptable under Policy CP17.

No. 11 Queen Square (Loss of office floorspace B1)

- 8.10 The planning use of No.11 Queen Square is a B1 office and the relevant Local Plan policies are EM5 and EM6 which allow for a change of use of office space providing that series of mitigating criteria are met relating to matters such as vacancy, marketing and whether the building or site is fit for purpose. In this case however the loss of 133 sqm office floor space is being replaced by 213sqm of office (B1 or A2) use at ground floor in the new development, so there will be a net increase in employment floor space. This aspect of the proposal is therefore compliant with policy.

**Design, impact on adjoining Conservation Areas and impact on adjoining listed buildings:**

- 8.11 Local Plan policies QD1, QD2, QD4 and QD5 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. Policies state that all new development should present an interesting and attractive frontage, particularly at street level. The site is not located within a conservation area but adjoins the Montpelier and Clifton Hill Conservation Area on the north and west boundaries of the site and is close to and visible from the West Hill Conservation Area. To the rear of the site is St Nicholas Church which is Listed Grade II\* and to the west Wykeham Terrace which are Grade II listed buildings.

- 8.12 The Heritage Officer has commented that the principle of demolition and development on this site is welcomed and has the opportunity to enhance the appearance of Queen Square and to create a more fitting visual closure of the important view from the Dyke Road/Western Road junction. It also has the opportunity to create an active frontage, with physical links to the churchyard, and contribute towards a more coherent and attractive public realm and thereby help to create true square in place of the current cul-de-sac.
- 8.13 It is also recognised by the Heritage Officer that the site is a very challenging for development in townscape terms, because what is appropriate in scale in Queen Square could appear over-development and over dominant in relation to the churchyard setting of St Nicholas and the setting of Wykeham Terrace.
- 8.14 In comparison with the approved hotel application the Heritage Officer has noted that the current proposal is 0.5m lower; however the fourth floor extends further westwards and northwards than the approved scheme. There is less bulk at second floor level but greater extent at third floor. The front elevation now incorporates a visual break in the building at ground and first floor levels towards the western end, which allows a view through to the churchyard.
- 8.15 The Heritage Officer initially expressed concern that the office use proposed at ground floor level, despite the large glazed frontage, would be unlikely to provide the same street level interest or contribution to the urban realm as the approved café use. It was further considered that the proposed ground floor had a rather cluttered, informal appearance that related comparatively poorly to the upper floors. To address the concerns of the Heritage Officer, amended plans have been received and two narrow windows have been replaced by one larger window which the Heritage Officer considers to be a modest improvement. While it is noted that the ground floor may not have an active frontage in comparison with the approved scheme, the office use replaces the loss of office space at No.11 and the use is in keeping with other uses in the Square.
- 8.16 It is acknowledged that the proposed building would be seen to a greater or lesser extent from a number of viewpoints in Church Street, Dyke Road and the churchyard. These viewpoints are all within the

Montpelier & Clifton Hill conservation area and a number of the viewpoints include the listed St Nicholas Church and the listed buildings of Wykeham Terrace. The application includes a Visual Impact Assessment and initially the Heritage Officer had some concerns regarding the accuracy of the views and the changes in relation to the approved scheme. Further views have been submitted which outline both the approved and current scheme. The Heritage Officer has commented that the revised tracking views have helped to clarify the changes to the scheme and the impact that those changes would have on key views and on the settings of the heritage assets.

- 8.17 The Heritage Officer is however concerned that there are a number of viewpoints from which the development would be visible against the sky behind the distinctive and currently uninterrupted roofline of Wykeham Terrace, or would appear as a bulky mass closely adjacent to or behind this listed terrace. It is further considered that the proposals would have a profound impact on views from within and across the churchyard, arising from the scale and bulk of the development in such close proximity to it. It is acknowledged that the harmful impact of some of these views would be mitigated by the screening of unattractive modern buildings such as Queen Square House or would be partly screened by the trees. However, it is also noted that the proposals rely unduly on the screening effect of the trees and there are no winter views provided to enable an accurate assessment of this impact.
- 8.18 There are also concerns about the potential impact on the setting of the grade II\* listed St Nicholas church itself and the setting of the Montpelier & Clifton Hill conservation area. It is noted that in some views it is only the screening effect of trees in leaf that prevents it having an impact on the outline of the church.
- 8.19 The Heritage Officer has acknowledged that the existing buildings on the site are relatively low and any significantly larger building on the site will inevitably be significantly more prominent in views from the surrounding area. Some harmful impacts are clearly unavoidable if a better development of the site is to occur. A taller building would have positive impacts on the views up Queen Square which could partially offset the harm to other views. Where the building obscures Queen Square House this could be regarded as a positive enhancement of views, provided that the building itself is sympathetically and attractively designed.
- 8.20 The revised views clarify that, in comparison with the approved scheme, whilst the slight reduction in height is welcome, the overall bulk and massing of the development would be greater and it would have less of a stepped appearance at the western end and therefore a more abrupt visual relationship with Wykeham Terrace. The increased footprint of the fourth floor would result in a less elegant profile and greater massing when seen from the south looking towards Queen Square and would also result in a greater bulk and massing when seen from St Nicholas churchyard and from Church Street, within the conservation area. The effect would be that the fourth floor would appear more as a continuation



of the third floor than as a discreet and subsidiary termination of the building.

- 8.21 Overall the Heritage Officer considers that any harm to the setting of heritage assets, notably the grade II listed buildings of Wykeham Terrace, grade II\* listed St Nicholas church and the Montpelier and Clifton Hill conservation area, would only be slightly greater than under the previously approved scheme but would remain less than substantial under the terms of the NPPF. Thus the greater degree of harm needs to be set against any public benefits that the application provides.
- 8.22 In conclusion, it is acknowledged that there are Heritage concerns regarding the impact on the setting of the listed Wykeham Terrace, St Nicholas church and the Montpelier and Clifton Hill conservation area and that similar views were expressed in assessing the hotel application. It is however considered that the application offers significant urban design benefits for the enhancement and improvement of Queen Square. The existing building on the site is of little merit and currently in a state of disrepair, and it is considered that a replacement well designed building facing onto Queen's Square and the use of traditional materials facing the Churchyard, would outweigh any adverse impacts. This was also a significant consideration in the assessment of the approved hotel application on the site. In addition the current scheme also offers much needed housing including almost 20% affordable housing and these are considered to be of sufficient benefit to outweigh any Heritage concerns.

#### **Provision of Affordable Housing**

- 8.23 Policy HO2 of the Local Plan states the City Council will negotiate to secure a 40% element of affordable housing where proposals are made for residential development of over 10 units. The application initially did not propose any affordable housing in the scheme and a viability report was submitted to demonstrate that the scheme would not be viable if affordable units were include in the application. The report was referred to the District Valuation Office for an independent assessment. The District Valuation Office did not concur with the conclusions of the viability report and concluded that the development could provide 6 affordable units at code for Sustainable Homes level 3 units which equates to just under 20% affordable (19.4%) before the scheme would become unviable. Following negotiations the applicant has now agreed to provide 6 affordable units and these could be secured through a condition. This aspect of the scheme is now considered to be policy compliant.

#### **Public Art**

- 8.24 Policy QD6 of the Brighton & Hove Local Plan requires that the proposed development makes a contribution towards the provision of public art. This provision for public art can be made through a S106 financial contribution, or through the incorporation of public art into the design of the building. In this case, public art to the value of £16,200 is appropriate.

**Education**

- 8.25 The development would generate an increase in demand for school places in the City. The closest primary school to the development is St Pauls CE Primary School which currently has no surplus capacity. The next closest community primary schools are Middle Street Primary, St Mary Magdalene RC Primary School, St Bartholomews CE Primary School, Carlton Hill Primary, Davigdor Infant School and Queens Park Primary School. None of these schools have any surplus capacity either and the Education Officer has commented that it is anticipated that this will be the case for the foreseeable future. Given that the development would increase the pressure on school places in the City and it is recommended that the S106 includes a contribution towards the cost of providing educational infrastructure for school age pupils of £40,298 in respect of both primary and secondary education.

**Impact on Amenity:**

Overlooking, loss of privacy, noise disturbance

- 8.26 In terms of the difference between the approved hotel scheme and the current application there would remain a distance of between 6m and 8m between the rear of properties in Wykeham Terrace and the development. Overall the height of the building is 0.5m lower than the approved application. The existing rear boundary wall is 5.4m high then steps up to 10m and this is set 2m further back and would be retained. The height of the new building on the west boundary facing Wykeham Terrace would start at 7m and step up 9.4m and then the building would step back to a distance of 10.3m and a height of 12.9m.
- 8.27 At third floor level the proposed building would be mostly in line with the approved scheme and set back a distance of 13.2m. However at third floor level the current scheme now includes a section which is 8.9m in length and forms part of a rear flat, which would be set 2.4m closer than that approved scheme. Nevertheless there would still retain a 10m distance from the rear of Wykeham Terrace properties, which is considered acceptable.
- 8.28 The top floor differs slightly from the approved scheme with the building now set closer to Wykeham Terrace by between 1.2 and 3.4m, however there would still be 25.8m between the rear of the nearest property in Wykeham Terrace and the top floor of the building.
- 8.29 A roof terrace is proposed on the top floor on the west side which is set some 22.4m away from the rear of Wykeham Terrace properties with small terraces on the south side. Two private terraces remain on the ground floor facing Wykeham Terrace and two other terraces are proposed at the rear ground floor level. However the west facing terraces would be screened by a 1.5m boundary wall.
- 8.30 The height and proximity of the development to properties in Wykeham Terrace is considered acceptable, given that the application relates to a

gap site in a city centre location, there is an extant permission for a building of similar height and mass, the existing boundary treatment and considering the similar scale of adjoining development in the Square.

- 8.31 In regard to windows on the west elevation facing Wykeham Terrace the application represents an improvement over the approved hotel application as it proposes 6 fewer windows at second and third floors. As with the hotel application a condition forms part of the recommendation to ensure that the windows are obscure glazed and non-opening, unless the part of the windows which can be opened are more than 1.7m above the floor of the room in which the windows are installed.
- 8.32 Although there are balconies proposed on the front south elevation and this may result in some oblique overlooking of residential properties in the Square, it would not be so significant as to justify a refusal on these grounds.

**Amenity for future occupants**

Standard of accommodation

- 8.33 The application would provide 14 x 1 bed flats, 15 x 2 bed flats and 2 x 3 bed flats. It is considered that the units of residential accommodation meet an acceptable standard of living accommodation. All habitable rooms are of an adequate size with sufficient outlook, natural light and ventilation. Each unit has access to private amenity space in the form of a balcony or terrace in compliance with Policy HO5.
- 8.34 The proposed density and mix of unit sizes is considered to be appropriate for the city centre location and is an efficient use of the site, thereby conforming with Policy HO3 of the Local Plan.
- 8.35 No outdoor recreation space is provided as part of the development. In line with Local Plan Policy HO6, a contribution of £80,895, including £12,838 towards indoor sport is acceptable and this forms part of the S106 agreement.
- 8.36 In regard to Policy HO13 the Access Consultant has commented that the layouts appear to be satisfactory in terms of Lifetime Homes.

Other issues

- 8.37 Environmental Health have commented that as there is a proposed commercial unit below and adjacent to residential premises, delivery and waste collection times need to be considered as noise from such activities could result in complaints. A condition to control the times of delivery and waste collection is recommended.
- 8.38 It is also noted that there is a combined heat and power room beneath and adjacent to bedrooms. Additionally, offices are situated beneath flats and a bike store that also shares a party wall with a bedroom. In

order to prevent noise and vibration from the non residential units affecting residential units, a soundproofing condition is recommended.

Potentially Contaminated Land

- 8.39 Environmental Health are also concerned that the application involves the demolition of a hall that has been used as a drill hall, TA centre and an ice rink and it is also adjacent to a disused graveyard. Therefore, there is some potential that localised contamination may have occurred on this site (for example, generators leaking) and a contaminated land discovery condition is recommended.

**Sustainable Transport:**

- 8.40 Local Plan policies TR1 and TR7 aim to ensure that proposals cater for the demand in traffic they create, and do not increase the danger to users of adjacent pavements, cycle routes and roads. Policies TR14 and TR19 relate to the provision of cycle and vehicular parking respectively.

Parking

- 8.41 No parking is proposed within the site. This is considered acceptable as the sustainable modes provision around the site is very good, and in addition it is considered that problems of displaced parking would not arise as the site is at the heart of the CPZ and the development could be made car free. There is no scope for disabled parking within the site but the S106 would include a contribution to shopmobility of £5000.

- 8.42 The number of cycle parking places proposed for the residential use is considered acceptable and further details would be required by condition. The office use could require at least 2/3 cycle parking places which are not provided on site and Sheffield stands would also be provided as part of the highway works in Queen Square described below.

- 8.43 The application also includes minor highway alterations in the north of Queen Square in front of the development. The main alterations are carriageway and footway resurfacing, levelling off the north west corner of the square, provision of a retaining wall to the west of the square and realignment of the existing parking bays. The Transport Officer has commented that the proposals are acceptable in principle and the applicants would be required to enter into a S278 agreement. A S106 contribution of £27,285 for further improvement works for walking, cycling, lighting and the environment in Queen Square also forms part of the recommendation.

- 8.44 The application submission also includes a framework travel plan which is considered acceptable and a condition requiring a full travel plan forms part of the recommendation.

- 8.45 In regard to the impact on the highway the Sustainable Transport Team has raised no objections as it is considered that the number of extra

vehicular trips generated would be negligible and no additional congestion would be expected to arise resulting from the development.

**Ecology/Nature Conservation:**

- 8.46 Local Plan policy QD17 states that new development should also provide new nature conservation.
- 8.47 While the Council's Ecologist agrees with the Biodiversity Checklist submitted in support of the application that the existing nature conservation value of the site is negligible, there is a lack of any significant new nature conservation features in the development apart from the 117sqm of Sedum green roof.
- 8.48 Options to make up for the shortfall in nature points could include the installation of bird nest boxes into the walls of the building, green walls or a more ambitious habitat creation scheme for the green roof, which could be secured through conditions. A condition to this effect therefore forms part of the recommendation.

**Arboriculture:**

- 8.49 While there are no trees on the development site itself, there are several in the church yard to the rear (north) of the site, including Elm trees, that may be affected by the development and should therefore be given due consideration. A number of objectors have referred to the Elm trees in the churchyard and possible detrimental effect from the development overshadowing these. The Arboriculturist has visited the site and has commented that there is one tree, a mature Wych Elm, growing particularly close to the boundary, about one metre away. It is recommended that an Arboricultural Method Statement should be submitted prior to any development commencing regarding the protection of trees in the church yard in the vicinity of the proposed development. This is to protect their root plates and prevent the storage of any building materials in the church yard. The Wych Elm mentioned above would also need to be pruned to facilitate the development. The applicant would have the common law right to cut back to their boundary, however, the Arboricultural Section have requested an informative that this operation is carried out after discussions have taken place with them.
- 8.50 In conclusion, the Arboricultural Section has no objection to this proposal subject to suitable conditions being attached to any consent granted.

**Sustainability:**

- 8.51 Policy SU2 requires efficiency of development in the use of energy, water and materials to meet this requirement SPD08 sets guidance. The commercial aspect of the scheme should achieve BREEAM 'excellent'. The applicant has submitted a Renewable Energy Feasibility Report along with a completed sustainability check list which indicates that it is their intention to meet BREEAM 'excellent'. Sustainable

features incorporated into the design include solar photovoltaic and solar hot water panels; inclusion of efficient communal combined heat and power plant (CHP); water efficiency measures; a commitment to undertake a rainwater harvesting feasibility study; green sedum roof, use of sustainable materials; some passive design measures.

8.52 In regard to the residential element of the scheme, the applicant was proposing CSH level 4. However in this case the overriding need for affordable housing in the City is considered to outweigh the sustainability issues. Therefore in order to enable the provision of 6 affordable housing units on the site and at the same time provide a viable scheme on the site, Code Level 3 is considered acceptable.

8.53 The sustainability aspect of the scheme is therefore considered acceptable and conditions to ensure that BREEAM 'excellent' and CSH level 3 are achieved forms part of the recommendation.

**Waste Management:**

8.54 A Waste Management Statement has been submitted which is considered satisfactory.

**Archaeology**

8.55 The proposed development is situated within an Archaeological Notification Area defining both an area of prehistoric activity and the medieval church of St Nicholas. The prehistoric activity includes human burials, a possible stone circle and finds of artefacts. Queen Square formed in the mid 19<sup>th</sup> century and buildings are recorded within the proposed development site on 19<sup>th</sup> century maps. The County Archaeologist considers that site has a high potential for below ground archaeological remains and it would be necessary to evaluate and mitigate any impacts through the application of an appropriate planning condition requiring a programme of archaeological works to be undertaken before any demolition or works commence on the site and an appropriate condition is included in the recommendation.

**Other considerations**

8.56 A number of objections have been received which state that the five storey building as proposed does not comply with Council policies which state that the height should not exceed four storeys. During the marketing of the site an informal planning note was prepared in 2008 to accompany the marketing details. The note included informal design guidance and four storeys was suggested as the appropriate height for the development at its highest point. The note was prepared in order to provide some informal planning guidance to assist in the disposal and development of the site and does not constitute formal council policy, which is stated in the introduction to the Note.

8.57 It is also noted that the building would also not constitute a 'tall building' as defined in the Tall Buildings SPG15. Tall buildings in SPG15 are defined as being buildings of 18m, or taller, (approximately 6 storeys),

above existing ground level. In this case the building would be 5 storeys and the height would be 16.6m from ground level.

## 9 CONCLUSION

- 9.1 There is an extant planning permission for the redevelopment of the site. The proposed redevelopment of the site would provide a modern building of an acceptable scale, mass and design. The proposed mixed residential and office use is considered to be appropriate for the location. The residential units, including 6 affordable units, would provide a much needed addition to the housing stock. The detrimental impact on some views of the listed terrace, church and adjoining conservation area is considered to be acceptable when balanced against the advantages of an appropriate, well designed scheme, while the taller parts of the building may be seen from some sensitive locations these viewpoints have already been compromised by other tall buildings such that any additional harm caused would be incremental.
- 9.2 The amenity impact of the increase in scale and mass on adjoining residential properties of the infill development is considered to be acceptable within the context of the form of neighbouring development and surrounding architecture. The traffic impact of the development is acceptable. The office element building would meet BREEAM 'excellent' and the residential units CSH Level 3.

## 10 EQUALITIES

- 10.1 The Access Consultant has confirmed that the layouts appear to be satisfactory in terms of Lifetime Homes and that there should be 2 wheelchair accessible units but none is currently shown. A condition therefore forms part of the recommendation requiring details of two wheelchair accessible units.
- 10.2 The S106 agreement would include a contribution to shopmobility.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 S106 Heads of Terms

- **Sustainable transport enhancements**, a contribution of £27,285 for highway works in Queen Square and £5000 for shopmobility.
- **Education**, a contribution of £40,298.
- **Public Art**, a contribution of £16,200.
- **Local training and employment strategy** to include a commitment to employing 20% of construction workforce from the local area.
- **Local Employment Scheme** a contribution of £15,000 towards the Local Employment Scheme.
- **Open Space** , a contribution of £80,895.
- **S278 agreement** for alterations to the highway.

### 11.2 Regulatory Conditions:

PLANNING COMMITTEE LIST- 8 OCTOBER 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
Location plan/block plan	PL-001		07/11/13
Survey plan	PL-002		07/11/13
Existing north and south elevations	PL-003		07/11/13
Existing sections AA/BB	PL-004		07/11/13
Existing section XX	PL-005		07/11/13
Proposed site plan	PL-011		07/11/13
Proposed lower ground floor	PL-012	B	25/02/14
Proposed upper ground floor	PL-013		07/11/13
Proposed 1 <sup>st</sup> floor	PL-014		07/11/13
Proposed 2 <sup>nd</sup> floor	PL-015		07/11/13
Proposed 3 <sup>rd</sup> floor	PL-016		07/11/14
Proposed 4 <sup>th</sup> floor	PL-017		07/11/13
Proposed roof plan	PL-018		13/12/13
Proposed north and south elevation	PL-019		07/11/13
Proposed east and west elevation	PL-020		07/11/13
Proposed sections AA and BB	PL-021		07/11/13
Proposed section XX	PL-022		07/11/13
Wykeham Terrace section studies	PL-023		15/11/13
Proposed north elevation	PL-024		15/11/13
Proposed south elevation	PL-025	A	25/02/14
Proposed east elevation	PL-026		07/11/13
Proposed west elevation	PL-027		07/11/13
Tree constraints drawing	LLD372/01	00	07/11/13

- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.  
**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 Brighton & Hove Local Plan
- 4) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which



## PLANNING COMMITTEE LIST- 8 OCTOBER 2014

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

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

- 5) The existing boundary walls to the north and west sides of the site shall be retained and no development shall take place until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, including details of any temporary support and structural strengthening or underpinning works have been submitted to and approved by the local planning authority in writing. The demolition and construction works shall be carried out and completed full in accordance with the approved method statement.

**Reason** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 Brighton & Hove Local Plan

- 6) No deliveries or waste collections shall occur at the premises except between the hours of 09:00 and 18:00 on Mondays to Fridays and 09:00 and 18:00 on Saturdays and not at anytime 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.

- 7) Notwithstanding the details on the approved drawings, the windows on the west elevation at first, second and third floors shall be obscure glazed and non-opening unless the part of the windows which can be opened are more than 1.7m above the floor of the room in which the windows are installed with bottom hung hinges and thereafter permanently 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.

- 8) The glass balustrade around the roof terrace shall be retained as such.

**Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1, HE3 and HE6 of the Brighton & Hove Local Plan.

- 9) 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:** Previous activities within close proximity of this site may have caused, or had the potential to cause, land contamination and to ensure that the proposed site investigations and remediation will not cause

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pollution and in accordance with policy SU11 of the Brighton & Hove Local Plan.

- 10) 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.

### 11.3 Pre-Commencement Conditions:

- 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) Unless otherwise agreed in writing by the Local Planning Authority, 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 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

- 13) 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) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan showing two of the residential units hereby approved constructed to wheelchair accessible standards. The identified units shall be completed in full prior to the occupation of the development hereby approved.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to comply with policy HO13 of the Brighton & Hove Local Plan.

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- 15) 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.
- 16) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.  
**Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 17) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in full prior to the occupation of the development hereby approved.  
**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan.
- 18) No development shall take place within the application site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.  
**Reason:** In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.
- 19) No development shall commence until an Arboricultural Method Statement has been submitted to and agreed in writing by the Local Planning Authority regarding the protection of trees in the church yard in the vicinity of the proposed development.  
**Reason:** To protect the trees which are in the vicinity of the proposed development in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 20) The proposed development shall not commence until a scheme for the details of the provision of 6 units of affordable housing, as part of the development, has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme which shall include:
- i) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

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- ii) the tenure, mix and location of the affordable units;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iv) the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria.

For the purposes of this condition 'affordable housing' has the meaning ascribed to it by the National Planning Policy Framework.

**Reason:** To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policy HO2 of the Brighton & Hove Local Plan.

### 11.4 Pre-Occupation Conditions:

- 21). The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 22) The floors and party walls between all non-residential units, including: the plant room, the office and the bike store, and any 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. Pre-completion testing of the shared floors and party walls prior to the occupation of the development shall be undertaken to ensure that the measures are in accordance with the condition.  
**Reason:** To safeguard the amenities of the future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 23) The residential units hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.  
**Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.
- 24) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM rating of 60% 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.
- 25) 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.

- 26) Prior to first occupation of the development a Travel Plan (a document setting out a package of measures tailored to the needs of the site and aimed at promoting sustainable travel choices and reduce reliance on the car) for the development shall be submitted to the Local Planning Authority. The Travel Plan shall be approved in writing prior to first occupation of the development and shall be implemented as approved thereafter. The Travel Plan shall include a process of annual monitoring and reports to quantify if the specified targets are being met, and the council shall be able to require proportionate and reasonable additional measures for the promotion of sustainable modes if it is show that monitoring targets are not being met.

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

#### 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:-

There is an extant planning permission for the redevelopment of the site. The proposed redevelopment of the site would provide a modern building of an acceptable scale, mass and design. The proposed mixed residential and office use is considered to be appropriate for the location. The residential units, including 6 affordable units, would provide a much needed addition to the housing stock. The detrimental impact on some views of the listed terrace, church and adjoining conservation area is considered to be acceptable when balanced

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against the advantages of an appropriate, well designed scheme, while the taller parts of the building may be seen from some sensitive locations these viewpoints have already been compromised by other tall buildings such that any additional harm caused would be incremental.

The amenity impact of the increase in scale and mass on adjoining residential properties of the infill development is considered to be acceptable within the context of the form of neighbouring development and surrounding architecture. The traffic impact of the development is acceptable. The office element building would meet BREEAM 'excellent' and the residential units CSH Level 3.

3. The applicant is advised that the scheme required to be submitted by Condition 20 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. Potentially contaminated land: Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on both the DEFRA website ([www.defra.gov.uk](http://www.defra.gov.uk)) and the Environment Agency website ([www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)).

5. The applicant is requested to discuss the pruning of the Wych Elm in the churchyard with the Council's Arboricultural Section prior to any works commencing on the site.

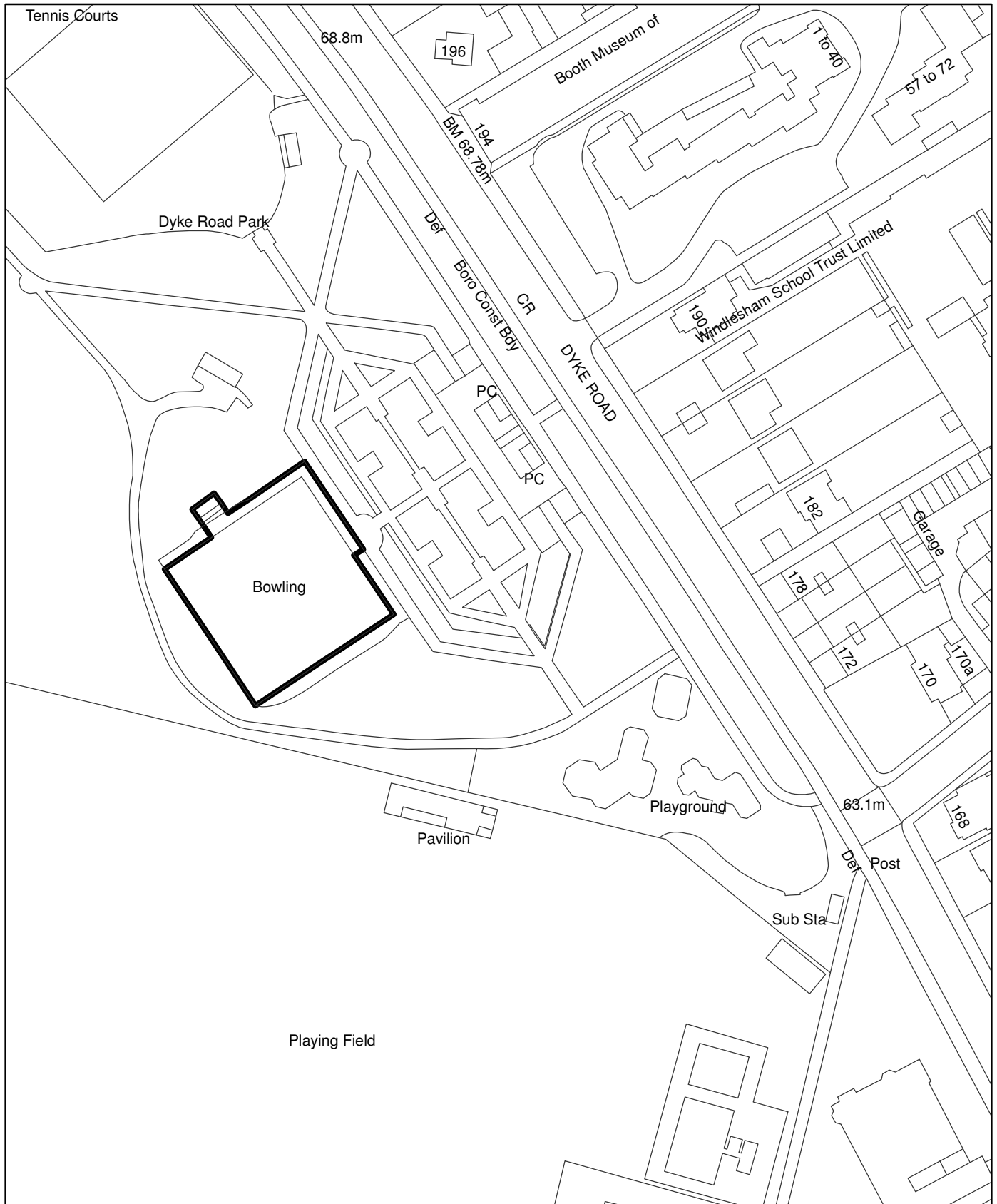
# **ITEM B**

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

**BH2013/03930  
Full planning**

**08 OCTOBER 2014**

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





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

This application was deferred at Committee on 2 April 2014 at the applicant's request for further clarification on the days of use of the proposed theatre and the maximum number of performances per month.

## 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 1444m<sup>2</sup> and the wider site, including the adjacent hut and surrounding landscape, adds a further 667m<sup>2</sup> giving the application site a total area of 2111m<sup>2</sup>.

## 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 proposal is for the proposed theatre to operate:
- from the beginning of May to end of September, 7 days a week.
  - Most performance would be held Wednesday to Saturday until 10pm (no start time specified) and Sunday matinees until 6pm, but the applicants would like the option to operate any day of the week so that performance which are cancelled due to poor weather etc can be rescheduled.
  - Maximum capacity: 425.
  - Maximum days of operation sought per month: 22.
  - Amplified music: maximum 28 times between May to September.
  - The programme will primarily be theatre and spoken word but will also include screenings and public lectures.
- 4.3 The site is owned by the City Council. The bowling green closed 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.
- 4.4 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.
- 4.5 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.
- 4.6 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 site 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. The planning application states that performances will run mainly from Wednesday to Saturday, finishing no later than 10pm. The subsequent Business Plan state that performances will usually take place Thursday to Saturday and with matinees on Sundays finishing by 6pm. The Business plan includes a calendar of events which shows that some performances may occur on Monday as well. The applicants have clarified that whilst the majority of performances are likely to be from Wednesday to Saturday they seek an unrestricted approval to give flexibility to programme performances to suit weather and other events taking place in the city. Whilst an approval is sought which does not restrict the days of use the applicants are willing to accept a limit on the maximum number of performances to 22 per month with a maximum occupancy of 425, with performances finishing no later than 10pm Monday to Saturday and 6pm on Sundays.

- 4.7 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.
- 4.8 The existing Bowling Green Pavilion, which has a floorspace of 24m<sup>2</sup>, would be used as ancillary office, providing hot desk facilities and workshop spaces for the local and visiting performers.

## 5 PUBLICITY & CONSULTATIONS

### External

#### 5.1 Neighbours:

Comments on the application as originally advertised:

**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 Comments on the re-advertised application:

**Two (2)** further letters of representation have been received from the occupiers of:

**15 Fairways, Dyke Road:** Object. Concerned about the lack of restrictions with particular respect to noise. There is no noise report. Research demonstrates a link between insufficient sleep and negative impacts on health. The hours of operation are not stated which means it would be possible to have 28 days of continuous amplified noise in the summer, when windows are open. Whilst this is not the intention it leaves the option open, therefore there must be specific conditions to control noise and times of performances. This should not be maximum decibel levels but relevant to the locations of the impact of that noise. Feel that the theatre will benefit the city but there needs to be sufficient conditions to avoid problems for neighbours.

**188 Dyke Road:** Not against the proposal in principle. Amendments are for longer and more frequent opening times and the use of amplified music for some performances which raises concerns:

- There will be an increase in audience arrivals and the number of vehicles. Question whether there has been any provision to accommodate the increase in traffic and parking which will exacerbate existing problems.
- With one or two week long performances there will be a lot of equipment and sets. How will these deliveries be dealt with?
- Amplified sound will be used a maximum of 28 times during May to September which is about a week every month. This could have serious consequences for local residents

5.3 **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.

5.4 **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 20<sup>th</sup> 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.

5.5 **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.

5.6 **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.

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

5.8 **Environment Agency:** No comment.

**Internal:**

5.9 **Environmental Health:** Following the deferment of the application a Planning Application Noise Assessment has been submitted, dated 23<sup>rd</sup> July 2014.

5.10 This application is for an open air theatre with an audience capacity of 425 people, approximately 120m from local residents. It is proposed to operate for 5 months, from early summer (May) through to late summer (September) with 22 events a month; up to 28 amplified events during the 5 months; seven days a week with a Monday to Saturday finish at 10pm and a Sunday finish at 6pm.

5.11 The information in the Noise Assessment has been summarised in tables which examine noise sources of ambient and background noise levels from crowd talking, crowd laughing both normally and loudly, and end of show clapping and cheering etc. The values used in the assessment are average sound pressure levels and even if the averages are below ambient or background noise levels, it does not mean that an event will be completely inaudible. It is quite possible that peaks of noise during an event will be heard by local residents even if the average noise level indicates there will not be a problem. There are also some gaps in the Noise Assessment, such as the sound levels of any finale's, louder crowd conversation and car door slamming etc.

5.12 From the Assessment it seems that performance noise may occasionally be noticeable, but crowd noise could be significant, particularly after 21:45 when ambient noise levels drop and background noise levels are low. Unfortunately, crowd noise is extremely difficult to control. Whilst the current location includes reasonable levels of traffic noise, it is otherwise a quiet location. Local residents are not currently subjected to frequent events in the evenings which are proposed to occur during the summer months when they are most likely to have their windows open and will be using gardens and balconies. It is not certain that events would generate noise complaints as it is accepted that there is going to be a range of different types of events with different sized crowds. However, it is considered that crowd noise in particular with talking, laughing and cheering etc, in combination with any other entertainment noise does have the potential to generate complaints especially for events that finish at 10pm. This is especially likely if inclement weather conditions result in a string of events occurring over several evenings and there is no break for the local residents from such noise.

- 5.13 Any noise complaints would be investigated under Statutory Noise Nuisance legislation and assessed according to the frequency, duration and character of the noises in question. There is the potential that noise from this venue could constitute a Statutory Noise Nuisance under the Environmental Protection Act 1990. For these reasons conditions are recommended which restrict hours of operation to between the hours of 09:00 to 21:30 Monday to Saturday and 11:00 to 18:00 Sunday, sound levels not to exceed 85dB; the number of events not to exceed to 3 per week and 2 per day with a maximum of 12 events per month, and with a total maximum number of 28 amplified events of which there should be no more than 2 per week. The restrictions are to reduce the potential for complaints and noise which would constitute a Statutory Nuisance. If over a period of time no complaints are received, it may be possible to relax these conditions. However, due to the potential range of events that could take place at this outdoor venue with little noise mitigation in place, especially for the control of crowd related noise, conditions should be stringent to start with especially as events are proposed to take place over the five months of summer, every year, when local residents will want to enjoy their gardens and balconies and have windows open.
- 5.14 The conditions would still give the organisers some of the flexibility they require to negotiate inclement weather, but it will mean that they must tightly control their scheduling. It is strongly recommended that the noisiest and largest events, including those which will involve higher levels of crowd noise and participation only occur during the day. It should also note that such conditions may not be a defence if noise complaints result in the assessment of a Statutory Noise Nuisance.
- 5.15 **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).
- 5.16 **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

750 people in any given year. 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

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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 120 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 Whilst the theatre would be mainly be in use Wednesday to Saturday, finishing no later than 10pm, and for Sunday matinees finishing no later than 6pm, the applicant ideally seeks the flexibility to programme performances to suit weather and other city events so therefore would like to operate without restrictions on the days of use. The applicants state that they would be willing to limit the number of performances to a maximum of 22 per month. Amplified events are likely to occur 28 times a year. The rest of the time the area would be open to use by the public as part of the park.
- 8.13 The Environmental Health Team consider that the use, with a capacity of 425 people, operating potentially seven days a week from May to September

(inclusive) has the potential to adversely impact on nearby residents, particularly given that the months of use are in the summer when residents will want to enjoy the use of their gardens and have windows open. Following bad weather, it is possible that there could be a string of events in a row, resulting in more than one event a day over several days. Therefore due to the close proximity of neighbours to this venue an acoustic survey was requested to assess the potential impact on local residents of noise from the proposed events and whether such noise might constitute a Statutory Noise Nuisance under the provisions of the Environmental Protection Act 1990.

- 8.14 It should be emphasised that this is a permanent outdoor installation which does not contain significant physical noise mitigation methods incorporated into it. It is also not an event that runs for only a few days. This means that if this application is granted permission, any noise problems that occur will be difficult, if not impossible, to resolve and mitigate. Some resolution of potential noise complaints may be possible by reducing the hours of the events, changing the type of events and reducing the numbers of events. The introduction of some physical screening may possibly reduce noise levels at receptors, but screening would not be effective for the upper floors of the flats opposite which would have a direct line of sight with the venue. Whilst spoken word appears to be the main type of event proposed, other productions could include amplified and unamplified music, children's events, spoken word events with unamplified and / or amplified sound effects, and visual art type installations with bass heavy sound tracks etc, may occur.
- 8.15 The diverse character of the entertainment and the varying character and size of the crowd cannot comprehensively be assessed in an acoustic report. The acoustic assessment is also difficult because a Statutory Noise Nuisance can occur even if noise complies with various standards that are used in Environmental Noise Assessments. Sporadic entertainment noise, if frequently occurring and loud enough to be noticeable and disturbing could be judged to be a Statutory Nuisance. Over the proposed five month period enough evidence might be gathered to suggest noise from the venue does constitute a Statutory Noise Nuisance and does affect the enjoyment of local residents in their homes, which includes gardens.
- 8.16 Investigation of other outdoor theatres indicates that they tend to be set up for limited runs of events and not over an entire summer. Additionally they tend to be placed further away from residential receptors, such as in the gardens of National Trust properties. Potential noise from the operation of a permanent outdoor theatre that may attract the attention of local residents includes the audience chatting, clapping, laughing, cheering and participating in the events. Such noise is almost impossible to mitigate in an open environment. In addition, other noise that could attract attention include streamed music from events elsewhere, such as Glyndebourne. The events themselves include sound effects incorporated into the event and car door slamming when people park or leave the venue. Events will therefore contain peaks and troughs of noise which will be intermittent in nature. This means they have the potential to attract attention, to annoy and to result in complaints.

- 8.17 Environmental Health have carefully considered the Noise Assessment, which includes a noise survey taken on 25<sup>th</sup> June 2014 between 21:24 and 22:04, and made a site on 21<sup>st</sup> August at 9am and noted that traffic is the main noise source in the area and when traffic levels drop, ambient noise levels also drop significantly. For clarity, ambient noise levels can be considered as the overall average noise level measured over the time period used for assessment, which is due to all noise sources in the area. Background noise levels can be considered to be the noise level measured over the time period, above which 90% of all other noise readings occur. It is the underlying level of sound that is experienced when specified events are not taking place. The time at which the survey was undertaken, 9pm to 10pm, would be when ambient and background noise levels will likely be lower and local residents will want to relax, therefore the potential impact of noise from the theatre would be at it greatest at such a time. It is noticeable that noise measurements close to the noise sensitive receptors (NSR) show that the ambient and background noise levels drop as time approaches 10pm. At the most sensitive time assessed, closest to the NSR from 21:49 to 22:04, the ambient noise level measured was 55dB(A) and the background noise level was 38dB(A). This can be considered as a quiet background noise level.
- 8.18 The consultants have split their assessment into different types of noise that will occur at the theatre, namely entertainment sound such as streaming of Glyndebourne, audience chatting, normal audience laughter and loud audience laughter. It has incorporated British Standards such as BS8233:2014 and WHO Community Noise. Environmental Health have assessed this report having regard to the above accepted standards but also with regard to issues such as will the residents hear it, has it got the potential to annoy them and could it constitute a Statutory Noise Nuisance according to the frequency, duration and character of the noise associated with the venue.
- 8.19 From their analysis Environmental Health recommends that the scheduling of the events is such that only unamplified spoken word events are held in the evenings and on Sundays. Any perceived noisier events should be held during the day. With regard to streaming of live performances from other venue controlling amplified music so that it is on average 85dB(A) on stage is easier than controlling unamplified noise where electronic control is not possible. It is judged that during the quietest period of the evening, occasional noise from the streaming of music noise at BOAT could be audible to local residents.
- 8.20 The issue of audiences chatting outside is a serious consideration particularly when ambient levels drop such as when traffic levels fall and particularly later in the evening when audience chatting will occasionally be heard by the local residents. As the evening progresses people noise will likely become more noticeable in-between the traffic noise as background noise levels fall further. Consequently it is judged that depending on the timing of events, the frequency of events and the type of events, people noise does have the potential to generate noise complaints. Late evening and Sunday events would be of particular concern. Controlling people noise, stopping them chatting and laughing, is also extremely difficult to control, if not impossible. Similarly noise

from laughter and at the end of shows will be more audible when there is a drop in traffic noise.

- 8.21 In summary, the noise assessment examines various types of noise with ambient and background noise level assumptions and concludes whilst some type of noise may not be noticeable through traffic noise, some will be very noticeable when traffic levels drop. For these reasons it is recommended that approval be granted with conditions to safeguard the amenities of nearby residents, which would still give the applicants some flexibility to schedule events. Whilst the proposed conditions restrict the number and times of performances less than sought, issues such as crowd noise, especially for events that finish at 10pm, are likely to be above ambient and background noise levels and could lead to a Statutory Noise Nuisance. The conditions could be reviewed over a period of time once the impact on residential amenity becomes evident.
- 8.22 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.

Physical alterations / waste management:

- 8.23 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.
- 8.24 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:**

- 8.25 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.

- 8.26 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.
- 8.27 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.
- 8.28 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. 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.
- 8.29 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.
- 8.30 A cycle parking scheme could also be secured by condition.

Ecology/Nature Conservation/Landscaping:

- 8.31 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

- 8.32 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 20<sup>th</sup> 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

- 8.33 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.
- 8.34 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 The main concerns relate to the use on residential amenity and the traffic implications. 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 With regard to impact on residential amenity, given the proximity of neighbours to the venue, the fact that this is a permanent outdoor venue which contains little

significant physical noise mitigation measures and the diverse character of the proposed entertainment which the applicants would like to use for up to 22 events per month, the use has the potential to be a Statutory Noise Nuisance. For these reasons it is considered necessary to apply conditions limiting the times of, and number of events. Such conditions could be reviewed once the impact on residential has been established.

- 9.4 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.  
**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 <sup>th</sup> November 2013,
Existing Block Plan and Section	4344 AD24		27 <sup>th</sup> November 2013
Photomontage	4344 AD23		18 <sup>th</sup> November 2013
Section AA	4344 AD22		18 <sup>th</sup> November



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			2013
Design and Access Statement			18 <sup>th</sup> November 2013
Noise Assessment	Acoustic Associates Sussex Ltd		12 <sup>th</sup> August 2014

- 3) No events shall occur outside of the hours of 09:00 to 21:30 Monday to Saturday and 11:00 to 18:00 on Sundays. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4) The development hereby approved shall hold a maximum of 12 performances/events per month. **Reason:** To safeguard the amenities of the locality and to ensure that the development has an acceptable impact upon the operation of the transport network and to comply with policies SU10, QD27 and TR1 of the Brighton & Hove Local Plan.
- 5) The development hereby approved shall hold no more than 3 events per week. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) The development hereby approved shall hold no more than 2 events per day. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 7) The development hereby approved shall hold no more than 28 amplified events over the period of May to September inclusive. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8) The development hereby approved shall hold no more than 2 amplified events per week. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) All events shall have a maximum  $L_{Aeq,15min}$  sound pressure level on the stage of 85dB. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 10) For all events 63Hz and 125Hz shall not respectively exceed 85dB and 80dB  $L_{Aeq,15min}$  on stage. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 11) There shall be no pyrotechnics involved in any events. **Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 12) 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.
- 13) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

- 14) 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) 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.
- 16) 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) 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.
- 18) 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.
- 19) 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:

- 20) 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.
- 21) 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.
- 22) 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 and subject to compliance with the above conditions the scheme will not have a detrimental impact on amenity.



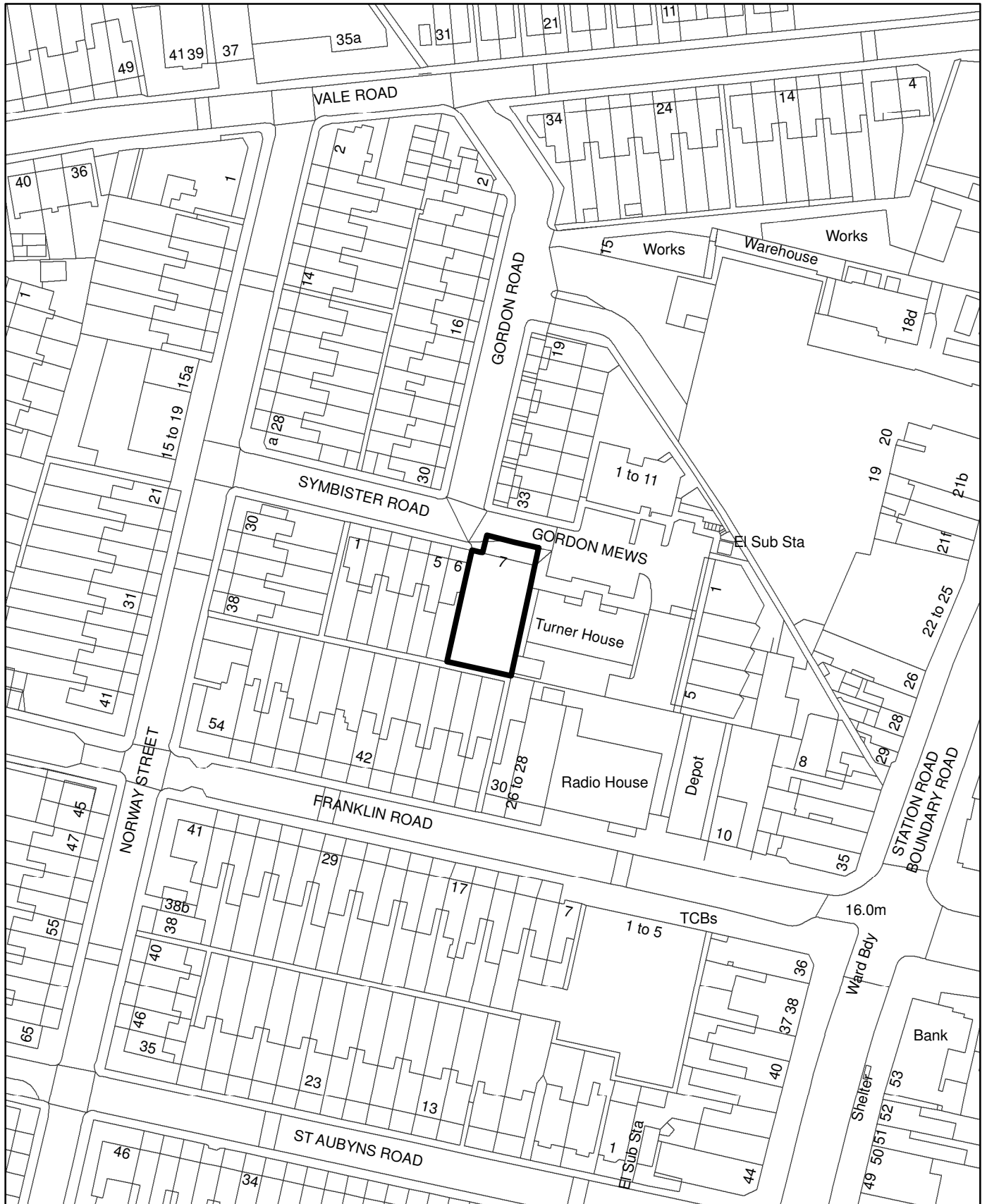
# **ITEM C**

**7 Symbister Road, Portslade**

**BH2014/01523**  
**Full planning**

**08 OCTOBER 2014**

# BH2014/01523 7 Symbister Road, Portslade



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/01523</b>	<b><u>Ward:</u></b>	<b>SOUTH PORTSLADE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>7 Symbister Road Portslade</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing building and erection of a part three/part four storey building to form 9no flats incorporating communal garden to rear and 4no off street parking spaces to the front.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	12 May 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	07 July 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Crowther Associates Architects, Pelham House, 25 Pelham Square, Brighton, BN1 4ET		
<b><u>Applicant:</u></b>	Nova Developments (UK) Limited, R Mellett, 42 Brook Street, London, W1K 5DB		

## 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 site relates to a two-storey industrial building located on the south side of Symbister Road. The building is currently vacant and in need of repairs. It was last used for the manufacture, storage and sale of office furniture. It includes a garage roller shut door to the front adjacent to stairs leading to former office space at first floor level. The site includes off street parking spaces to the front. The main section of the building is brick built with a flat roof. The other half includes a lower a glazed pitched roof. With the exception of a front forecourt area, the two buildings cover the site.
- 2.2 The building is in between a row of traditional two-storey terraced houses at 1-6 Symbister Road and to a modern four-storey block of flats at Turner House. Turner House is part of a mixed scheme at Gordon Mews comprising B1 office space and apartment blocks and houses. Boundary Road shopping centre lies to the east.

## 3 RELEVANT HISTORY

**BH2007/01172:** Demolition of existing building and redevelopment to provide a part 2.5 storey building and part 4 storey building to form a business unit (class B1 use) and 9 x 1 bedroomed flats. An appeal was lodged against a failure to give notice within the prescribed period of a decision on an application for planning permission (ref: APP/Q1445/A/07/2061105). The application was recommended for refusal by the Local Planning Authority on the following grounds:

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- Insufficient evidence had been provided to demonstrate that the premises were genuinely redundant and that alternative employment uses had been fully considered, contrary to policy EM3.
- The proposal for 9 flats, all with 1 bedroom, was not considered an inappropriate mix of units, contrary to policy HO3.
- The design of the scheme was considered inappropriate as the lower section did not relate well to the adjoining terrace. The scheme was therefore considered contrary to policies QD1 and QD2.
- The proposal did not include adequate outside private amenity space for the proposed flats contrary to policy HO5.
- The scheme failed to demonstrate that the scheme would be built to Lifetime Homes standards contrary to policy HO13.

The appeal was dismissed on the 18<sup>th</sup> June 2008.

The Inspector dismissed the appeal on the following grounds:

- The scheme was deemed inconsistent with the adopted development plan with regard to the retention or reuse of employment land.
- Deficiencies arising from the lack of housing mix.
- Inadequate internal space and external communal amenity space.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing building and the construction of a part three and part four storey building to form 9 flats. The scheme includes four off-street parking spaces for the flats at the front of the proposed building.
- 4.2 The proposal would provide the following:
- 4 x one bedroom units
  - 3 x two bedroom units
  - 2 x three bedroom units
- 4.3 During the course of the application, the scheme has been amended as follows:
- Additional marketing information was submitted to accord with the requirement of the Senior Economic Development Officer.
  - Minor amendments were received to accord with the requirements of the Council's Access Officer in respect of Lifetime Homes.
  - The plans as originally submitted referred to the adjacent block as 'Besson House'. This was amended correctly to 'Turner House'.
  - The scheme originally included second and third floor rear facing balconies. Amended plans were submitted removing the proposed balconies and replacing them with windows. A 1.8m screen was also added to the side of the first floor balcony.



## 5 PUBLICITY & CONSULTATIONS

### External

5.1 **Neighbours: Fifteen (15)** representations have been received from **Lower Flat 34 (x2), 36 (x2), 38 & 40 Franklin Road, 25, 28 & 30 Norway Street, 6 & 16 Turner House, Gordon Close, 14 Gordon Road** and **1, 2 & 5 Symbister Road** objecting the application for the following reasons:

- The proposal would lead to overlooking of the houses to the rear at Franklin Road resulting in a loss of privacy. There are already balconies on adjacent flats which result in overlooking. This scheme also includes balconies and will result in overlooking of living areas which are not currently affected. The proposal would also lead to a loss of light and outlook to the properties to the rear due to its north facing aspect.
- The flats would be similar to the adjacent flats and would have a drab and depressing appearance. There is also a lack of space between buildings.
- Concern is raised over the lack of consultation undertaken.
- The scheme is not appropriate for the area which is already overcrowded with cars making it difficult to park. Only 4 spaces are provided for 9 flats. Parking will get worse with the development of the old Infinity Food sites nearby and other sites. The area is already becoming congested due to building projects underway for new houses. This is an overdevelopment of the area.
- Local schools are oversubscribed and the local doctors surgery is already overwhelmed making it difficult to get an appointment. There are not enough local facilities to support this kind of development. How will the infrastructure be able to cope? Further development of this area could have implications for water supply and drainage.

### Internal:

5.2 **Access Advisor:** No objection.

5.3 **Economic Development Team:** No objection.

5.4 **Environmental Health:** No objection subject to the following

- A desktop study and site investigation report in respect of land contamination to be submitted to the Local Planning Authority for approval prior to commencement of works.
- A Construction and Environmental Management Plan to be secured via a Section 106 agreement.

5.5 **Housing:** No comment.

5.6 **Sustainable Transport:** No objection subject to the following:

- The applicant is expected to make a financial contribution of £3,600 to help finance off-site highway improvement schemes in the area and provide a residential travel information pack which shall include information and timetables for public transport, walking and cycling routes, city car club information and 2 years membership to the City Car Club.
- 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.

- Prior to commencement of the development, details of a scheme of works to link the existing footway on Symbister Road into the proposed forecourt area in front of the development site, as detailed in drawing number (08) 003 shall 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.

## **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

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TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

### Supplementary Planning Guidance:

SPGBH4 Parking Standards

### Supplementary Planning Documents:

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

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

SS1	Presumption in Favour of Sustainable Development
CP3	Employment Land

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the loss of the industrial unit, the design and appearance of the proposed development, impact on residential amenity, standard of accommodation, transport and highway concerns, land contamination and sustainability.
- 8.2 This application follows a previous application for the demolition of the existing building & redevelopment to provide a part 2.5 storey building & part 4 storey building to form a business unit (class B1 use) and 9 x 1 bedroomed flats (ref: BH2007/01172).
- 8.3 This application was dismissed at appeal 18<sup>th</sup> June 2008. This decision is a material consideration in the determination of this application. The applicant has addressed the reasons for the dismissal of the previous appeal as outlined below.

### **Planning Policy:**

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- 8.4 Policy EM3 of the Brighton & Hove Local Plan states that land in industrial uses will not be released for other uses unless the site has been assessed and found unsuitable for modern employment needs. Sites will be assessed to determine whether they are suitable for modern industrial purposes.
- 8.5 Sites will be assessed to determine whether they are suitable for modern industrial purposes. Reference will be made to the:
- a. location of the site;
  - b. quality of buildings;
  - c. site layout;
  - d. accessibility;
  - e. proximity to trunk routes;
  - f. other uses in the neighbourhood;
  - g. cost of demolition or refurbishment set against its future value for employment uses; and
  - h. length of time the site has been vacant and the efforts made to market the site in ways to attract different types of employment uses.
- 8.6 After assessment, sites that are genuinely redundant and do not have potential for industrial re-development will be released for re-use. Preference will be given to alternative industrial or business uses, followed by uses that meet the council's key priorities such as affordable housing.
- 8.7 In assessing the previous application for the demolition of the commercial premises, the Inspector stated that 'the site has an established industrial use, probably B8 in nature. However, the premises are old and rather outdated for modern business purposes. In places they are somewhat dilapidated and there is also evidence of water penetration and other problems.'
- 8.8 The Inspector agreed with the applicant's assessment that the building is ill suited to attract a new occupier without a very significant and, perhaps improbable, injection of investment. The appeal application proposed the retention of 166 square metres of ground floor employment space together with nine small one bedroom apartments. This resulted in a significant reduction in the existing employment floor space. The Inspector stated that applicant had not fully addressed the requirements of policy EM3 by providing substantive information or a conclusive financial assessment which addressed the potential development of the site for a more modern form of employment redevelopment.
- 8.9 The scheme was therefore dismissed at appeal partly on the grounds that the proposal was seen as inconsistent with policy EM3.
- 8.10 The current proposal is for the demolition of the existing building and the development of the site for 9 flats. The current scheme does not propose the re-provision of any employment uses on site. To comply with the requirements of policy EM3 and to address the Inspectors comments on the lack of evidence, the current scheme includes a comprehensive report on the loss of the existing commercial premises.

- 8.11 Since the appeal decision in 2008, the premises have remained vacant and the condition of the building has deteriorated further. The water penetration referred to in the appeal decision has continued resulting in further damage to the interior of the building. It is clear that the renovation of the building would require considerable investment. As stated by the Inspector in the previous appeal, a significant injection of investment into renovating the premises is unlikely given its state of repair. Additionally, the physical constraints of the site would hinder its re-use as an employment site. This includes the limited space and access available for a new build employment use.
- 8.12 In accordance with policy EM3, the scheme outlines alternative commercial uses for the site which have been considered. This includes the use of the premises for a motor business, Class B uses, retail use, Class D1 (non-residential institution), Class D2 (assembly and leisure) and Class C1 (hotels and hostels). The report addresses each of the above uses individually and states why each use would be inappropriate for this location. The main reasons why the uses would be inappropriate are as follows:
- The site is in a predominately high density residential area and would have poor vehicular access, especially for large commercial vehicles.
  - Due to the limited size of the site, any commercial use would require high site coverage with limited off site provision for car parking or forecourts.
  - Any loading or unloading could not be easily achieved and would block local traffic.
- 8.13 A separate marketing report has also been submitted with the application. The report is from Warwick Baker Estate Agent and states that the premises have been marketed since 2006. The report states that the applicant was flexible on the terms and would have accepted a letting in part or in whole. The applicant was also amenable to both short and long term lets. The marketing included an advert placed within the commercial section of the Evening Argus, a 'to let' board on the building and placing the site on the company website. The marketing resulted in a few viewings but no offers were made.
- 8.14 The Council's Economic Development Officer originally commented that whilst detailed information has been submitted regarding the loss of the commercial space, insufficient evidence had been provided regarding the marketing of the unit. The Economic Development Officer was however aware that the site had been marketed by a local agent from Shoreham-by-Sea for a sustained period of time.
- 8.15 Additional information was subsequently submitted from the applicant regarding the marketing of the site. The Economic Development Officer has commented that the additional details submitted are acceptable and confirms that the space was marketed at a very reasonable value circa £6.50 per square foot. This takes into account the location and condition of the commercial space and that at the time of marketing the agent was also offering splitting the unit into smaller space to open up a wider potential market. The Economic Development Officer also acknowledges that the location and condition of the premises are not best suited for a modern day business use.

- 8.16 Having regard to the submitted details, evidence and the comments from the Economic Development Officer, the loss of the existing commercial premises has been justified and the potential for other commercial and industrial uses has been fully explored. The scheme is therefore deemed in accordance with policy EM3.

**Provision of Housing:**

- 8.17 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.
- 8.18 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.

**Design:**

- 8.19 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.
- 8.20 Policy HO4 states that to make full and effective use of the land available, residential development will be permitted at higher density than those typically found in the locality where it can be demonstrated that the proposal exhibits a high standard of design.
- 8.21 The previous appeal for the development of the site was for part three and part four storey building. In the appeal, the Inspector considered that the existing buildings are visually unattractive and deteriorating and represent a negative component within the street scene. The proposed building considered in the appeal would be set back to respect the general building line which would be a great improvement. In addition, the building would have a varied roofline producing a transition between the flanking buildings, setting the lower part adjacent to the terraced housing to avoid over dominance. The roof detailing on the larger part of the building would also pick up on the design influence of the modern building to the east. This detailing respects the scale of adjoining buildings and results in a 'pleasing variation that would enhance the visual qualities of this part of the road.'
- 8.22 The current scheme again proposes a part three / part four development which matches the scale and form of the previous application which the Inspector found visually acceptable. The scheme differs to the previous scheme in respect of its detailing. The current scheme includes balconies to the front and

is proposed mainly in facing buff brick. This would match the buff brick on the adjacent terrace of houses at 1-6 Symbister Road. The facing elevation also includes white render and timber cladding detailing. Windows and doors are proposed in grey aluminium frames. Zinc cladding is proposed for the angled roof and a single ply membrane for the flat roof. Four off-street car parking spaces are proposed to the front of the property.

- 8.23 As with the previous scheme, the proposal sets back the building to meet the general building line and again proposes a suitable transition between the two-storey houses and the modern four-storey block of flats at Turner House. The materials proposed would also be sympathetic for the area and the proposal would match the modern design of the Gordon Mews development. The off-street parking spaces to the front of the building are also appropriate for this location as there several examples of similar off-street parking on adjacent houses and apartment blocks.
- 8.24 The current proposal would also leave space at the rear for a communal garden and would result in much less coverage of the site when compared to the existing building.
- 8.25 Overall, taking into account the previous appeal decision and the detailing of the current proposal, the scheme is deemed appropriate in respect of its design and the building would form a sympathetic and appropriate addition in the street scene.

**Standard of accommodation:**

- 8.26 Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The scheme proposes flats over four floors which would have adequate light and outlook to habitable rooms. The proposal provides a mix of suitably sized units and would provide a suitable standard of accommodation.
- 8.27 Policy HO5 requires the provision of private amenity space in new residential development where appropriate to the scale and character of the development. With the front proposed balconies and the first floor terrace to the rear, each flat to the upper floors would include a balcony. A terrace is also provided for one of the ground floor flats. These balconies and the terraces would provide private outside amenity areas for the flats. The scheme also includes a large communal rear garden which would be used an outside amenity area. The scheme would therefore be in accordance with policy HO5.
- 8.28 Policy HO13 responds to the objectives of securing housing for people with disabilities and meeting the needs of households as their occupants grow older or circumstances change. As the scheme is for new build residential, the scheme would be expected to fully meet Lifetime Homes standards.
- 8.29 The Access Officer originally commented that some minor amendments were required in order to fully comply with Lifetime Homes. The applicant has submitted additional details and confirmation that the scheme would fully meet

the Lifetime Homes requirements. The Access Officer has subsequently confirmed that the additional details have addressed his concerns and that the scheme is acceptable.

- 8.30 Policy HO3 requires new residential development to incorporate a mix of dwellings types and sizes. The proposal includes an appropriate mix of one, two and three bedroom flats and is in accordance with the policy.
- 8.31 The previous appeal was partly refused on the grounds of deficiencies arising from the lack of housing mix, inadequate internal space and external communal amenity space. As outlined above, the current scheme has addressed these concerns and would provide a suitable standard of accommodation.

**Impact on Amenity:**

- 8.32 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.
- 8.33 The existing building is approximately 6.5m high located on the south side of Symbister Road. It is located between a row of terraced houses to the west at 1-6 Symbister Road and a four-storey block of flats at Turner House. To the rear, the building fronts a small twitten separating the building from the rear gardens of two-storey houses at Franklin Road.
- 8.34 In respect of the block of flats at Turner House, there would be a gap of 1.9m between the proposed building and Turner House. The scheme would result in an increase from a two-storey building to a four storey building adjacent Turner House. The proposed building would be no higher than Turner House which is also four storeys tall. Turner House does include some small windows to the facing side elevation which would be affected by the proposed building. These windows are secondary and do not serve habitable rooms. The main windows for the flats at Turner House face to the front and rear and, given the position of the proposed building, these windows and balconies would not be significantly affected by the proposed development.
- 8.35 The new build would include side windows which could potentially overlook the existing side windows at Turner House. A condition is therefore recommended that the proposed side windows are obscure glazed and fixed shut to a height of 1.7m above the finished floor level of the rooms they would serve.
- 8.36 To the rear, the proposal includes a first floor terrace adjacent to east elevation. This terrace would be adjacent to an existing balcony at first floor level at Turner House. The proposal includes a screen wall which would stop any overlooking between the two balconies.
- 8.37 As stated, the proposed block of flats would be built adjoining 6 Symbister Road, a two storey house. The new build would align with the front of the adjacent dwelling so that the scheme would not affect the front windows of no.6. To the rear, the proposal would result in a three-storey addition which would



affect the lightwell area and rear facing windows at no.6. However, the existing building already impacts on these windows and the lightwell area. When compared to the existing building, the new build would be a significant improvement for the amenity of the occupiers of no.6. The existing building completely infills the site to the rear with a large two-storey block going right up to the rear boundary. This building is an imposing addition which significantly impacts on no.6 Symbister Road.

- 8.38 The proposed building would free up the rear of the site for a new communal garden. The new build would project 3.7m back from the rear of no.6 Symbister Road. This compares to the existing building which projects 16m along this boundary. The demolished building would be replaced by a 1.6m high wall. The removal of this bulk of building will result in a significant increase in light and outlook for the residents of no.6 and would greatly improve their amenity. The impact on the amenity of no.6 Symbister Road is therefore considered acceptable.
- 8.39 Turning to the impact on the properties to the rear, the proposal would result in a four-storey building which would be clearly visible from the rear gardens and windows of the adjacent houses on Franklin Road. There would be a distance of 24m between the facing rear elevation of 32 Franklin Road (the nearest Franklin Road property) and the proposed rear wall of the block of flats. This is a considered an acceptable distance. Given this distance, the proposal would not significantly affect the amenity of the houses to the rear in respect of loss of light, outlook or an increased sense of enclosure.
- 8.40 The proposal would result in the introduction of windows and balconies to the rear elevation which would result in some overlooking of the Franklin Road properties. The distance between the dwellings on Franklin Road and the rear elevation of the proposed building is sufficient so that the new windows would not result in an unneighbourly form of development. The proposed relationship between the properties is comparable to mutual overlooking experienced in tight urban locations as experienced in the area.
- 8.41 The scheme originally included balconies for second and third floor flats. These balconies were seen as unneighbourly. Amended plans were subsequently submitted which replaced the balconies with windows to match the rest of the rear elevation.
- 8.42 Overall, the scheme is deemed appropriate in respect of its impact on the amenity of adjacent properties and is deemed in accordance with policy QD27.

**Sustainable Transport:**

- 8.43 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. Scheme should include cycle parking for units which are secure and covered.
- 8.44 The Transport Manager has commented that the maximum car parking standard for a residential unit outside a Controlled Parking Zone is 1 space per

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dwelling plus 1 car space per 2 dwellings for visitors. Therefore for this development of 9 residential units the maximum car parking standard is 9 spaces for residents and 5 spaces for visitors. The applicant is proposing four on-site car parking spaces to the front of the property. Therefore this level of car parking is deemed to be in line with Supplementary Planning Guidance Note 4 on Parking Standards (SPG04).

- 8.45 Based on the 2011 car ownership census data this development is forecast to have on average 8 vehicles associated with the residential element. In order to assist in mitigating the potential overspill from the development the Highway Authority would look for the applicant to supply a Residential Travel Information Pack to every first resident which shall include the provision of 2 years membership to City Car club. There are existing car club bays on Worchester Villas and Hallyburton Road, in close proximity to the site. The provision of the Residential Travel Information Pack and 2 years membership for each residential unit to City Car Club is to be secured via a S106 agreement. The addition of the information pack will help alleviate the impact on parking in the area.
- 8.46 The Transport Manager has also commented that the proposals for 9 residential units would increase the total person trips associated with the development. In order to mitigate the potential increase in trips the Highway Authority would look for a contribution of £3600 to be secured via S106. This contribution would go towards sustainable transport improvements in the surrounding area.
- 8.47 In respect of cycle parking, SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 9 flats the minimum parking standard is 9 cycle parking spaces for residents and 3 for visitors (12 in total).
- 8.48 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. The Highway Authority's preference is for the use of Sheffield type stands.
- 8.49 The applicant is providing a cycle store for 9 bikes for the residential units in the communal rear garden. The exact nature of the stands is not apparent from the submitted ground floor plan. A condition is therefore recommended requiring the submission of amended details of cycle parking for the approval of the local planning authority prior to commencement of development.
- 8.50 The pedestrian access to the residential units is provided directly from Symbister Road. This section of Symbister Road from its junction with Gordon Road is a private road which is not maintained by the Council. The applicant is providing a footway around the 4 car parking spaces to the front of the property. This footway provides a suitable form of access to the building for pedestrians.
- 8.51 Overall, the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions on any permission granted and that the applicant enters into a S106 to mitigate the potential overspill car parking

(Travel Pack Information and City Car Club membership) and provides a contribution of £3600 to mitigate the forecast increase in trips to and from the site.

**Land Contamination:**

- 8.52 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.
- 8.53 Given the industrial nature of the site, the site is a classically brown field development. This application is for residential accommodation including communal gardens. Therefore, as is suitable due to the nature of the site, a Desk Study Report has been submitted with this application. This was undertaken by Geo-Environmental, dated March 2014, Ref: GE9877-DSRv1JK270314. It recommends further works are required including ground gas assessment.
- 8.54 The Environmental Health Officer has commented that the Desk Study is generally satisfactory except for a couple of points that must be included in future work on this site. Clarification is also required on specific contamination issues. Therefore, the full phased contaminated land condition is recommended for this application. These reports are to be submitted to the Local Planning Authority for approval in writing prior to commencement of works. Compliance with this condition will ensure the safety of the land for future occupiers in respect of land contamination.

**Sustainability:**

- 8.55 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. Detail of the proposed sustainability credentials of the scheme are set out in a Sustainability Check list. This is in accordance with SPD08 on Sustainable Building Design. In accordance with the SPD, a condition is recommended that no development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details measures to ensure that the development hereby approved will achieve a Code for Sustainable Homes rating of "Level 3".
- 8.56 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 suitable waste minimisation statement and is in accordance with the policy and SPD.

**9 CONCLUSION**

- 9.1 The development makes efficient and effective use of land within the built up area and enhances the character and appearance of the site and wider area. The development would not have a significant impact on amenity through loss of light or privacy, or increased overshadowing, noise or disturbance for

occupiers of adjoining properties; and would not create a harmful demand for travel. The loss of the existing commercial premises has also been justified.

## 10 EQUALITIES

10.1 The new house would be required to fully 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:

- A Residential Travel Information Pack to every first resident which shall include the provision of 2 years membership to City Car club.
- A Construction Environmental Management Plan.
- Contribution of £3,600 towards improving sustainable highway infrastructure in the area.

and subject to the following Conditions and Informatives:

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of two 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 Location and Site Plan	(08)001	A	1 <sup>st</sup> August 2014
Existing Elevations	(08) 002		9 <sup>th</sup> May 2014
Proposed Floor Plans	(08) 003	A	1 <sup>st</sup> August 2014
Roof Plan and Face to Face Distances	(08) 004	A	1 <sup>st</sup> August 2014
Proposed Elevations	(08) 005	A	1 <sup>st</sup> August 2014

- 3) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 4) 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.

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- 5) Access to the flat roof over the building hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
  - 6) The side facing windows in the east elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.  
**Reason:** To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
  - 7) The screen for the approved rear first floor terrace, as indicated on drawing no.(08)005A, shall be installed before the terrace is brought into use. The screen shall be retained as such thereafter.  
**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.
  - 8) 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.
  - 9) 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.
- 11.3 Pre-Commencement Conditions:
- 10) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
  - 11) No development shall take place until details of a scheme of works to link the existing footway on Symbister Road into the proposed forecourt area in front of the development site, as detailed in drawing number (08)003A shall 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.  
**Reason:** To ensure a satisfactory pedestrian access in accordance with policy TR7 of the Brighton & Hove Local Plan.

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- 12) 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.
- 13) 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) No development shall commence until full details of the existing and proposed land levels of the proposed building 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.
- 15) (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.

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

11.4 Pre-Occupation Conditions:

- 17) 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.

- 18) 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) 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.

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**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.

Informatives:

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

The development makes efficient and effective use of land within the built up area and enhances the character and appearance of the site and wider area. The development would not have a significant impact on amenity through loss of light or privacy, or increased overshadowing, noise or disturbance for occupiers of adjoining properties; and would not create a harmful demand for travel. The loss of the existing commercial premises has also been justified.
3. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
4. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
5. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR



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



# **ITEM D**

**12 Mallory Road, Hove**

**BH2014/01015**  
**Full planning**

**08 OCTOBER 2014**

# BH2014/01015 12 Mallory Road, Hove



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/01015</b>	<b><u>Ward:</u></b>	<b>HOVE PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>12 Mallory Road Hove</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing dwelling and erection of five bedroom dwelling, detached outhouse in rear garden and associated works.</b>		
<b><u>Officer:</u></b>	Paul Earp Tel 292454	<b><u>Valid Date:</u></b>	15 April 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	10 June 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	DK Architects, 9 Hove Park Villas, Hove BN3 6HP		
<b><u>Applicant:</u></b>	Mr & Mrs Ansell, 12 Mallory Road, Hove BN3 6TB		

## 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 detached chalet bungalow on the west side of the street, to the south of Onslow Road. The property has a detached garage accessed by a driveway to the southern side of the dwelling, and two outbuildings in the rear garden. The site is relatively flat and in a residential area. The site is not within a conservation area.

## 3 RELEVANT HISTORY

None.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing dwelling and erection of a two storey detached dwelling house and an outbuilding. The proposal consists of:

### 4.2 Dwellinghouse:

Size:

- 5 bedroomed house to measure 11.0m wide x 17.4m deep (maximum) x 9.7m high.
- Footprint / ground floor - approximately 180m<sup>2</sup>, to include integral garage of 27m<sup>2</sup>. First floor – 138m<sup>2</sup>. Second floor 95m<sup>2</sup>. Total gross floorspace approximately 413m<sup>2</sup>.

### 4.3 Design/Materials:

- Roof / second floor level: pitched roof with front and rear gables to incorporate vertical panels - to be covered in zinc. Single rooflight in each of side roofslopes. Four solar panels in south (side) roofslope. Recessed balcony 2.5m in length within rear elevation at second floor level
- First floor level: balcony within front and rear elevations, 2.3m in length with glazed balustrade.
- Ground floor: raised deck to rear with steps to garden.
- Integral garage to incorporate cycle storage and recycling facilities.
- Materials: roof – zinc; windows: timber clad aluminium; walls - rendered.

#### 4.4 Outbuilding:

- Located at rear of garden to measure 9.5m wide x 4.0m deep / 38m<sup>2</sup> footprint, x 4.0m high with pitched roof.
- Layout: ground floor laid out as living room with integral kitchen, and shower. Mezzanine level within roofspace to provide storage space.
- Materials as for main house.

## 5 PUBLICITY & CONSULTATIONS

### External

#### 5.1 **Neighbours: Six (6)** letters of representation have been received from **10, 11, 13, 14, 15 Mallory Road; 17 Onslow Road** objecting to the application for the following reasons:

- Proposed house is out of keeping with properties in the cul-de-sac of Mallory Road.
- The proposed house is to be built on the position of the present chalet bungalow but also extends across the existing drive to cover the total width of the plot. The proximity of the new build will be overbearing on the adjacent dwellings.
- The size and mass of the proposed two storey building with further accommodation in the roof, which replaces a chalet bungalow, is out of keeping with the plot width.
- Increase in height of building, close to side boundaries, will impact on adjacent buildings.
- Proposed roof is higher than properties either side.
- Overlooking and loss of privacy to No.14 from the proposed terrace at the rear of the house.
- Loss of privacy to No.10 which has a windows in the side elevation facing the proposed dwelling.
- Overshadowing. The proposed house is double the height of the existing and will overshadow No.14 to the north, and take light from the 5 windows in the side elevation which are to a dining room and lounge.
- Proposed building at the end of the garden is of substantial size, being 9.5m wide x 4m deep x 4m in height, and comprised a bedroom, sitting room, kitchen, bathroom/w.c. and has storage in the roof. It is effectively a small bungalow which could be used as an independent unit including a holiday let.
- The proposed lodge, being 2m from the boundary, will have a detrimental impact on the garden of 17 Onslow Road. An existing

building 4m from the boundary is to be demolished; positioning the proposed lodge on the same site would have little impact on no.17.

- The erection of the lodge would require the removal of a Monkey Puzzle Tree.
- Constructing residential buildings in gardens is against council and government policies, and with the construction of three recent back-garden houses in Onslow Road over the past three years the developments has a cumulative impact on the loss of wildlife habitats.
- Concerned at the impact of the demolition and construction of this developments will have on a quiet neighbourhood, in particular noise, vibration, dust, air quality, safety and heavy vehicle movements.
- Crushing and burning of materials should not be allowed to take place on sited due to air pollution.
- Steps should be taken to protect the mature elms that are outside and opposite the site as well as pavements and grass verges. Any unavoidable tree removal should take place outside nesting season.
- The existing property has a driveway and double garage which could accommodate 5 cars. The proposed development could accommodate 2 cars off street, which is a loss of three parking spaces.

5.2 **14 Mallory Road:** Have previously objected to loss of light to the side windows, the proposed raised terrace at rear, and the use of the proposed building at the bottom of the garden. To resolve these issues it is requested that conditions are attached to ensure that an opaque glass screen 1.8m high be erected to the side facing No.14 to prevent overlooking; that the wall facing No.14 be painted white to reflect maximum light gained by the facing windows; that the building at the bottom of the garden cannot be used for residential accommodation overnight.

5.3 **Councillors Vanessa Brown and Jayne Bennett:** Letter of objection received (see letter attached).

**Internal:**

5.4 **Access officer:** No objection. The proposal meets Lifetime Homes standards

5.5 **Arboriculturist:** No objection subject to conditions to protect existing trees. At the front of the property on the street is a fine mature Elm and in the front garden there is a mature Holly tree which is shown for retention. In the rear garden in the vicinity of the proposed outbuilding is a semi-mature Monkey Puzzle tree that is of fine form, and a mature Cherry. The trees should be protected during the course of the development. Also in the vicinity of the proposed new dwelling are several trees of low arboricultural value, eg, macrocarpa, cotoneaster, twin stemmed pine. Whilst no objections are raised to the loss of these trees, if they are to be retained they should be protected during the course of the development.

5.6 **Sustainable Transport:** No objection subject to conditions to ensure the provision of cycle parking and that the vehicle parking area shown of the plans is used for the parking of vehicles belonging to the occupants and visitors only.

## **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
SU9	Pollution and nuisance control
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features



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QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:  
SPGBH4 Parking Standards

Supplementary Planning Documents:

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

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 impact of the proposed dwelling on the character and appearance of the streetscene, the impact on the residential amenities of the occupiers of adjacent properties, transport issues and sustainability matters.

**Principle of replacing the existing property:**

- 8.2 The existing property is a chalet bungalow situated on the southern section of the street, south of Onslow Road, which forms a cul-de-sac. The property is on the west side of the street which consists mainly of two storey detached properties of similar bulk and of individual design. The proposal is to demolish the property and replace it with a two storey dwelling.
- 8.3 Planning policies QD1 and QD2 state that all new development should emphasise and enhance the positive qualities of the local neighbourhood by taking into account local characteristics including height, scale, bulk and design of existing buildings, and materials. 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 footprint of the proposed dwelling is larger than existing but is sited on the same building at the front and north side elevation. The width of the property is enlarged from 9.0m to 11.0m and is sited approximately 1.0m from both side boundaries. The depth of the proposed building is 16.0m in a staggered form which is the same as existing on the north side. The height of the proposed building is to be 9.7m which is 3.7m higher than the existing single storey chalet bungalow.
- 8.5 The street rises slightly from south to north and the proposed dwelling is approximately 1.0m taller than the property to the south and 0.4m higher than

that to the north. As existing, the property to the south is approximately 2.6m higher than the existing chalet bungalow and the property to the north is 3.5m higher. It is considered that proposed height, width and bulk of the proposed is not inappropriate in this location and is more in keeping with adjacent properties and the prevailing scale of properties in the street than the existing property.

- 8.6 The proposed building has tradition window design with the main architectural feature being the zinc roof and vertical finish at second floor level, with the jointing detail designed to reflect the timber gables of mock-tudor houses in the area. The building is to be rendered.
- 8.7 It is considered that the building is of a design and materials will add to the architectural variety of buildings in the area and that the scale and design of the proposed building is acceptable in this location.

**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 property retains the same side building line to the north side, adjacent to No. 14. The neighbouring property, which is a two storey dwellinghouse, has 5 secondary windows within the side elevation facing the proposed property, all at ground floor level. Three of the windows have coloured glazing and the main source of light to the lounge is from a large window to the rear, facing the garden, not from the side windows. Due to the rise in the level of the street, No. 14 is approximately 1m higher than No.12 and whilst some sky can be seen from the side windows, it is not considered that the proposed increase in the height of the proposed dwelling over the existing would result in a substantial loss of light to No.14 given the limited amount of light currently gained from the windows. It is proposed that this elevation be painted white to reflect the light to No.14. Additionally, the occupiers of No.14 have raised concerns that overlooking of their property would occur from the proposed rear terrace. The proposed rear elevation is to be built on the same building line as existing close to No.14. Whilst the terrace is raised approximately 0.5m due to differences in ground level, with the provision of an obscure glazed screen to the side elevation no overlooking of the property of No.14 would occur as the view would be to garden, which is already overlooked. This is secured by condition.
- 8.10 The proposed dwelling is of greater width than the existing, being partly built over the existing drive, but retains a 1m gap between the property to the south, No.10. The proposed dwelling has less windows on the south side elevation than existing, with all of the horizontal windows at ground floor located above eye level; the first floor window is to a bathroom and is to be obscure glazed. The main window in the north side elevation of No.10, facing the proposal, are obscure glazed and at ground floor level screened by the existing boundary wall. Whilst the gap between the properties is to be reduced, the reduction in the number of windows on the side elevation and the nature of those proposed,

together with the removal of the drive with associated noise from car doors etc, will result in less impact on No.10 than currently exists.

**Sustainable Transport:**

- 8.11 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.
- 8.12 The existing detached garage is to be demolished and the drive removed. The proposed dwelling has an integral garage and a hardstanding to its front which can accommodate a vehicle. Objections have been raised to the loss of parking provision stating that the existing property has a driveway and double garage which could accommodate 5 cars and that the proposed development with space for 2 cars would lead to a loss of 3 parking spaces. Cycle parking is proposed within the garage. Despite this reduction, the Traffic Engineer considers the proposed level of off-street car parking to be acceptable. Conditions are proposed to ensure that the cycle parking is provided and that the vehicle parking area shown of the plans is used for the parking of vehicles belonging to the occupants and visitors only.

**Sustainability:**

- 8.13 Policy SU2 and SPGBH8 requires efficiency of development in the use of energy, water and materials and recommends that developments of this size achieve Level 3 of the Code for Sustainable Homes, and meet Lifetime Homes Standards. The application is accompanied with a Sustainability Checklist which states that the dwelling would achieve Code Level 3, and would incorporate an efficient gas boiler. Four solar panels are proposed on the south facing roofslope which will provide hot water and will provide stack ventilation to the rooflights at the top floor. A mechanical heat recovery system is proposed for normal ventilation which will be located in the roofspace with discharge points behind the high level louvres. A wood burning stove in the main living room will provide hot water reducing the need to use the gas boiler.
- 8.14 Refuse and recycling facilities are to be sited within the integral garage and are secured by condition. Subject to these conditions the proposed development will meet the sustainability criteria set out in policy SU2 and SPD08.
- 8.15 Policy SU13 states that development proposals should have regard to the minimisation and reuse of construction waste. This is reinforced by SPD03 Construction and Demolition Waste which sets out best practice. A Site Waste Management Statement accompanies the application which states materials for demolition will be reused and recycled where possible. Any removed topsoil that is suitable for reuse will be set aside and used elsewhere or returned to site later. Separate bins will be used for separating waste materials. New building

materials will be sourced from local suppliers where possible, using local bricks and timber from managed Sussex forests.

Trees/ Ecology/Nature Conservation:

- 8.16 Policies QD15, QD16 and QD17 relate to landscape design, trees and hedgerows and protection and integration of nature conservation features respectively. The property has a substantial garden which has several trees, and the application is accompanied by the Biodiversity Checklist which is a 'first impressions' survey of the natural habitat nature of the site. The Checklist indicates that the natural environment (fauna, flora, habitats and geology) will not be affected by the proposal.
- 8.17 Public concern has been voiced that the proposal may damage street trees and a Monkey Puzzle tree in the rear garden. The applicant has confirmed that the tree is to be retained and the Arboriculturist has no objections to the proposal subject to conditions to ensure adequate protection of trees during construction.

**Proposed outbuilding:**

- 8.18 The proposal includes the construction of an outbuilding to the rear of the garden, which is to replace an existing smaller building. The proposed building has a similar treatment as the main building with a zinc roof and render. The ground floor is laid out as living room/kitchen and shower room, and has two mezzanines labelled as storage space. The applicants state that the building will be completely ancillary to, and dependent on the house, and states that it could be constructed without the need for planning approval and is shown to demonstrate that it is not out of scale or character with the main dwelling.
- 8.19 Permitted development rights allow buildings within the curtilage of a dwellinghouse, with size limitations, providing that they are incidental to the enjoyment of the dwellinghouse only. The proposed building which has a dual pitched roof 4.0m in height, and is sited 2m from the boundary of the site, is the maximum size permitted. Neighbour objections have been received stating that the building would overshadow adjacent gardens and could be used as a separate dwelling to the detriment of the amenities of the occupiers of surrounding properties. Whilst consent is not required for the building as shown it is nevertheless shown on the plans it is considered appropriate that an informative form part of any approval reminding the applicant that should the building be used as a separate dwelling or for the purposes not incidental to the overall use as a dwelling, planning permission would be required.

**9 CONCLUSION**

- 9.1 The proposed two storey dwelling replaces a lower chalet bungalow in a street of individually styled two storey dwellings. In this location the scale of the proposed dwelling reflects the general scale of development in the area and the design would add to the diversity of building styles in the streetscene. The building, subject to conditions to paint the north side wall to reflect light, and erection of an obscure panel to the side of the rear terrace, would not adversely impact on the amenities of the occupiers of neighbouring properties. The building provides adequate off-street parking and is highly sustainable.

## 10 EQUALITIES

- 10.1 Policy HO13 relates to Lifetime Homes. The property has good circulation space with a level threshold and a ground floor shower room with w.c of adequate size and layout to meet current standards.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The 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.
- 3) 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.
- 4) The development hereby permitted shall be undertaken in accordance with the Waste Management Statement received on 31 March 2014. **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.
- 5) The side elevations are to be painted white and maintained as such to the satisfaction of the Local Planning Authority at all times thereafter. **Reason:** To provide maximum light reflection to adjacent properties and to comply to comply with policy QD27 of the Brighton & Hove Local Plan.
- 6) The development hereby permitted shall not be occupied until the sustainability measures including the gas efficient boiler and solar panels detailed within the Sustainability Checklist received on the 31 March 2014 have been fully implemented, and such measures shall thereafter be retained as such. **Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2

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of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

- 7) 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.
- 8) 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.
- 9) 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.

Plan Type	Reference	Version	Date Received
Location Plan			31 March 2014
Block Plan			31 March 2014
Existing Site Plan	S1		31 March 2014
Existing Ground Floor Plan - 1	S2		31 March 2014
Existing Ground Floor Plan - 2	S3		31 March 2014
Existing Contextual Elevation	S4		31 March 2014
Existing Elevations – front/rear	S5		31 March 2014
Existing Side Elevations	S6		31 March 2014
Existing Floor Plans	S7		31 March 2014
Proposed Site Plan	P1	A	6 August 2014
Proposed Floor Plan - 1	P2	A	6 August 2014
Proposed Floor Plan - 2	P3	A	6 August 2014
Proposed First Floor Plan	P4		31 March 2014
Proposed Second Floor Plan	P5		31 March 2014
Proposed Roof Plan	P6		31 March 2014
Proposed East Elevation	P7	A	6 August 2014
Proposed Front and Rear Elevations	P8	A	6 August 2014
Proposed North and South Elevations	P9	A	6 August 2014
Proposed Sections	P10		31 March 2014
Proposed Garden Studio	P11	A	6 August 2014
Site Waste Management Statement			31 March 2014

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Local Planning Directive			31 March 2014
Response Statement			
Biodiversity Checklist			31 March 2014
Design Statement			31 March 2014
Sustainability Checklist			31 March 2014

Pre-Commencement Conditions:

- 10) No development shall take place until details of an obscure glazed screen 1.8m in height to be erected to the side (north elevation) of the rear terrace 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 at all times. **Reason:** To prevent the overlooking of the adjacent property and to comply with policy 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 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.
- 13) No extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Class 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.
- 14) 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.

## PLANNING COMMITTEE LIST- 8 OCTOBER 2014

**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.

- 15) 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.
- 16) 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.

### Pre-Occupation Conditions:

- 17) 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.
- 18) 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) 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.
- 20) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 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.

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 Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
3. The applicant is reminded of the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Part 1, Class E. This Class permits the provision of buildings within the curtilage of a dwellinghouse, to specified criteria, for a purpose incidental to the enjoyment of the dwellinghouse. The outbuilding as shown on the drawings hereby approved is for a building to the maximum size permitted by the Order. Should the building be constructed in excess of that permitted by the Order then planning permission will be required. **It is important that the building is not used for a purpose other than incidental to the enjoyment of the dwellinghouse, and not as a separate dwelling, or as overnight accommodation.** A breach of the Order may lead to Enforcement Action being by the Local Authority.
4. 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 dwelling is of a height and scale which reflects general development in the vicinity, and the proposed design would add to the diversity of building styles in the streetscene. The building provides adequate off-street parking, is highly sustainable, and will not adversely affect the amenities of the occupiers of adjacent properties.

**From:** Vanessa Brown  
**Sent:** 13 May 2014 17:20  
**To:** Mark Thomas  
**Subject:** BH2014/01015

Dear Mr Thomas

Re: BH2014/01015 12 Mallory Road

As the Ward Councillors we are objecting to the above application to turn a bungalow into a house. We have concerns about the bulk and height of the new building and the design is out of character with the other houses in the road.

The height of the North wall of the proposed house, only 1.2m from the boundary of number 14 Mallory Road , will cause a loss of light and sunshine to their living area. They have five tall narrow windows on their South side giving light and sunshine to their lounge and dining room and they will now be overshadowed.

The proposed terrace at house floor level , due to the slope of the land, will cause severe overlooking to both numbers 10 and 14 Mallory Road. The terrace could be constructed at garden level with steps down from the house which would prevent this loss of privacy.

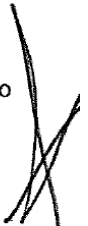
The detached lodge at the bottom of the garden is a further cause for concern. This comprises a living area, bedroom, kitchen and bathroom . It is effectively another dwelling on this piece of land.

We would request that this application goes before the planning committee if the recommendation should be to grant.

Yours sincerely

Vanessa Brown

Jayne Bennett



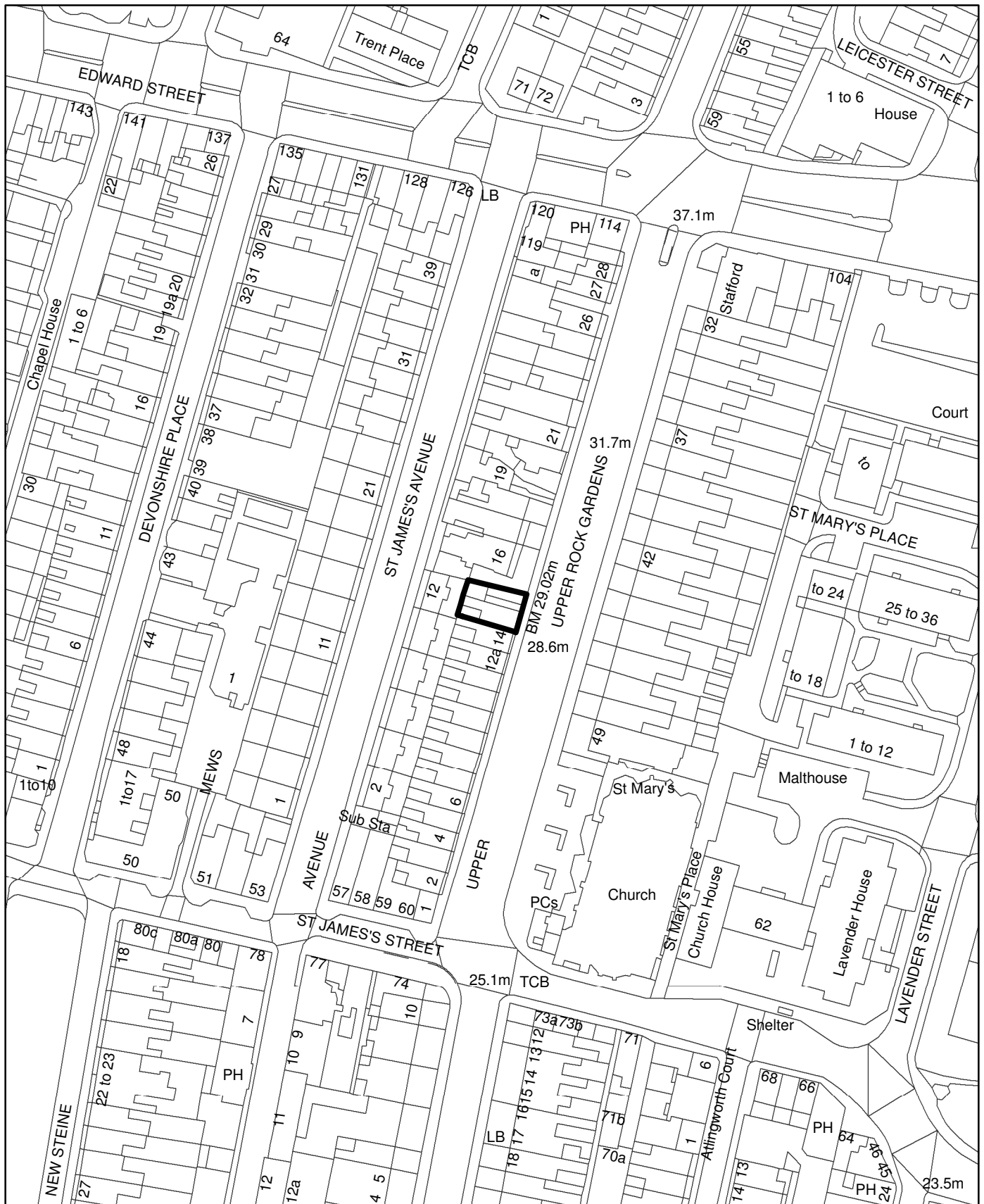
# **ITEM E**

**15 Upper Rock Gardens, Brighton**

**BH2014/00645  
Full planning**

**08 OCTOBER 2014**

# BH2014/00645 15 Upper Rock Gardens, Brighton



**Brighton & Hove  
City Council**

N



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/00645</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>15 Upper Rock Gardens Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens.</b>		
<b><u>Officer:</u></b>	Paul Earp, tel: 292454	<b><u>Valid Date:</u></b>	26 February 2014
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	23 April 2014
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Graham Johnson Designs, 134 Hollingbury Road, Brighton BN1 7JD		
<b><u>Applicant:</u></b>	David Beckley, 29 St Andrews Mews, Wells BA5 2LB		

## 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 the receipt of satisfactory amended plans and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application is for the development of part of the garden of 15 Upper Rock Gardens. The property is a 5 storey end of terrace building which forms a House in Multiple Occupation (HMO), is Grade II listed and within the East Cliff Conservation Area.
- 2.2 The property has a garden to its north side which is approximately 4m wide x 15m which is slightly raised from the path and contains shrubs/hedge and a hard surface with outdoor furniture. The entrance to the existing house is situated within the north elevation facing the garden.

## 3 RELEVANT HISTORY

**BH2014/00646** Listed Building Consent for the erection of 1no two storey one bed roomed house to side/rear of 15 Upper Rock Gardens. This is a tandem application in conjunction with this full planning application and is still under consideration.

**BH2012/01816** Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton – full planning application refused 16/08/2012. There were three reasons for refusal, which were as follows:

1. Having regard to the lower window levels, the smaller storey heights and the overall height, the proposed extension to form a new dwelling would not respect the form and detail of the existing building. The position of the proposed front entrance in close proximity to the entrance portico of 15 Upper Rock Gardens would further add to the uncomfortable

relationship between the existing building and the proposed dwelling. The proposal results in a negative impact on the character and appearance of the listed building. The scheme is therefore considered contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.

2. Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted for development that would cause material nuisance and loss of amenity to proposed, existing or adjacent users. The proposed development, by virtue of its overbearing height and its close proximity to 12 St. James's Avenue and 16 Upper Rock Gardens, would serve to significantly oppress and enclose the outlook to neighbouring residents, contrary to the above policy.
3. The proposed loss of the existing raised garden that serves as amenity space for residents at 15 Upper Rock Gardens would be detrimental to the existing and future occupiers of the building. For this reason the proposal is considered contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

The applicant subsequently appealed the decision and the appeal was dismissed in October 2013.

**BH2012/01817** Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton – listed building consent was refused on the following ground on the 08/08/2012:

1. Having regard to the lower window levels, the smaller storey heights and the overall height, the proposed extension to form a new dwelling would not respect the form and detail of the existing building. The position of the proposed front entrance close to the entrance portico of the existing portico would further add to the uncomfortable relationship between the existing building and the proposed dwelling. The proposal results in a negative impact on the character and appearance of the listed building. The scheme is therefore considered contrary to policy HE1 of the Brighton & Hove Local Plan.

The appeal was subsequently allowed in October 2013.

**BH2011/03873** Removal of rear fire escape at second and third floor levels – approved 13/02/2012

**BH2006/01111** Formation of bedsit unit in roof space with proposed rear dormer and installation of velux roof light. New window to north elevation – refused 17/10/2006

**BH2004/01101/LB** Internal alterations to form 5 self-contained flats. Demolition of existing rear extensions. Six-storey side extension to create identical building to form 5 self-contained flats. Six-storey rear extension and two rear dormers – refused 02/06/2004 (Appeal dismissed 02/03/2005)

**BH2004/01100/FP** Internal alterations to change use of building from existing studio flats and HMO to form a total of 5 self-contained flats. Six storey side extension to create identical building to form 5 self-contained flats. Six-storey rear extension and two rear dormers – refused 04/06/2004 (Appeal dismissed 02/03/2005)

**BH1999/02307/LB** 5 Storey rear extension to provide new shower/w.c.

accommodation for 8 existing bedsit flats and 2 existing studio flats plus provision of 1 new studio flat. Demolition of existing extension – approved 02/12/1999

**BH1999/02304/FP** 5 storey rear extension to provide new shower/w.c accommodation for 8 existing bedsit flats and 2 existing studio flats plus provision of 1 new studio flat. Demolition of existing extension – approved 02/12/1999

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of a two storey, one bedroomed house within the garden of 15 Upper Rock Gardens. The building would be attached to the side (north) elevation of the existing 5 storey building, and incorporates a small part of the existing building within the outrigger to form the kitchen to the proposed dwelling.

The proposal consists of:

- Removal of the existing single storey timber shed/store.
- Erection of a two storey structure to form a one bedroomed house, set back 6.1m from the front elevation of the existing house and to extend (in part) to the rear boundary of the site.
- Property to be maximum of 6.4m wide x 7.1m deep x 5.8m in height.
- Layout: Ground floor – living room/dining room, kitchen, w.c, floor area approximately 28m<sup>2</sup> floorspace. First floor – bedroom, bathroom - 21m<sup>2</sup> floorspace. Total floorspace 49m<sup>2</sup>.
- Detailing:  
Front elevation: segmental bay with timber framed sliding sash windows at ground and first floor levels, panelled front door with recessed dummy window panel above at first floor level, cornice to parapet wall at roof level.  
Rear elevation: mono-pitched roof with rooflight in lower portion, to be obscure glazed and fixed shut. French doors to patio.
- Materials: walls – rendered, roof – dark grey slates, windows/doors – painted soft wood.
- Amenity space: rear patio area 4m<sup>2</sup>.

Existing building:

- Rear area of outrigger at ground floor level, 2.0m x 3.3m deep, currently forming store and laundry room, to be incorporated into proposed dwelling, to form kitchen.
- Provision of timber framed rooflight within mono-pitched roof to outrigger to proposed kitchen.

This application is accompanied with Listed Building Consent application BH2014/00646.

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

**External:**

- 5.1 **Neighbours: Thirteen (13)** letters of representation have been received from the occupiers of **140 Marine Parade; 12 St James's Avenue; 12, 14, 16**

**(flats 2, 3, 4), 17, 27, 33, 34, 45, 47 Upper Rock Gardens** objecting to the application for the following reasons:

- The site is the garden of a Grade II Listed Building within a Conservation Area. A modern house in its garden, a very small piece of land, which adjoins a listed property is inappropriate and detrimental to the setting of the Listed Building and Conservation Area.
- An overdevelopment of the site. No need to cram a house on this site. There is very little space without building a house.
- The height of the building and proximity to northern and western boundaries would significantly overshadow adjacent properties and gardens.
- Loss of light and privacy to adjoining properties.
- Fails to provide for disabled and elderly.
- Character of the existing building will be lost with external changes visible from the street.
- Disturbance due to increase of people living at the same building.
- Loss of trees.
- Development will cause more parking problems.
- Foundations of the proposed building will damage the footings of boundary wall to 12 St James's Avenue.
- Disturbance during construction, with difficulties from deliveries with trucks blocking roads, pavements, reducing parking.

5.2 **CAG:** Recommend approval of the application. CAG made no objection to the previous scheme and noted that the previous listed building application had been approved on appeal and that this application is for minor amendments.

**Internal:**

5.3 **Heritage:** No objection. This is a Grade II Listed Building in the East Cliff Conservation Area and is part of a mixed terrace which displays a range of historic detailing. This application takes a very similar form to the proposal under application BH2012/01817 and /01816, the heritage aspects of which were dismissed by the planning inspector. It is therefore not proposed to object to this application however the details of materials, cornice profile, window and door joinery etc are all very important for a successful result and as inadequate information has not been provided; details should be sought by condition.

5.4 **Environmental Health:** No comment.

5.5 **Access Officer:** The internal layout has been amended to take into account detailed comments to meet Lifetime Homes Standards.

5.6 **Sustainable Transport:** No objection. Any approval should be subject to a condition to provide adequate cycle parking provision.

**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
QD14	Extensions and alterations
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
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE1	Listed buildings
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

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

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 This application is subsequent to the refusal of application BH2012/01816 for the erection of a two storey one bedroomed house, and the tandem listed building application BH2012/01817, in August 2012. Both refusals were appealed with the listed building application granted at appeal and the planning application dismissed in October 2013.
- 8.2 The planning application was refused for the following reasons:
1. Having regard to the lower window levels, the smaller storey heights and the overall height, the proposed extension to form a new dwelling would not respect the form and detail of the existing building. The position of the proposed front entrance in close proximity to the entrance portico of 15 Upper Rock Gardens would further add to the uncomfortable relationship between the existing building and the proposed dwelling. The proposal results in a negative impact on the character and appearance of the listed building. The scheme is therefore considered contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.
  2. Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted for development that would cause material nuisance and loss of amenity to proposed, existing or adjacent users. The proposed development, by virtue of its overbearing height and its close proximity to 12 St. James's Avenue and 16 Upper Rock Gardens, would serve to significantly oppress and enclose the outlook to neighbouring residents, contrary to the above policy.
  3. The proposed loss of the existing raised garden that serves as amenity space for residents at 15 Upper Rock Gardens would be detrimental to the existing and future occupiers of the building. For this reason the proposal is considered contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

- 8.3 The appeal decision is a material consideration in the determination of this application. The decision letter states the main issues to be the effect of the proposal on the significance of the Listed Building and its setting within the East Cliff Conservation Area, and the effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook and amenity space. The appeal decision concluded that the formation of a new dwelling in this sustainable urban location would not adversely affect the Listed Building or its setting, nor the character and appearance of the East Cliff Conservation Area. The Inspector did, however, raise concerns in respect of the siting of the building and concluded that the height of the proposed house would have impaired the outlook and enjoyment of the amenity space of a neighbouring dwelling and would leave the host building with inadequate amenity space, contrary to development plan policies.
- 8.4 To overcome the previous reasons for refusal the proposal has been amended by:
- Reducing the height of the building by substituting a pitched roof with a mono-pitch. The proposed height of the front parapet wall remains the same, but the overall height of building at the rear has been reduced from 6.1m to 4.8m.
  - Within the rear elevation, the two windows proposed at first floor level on the refused scheme have been deleted as a consequence of reducing the bulk of the building at the rear with the provision of a mono-pitched roof.
  - The proposed upper rooflight within the mono-pitch has also been removed and the roof now contains only one rooflight within the lower part.
  - The footprint of the building remains the same as on the refused scheme.

**Principle of Development:**

- 8.5 The site is located within the built-up area as designated in the Brighton & Hove Local Plan and currently consists of a store building and side garden of the HMO. Policy HO4 aims to make full and effective use of land for housing.

- 8.6 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.

**Impact on Amenity:**

- 8.7 Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or

adjacent users, residents, occupiers or where it is liable to be detrimental to human health.

- 8.8 To overcome concerns of the impact of the development on the residential amenities of adjacent properties, the roofline of the proposed dwelling has been changed from a pitched roof which projected above the roof parapet, to a mono-pitch below the parapet. The roof is flat behind the parapet and then falls at a 30 degree pitch to the height of the existing boundary wall to the rear. The property to the rear, 12 St James's Avenue, is a 2 storey plus basement, single dwelling house. The small rear yard is already enclosed by the boundary walls. The basement has french doors which are below the height of the existing boundary fence. The ground floor window would face the roofslope of the proposed dwelling but the proposal meets the 45 degree guideline as outlined in policy QD14 for assessing the impact of a development on daylight. Whilst the existing view of the sky would be replaced by a roofslope, given that the roof slopes away from No.12 rather than a part vertical wall as previously proposed, and thereby reducing the bulk of the proposed roof, it is not considered that the impact on No.12 is sufficient to warrant refusal. The property to the north, No.16 Upper Rock Gardens, is approximately 4m from the proposed dwelling. The existing side window at ground floor level to No.16 mainly faces the existing boundary wall, and whilst the side window at first floor level to No.16 appears to be a secondary window, it would meet the 45 degree guideline. For these reasons it is considered that the proposed alterations to the roof form overcome the previous reason for refusal relating to the impact of the proposed building on the residential amenities of the occupiers of adjacent properties.

**Design and Appearance:**

- 8.9 Policies QD1 and QD2 aim to ensure that new development is of a high standard of design which will enhance the positive qualities of the local neighbourhood. Policy HE6 relates to buildings within conservation areas and aims to preserve and enhance the character and appearance of the conservation area. Policy HE3 state that development will not be permitted where it would have an adverse impact on the setting of a listed building.

The proposed dwelling would adjoin a Grade II Listed Building and is within the East Cliff Conservation Area. The proposed building is of the same design and footprint of the previously refused scheme. The bulk has been reduced by lowering the height and pitch of the roof. The Inspector in the determination of the appeal reiterated the Heritage Officer's comments that there is scope for a small building in this location, subject to appropriate detailing. The Inspector concluded that the proposed dwelling would not adversely affect the Listed Building or the Conservation Area. For this reason neither the Heritage Officer or CAG object to this application. It is considered that the proposed design, which echoes that of the existing listed building, to be an appropriate approach for an infill building on this site.

**Standard of Accommodation:**

- 8.10 The proposed building would accommodate a one-bedroom house with an internal floor area of 49m<sup>2</sup> with rear patio of 4m<sup>2</sup>. The existing garden which is

to the side of the existing house, which forms an HMO, is approximately 22m in length and would be reduced to 12m in order to form the plot for the proposed dwelling. The area to be retained would be for the use of the occupants of the HMO and a boundary wall is proposed to separate the garden from the proposed dwelling.

- 8.11 The one-bedroom house as proposed is of adequate size with acceptable provision of natural light and ventilation. Whilst the kitchen has only a roof light, the other habitable rooms have windows. The proposal incorporates level entrance access and rooms would have sufficient turning area for wheelchair use. Detailed comments on the internal layout have been taken into account for the proposed dwelling to meet Lifetime Homes standards and a condition is recommended to ensure the scheme complies with lifetime home standards.
- 8.12 Policy HO5 seeks the provision of private amenity space in residential development. Whilst the proposed rear garden is small, the provision of private amenity space for the proposed dwelling is welcomed, especially given that most residential units in the locality are flats lacking outdoor space provision. Unlike the previous scheme, the garden area at the side of the existing HMO (to the front of the proposed house), is now allocated to the existing HMO. The Inspector in dismissing the previous full planning application at appeal raised concerns regarding the lack of amenity space attached to the HMO. The previous scheme allocated the raised area to the front of the proposed house to be used by the occupiers of the proposed house. The current scheme, now allocates this space for the occupiers of the existing HMO.
- 8.13 The amount of garden for the occupiers of the HMO will be reduced as a consequence of the development and the Inspector's previous concerns are noted. However, the remaining provision is considered to be acceptable when the loss of part of the garden is balanced against the benefit of the increase in the housing stock. Concern is raised, however, regarding the quality of the space and the use of the space in respect of the privacy and potential for overlooking to the future occupiers of the dwelling. The plans do not show any boundary treatment and the installation of a boundary treatment could impinge and appear unneighbourly given the fenestration arrangements and layout of the proposed dwelling. It is therefore considered appropriate for the space to be allocated for use by the occupiers of the proposed dwelling and occupiers of the HMO and amended plans are currently awaited.

**Sustainable Transport:**

- 8.14 Policy TR1 state that development proposals should provide for the demands for travel they create and maximise the use of public transport, walking and cycling.
- 8.15 No parking spaces are proposed. The site is centrally located and well placed to take advantage of public transport and services, and is located within a controlled parking zone. The Traffic Manager raises no objection to the scheme and takes the view the proposal would not significantly increase

parking demand.

- 8.16 Policy TR14 states that development should incorporate secure and covered cycle parking spaces. A Sheffield stand to accommodate 2 cycles is proposed to the front of the proposed dwelling, which is a convenient location.

**Sustainability:**

- 8.17 Policy SU2 of the Brighton & Hove Local Plan, including SDP08 'Sustainable Building Design', requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Proposals for new build residential development on brownfield land should include a completed sustainability checklist, should achieve Level 3 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards. The completed sustainability checklist states that the proposal would use locally sourced materials with timber from certified sustainable sourced and recycled materials used where appropriate. The dwelling is to incorporate the use of low or zero carbon heat technologies with an efficient gas boiler. It is considered that the proposal is in line with the requirements of SPD08 subject to appropriate conditions.
- 8.18 Policy SU2 requires all new developments to make provision for adequate refuse and recycling storage facilities. Refuse storage is identified as being on the common area to the rear of the front boundary wall.

**Waste Management:**

- 8.19 Policy SU13 and Supplementary Planning Document 03 on Construction and Demolition Waste seek to reduce construction waste and require a Waste Minimisation Statement demonstrating how elements of sustainable waste management have been incorporated into the scheme in order to reduce the amount of waste being sent to landfill. The submitted Waste Minimisation Statement states that where possible all demolished materials will be re-used on site, materials are to be delivered when required to avoid over-ordering and minimise over-order waste and reduce on-site storage, and separate recycling containers are to be provided for different materials.

**Landscaping/Biodiversity:**

- 8.20 Policy QD15, QD16, QD17 and QD18 relate to landscape design, trees and hedgerows, protection and nature conservation, and species protection respectively.
- 8.21 The land to be developed is mainly covered by an outbuilding which is of little merit and leads to the loss of some of the garden. The application is accompanied with a Biodiversity Checklist which indicated that there are no biodiversity indicators on site which would be affected.

**9 CONCLUSION**

- 9.1 The main difference between this and the previously refused scheme which was also dismissed on appeal is the alteration to the roof, which by reducing the massing to the rear now has less effect on adjacent buildings. The

proposed roof now slopes away from the property to the rear and it is now considered that the proposed overcomes the Inspectors concern that the development by virtue of its sitting and height would impair the outlook and enjoyment of the amenity space of the adjoining dwelling.

- 9.2 With regard to the loss of part of the garden the appeal decision states that the development on the site would leave the host building with inadequate amenity space. In the previous scheme, the garden at the front was allocated to the new dwelling. In order to address this concern, the raised area to the front is now allocated to the HMO. Amended plans are currently expected to create a shared space for the occupiers of both the proposed house and the HMO. It is considered that the loss of part of the garden is outweighed by the benefit of providing a new residential unit, particularly as some garden is to be retained. In addition many units in the vicinity similarly do not benefit from private amenity space. For these reasons it is considered the scheme now overcomes the previous reasons for refusal.

## 10 EQUALITIES

- 10.1 The property would have a level threshold and would need to comply with Lifetime homes standards.

## 11 CONDITIONS / INFORMATIVES

### Regulatory Conditions:

1. BH01.01 Full Planning.
2. The development hereby permitted shall be undertaken in accordance with the Waste Minimisation Statement received on 26 February 2014.  
**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.
3. No extension, enlargement or other alteration of the dwellinghouse as provided for within Schedule 2, Part 1, 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 for this reason would wish to control any future development proposals to comply with policies QD14 and HE6 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, Class[es 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 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.

5. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
6. The rooflight hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
7. 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.
8. 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	31837/4		26 February 2014
Block Plan			26 February 2014
Existing details	31837/2		26 February 2014
Proposed floor plans, rear area, main building	1181/1	B	26 February 2014
Proposed details of cottage	31837/4	C	2 May 2014
Waste Minimisation Statement			26 February 2014
Heritage Statement			26 February 2014
Sustainability Checklist			26 February 2014
Design and Access Statement			26 February 2014
Biodiversity Checklist			26 February 2014



Pre-Commencement Conditions:

9. No development shall take place until samples of the materials (including a sample of the texture of the proposed render is to be submitted for approval. The finish should be a wet render in a lime based mix with no bell stops or drips or expansion joints) 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. No development shall take place until full details of all new sash windows and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be single glazed painted timber vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
11. No development shall commence until details at a scale of 1:10 of the construction and profile of the cornice and porch/hood mould over door are submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
12. 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. Development shall be carried out in accordance with the approved details.  
**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, HE6 and QD27 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. 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.

Pre-Occupation Conditions:

15. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
16. 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.
17. The development hereby permitted shall not be occupied until the sustainability measures including the gas efficient boiler detailed within the Sustainability Checklist received on the 26 February 2014 have been fully implemented, and such measures shall thereafter be retained as such. **Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

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 Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)), on the

Department for Communities and Local Government website ([www.communities.gov.uk](http://www.communities.gov.uk)) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website ([www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.

4. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed dwelling would not adversely affect the character or appearance of the adjacent Listed Building or the East Cliff Conservation Area wherein it is situated. The increase in the housing stock is to be welcomed and the accommodation is of a satisfactory standard which includes private amenity space and cycle storage. The development would not significantly adversely affect the residential amenities of the occupiers of adjacent properties.



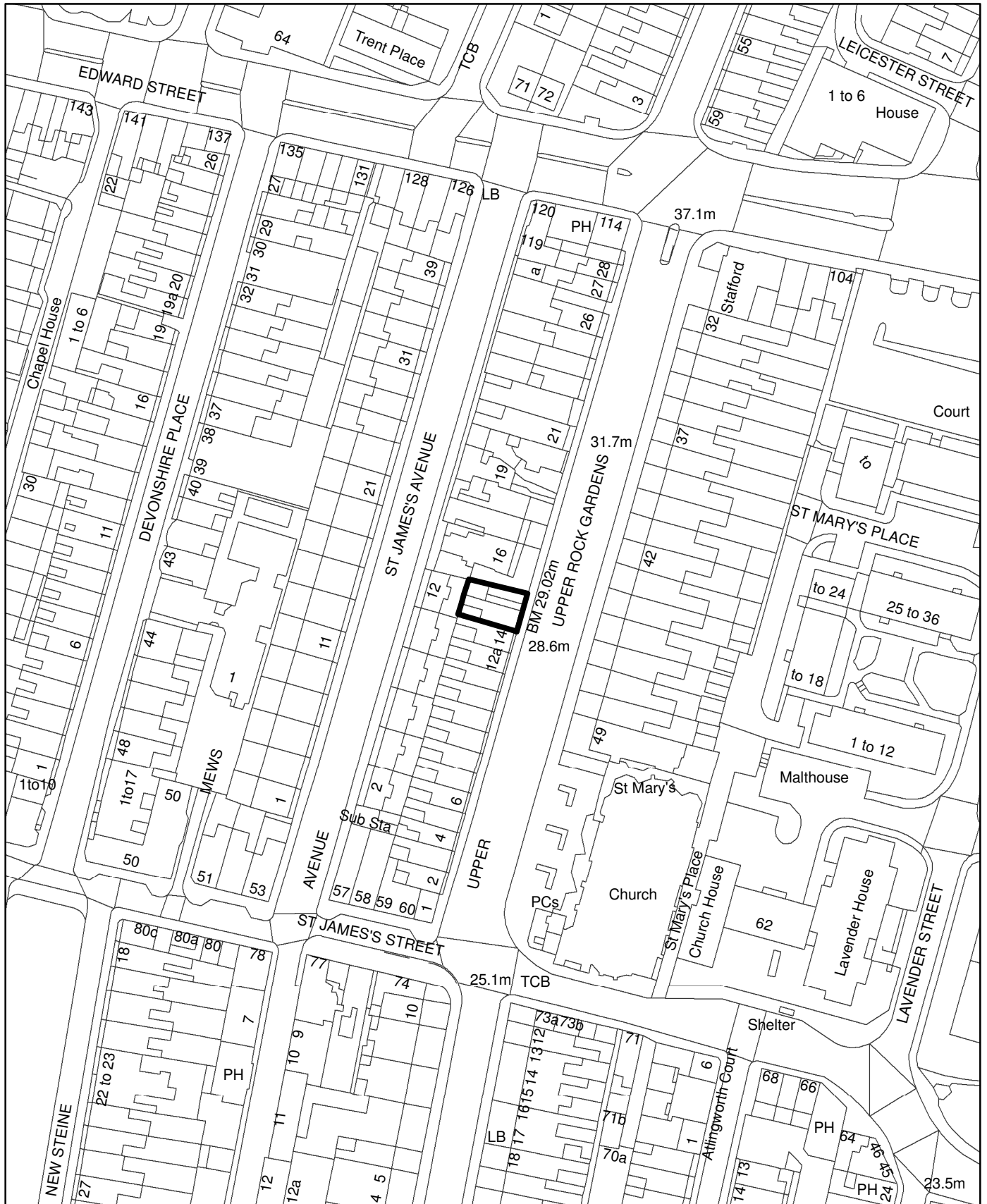
# **ITEM F**

**15 Upper Rock Gardens, Brighton**

**BH2014/00646  
Listed Building consent**

**08 OCTOBER 2014**

# BH2014/00646 15 Upper Rock Gardens, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250

<b><u>No:</u></b>	<b>BH2014/00646</b>	<b><u>Ward:</u></b>	<b>QUEEN'S PARK</b>
<b><u>App Type:</u></b>	<b>Listed Building Consent</b>		
<b><u>Address:</u></b>	<b>15 Upper Rock Gardens Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no two storey one bedroom house to side/rear of 15 Upper Rock Gardens.</b>		
<b><u>Officer:</u></b>	Paul Earp, tel: 292454	<b><u>Valid Date:</u></b>	26 February 2014
<b><u>Con Area:</u></b>	East Cliff	<b><u>Expiry Date:</u></b>	23 April 2014
<b><u>Listed Building Grade:</u></b>	Grade II		
<b><u>Agent:</u></b>	Graham Johnson Designs, 134 Hollingbury Road, Brighton BN1 7JD		
<b><u>Applicant:</u></b>	David Beckley, 29 St Andrews Mews, Wells BA5 2LB		

## 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 application relates to part of the garden of 15 Upper Rock Gardens and to the rear of the outrigger of the existing building. The property is a 5 storey end of terrace building which forms a House in Multiple Occupation (HMO), is Grade II Listed and within the East Cliff Conservation Area.
- 2.2 The property has a garden to its north side which is approximately 4m wide x 15m which is slightly raised from the path and contains shrubs/hedge and a hard surface with outdoor furniture. The entrance to the existing house is situated within the north elevation facing the garden.

- 3 **BH2014/00645** Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens. This is a tandem application in conjunction with this listed building consent application and is still under consideration.
- BH2012/01816** Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton – full planning application refused 16/08/2012. Appeal dismissed 7/10/13. There were three reasons for refusal, which were as follows:

1. Having regard to the lower window levels, the smaller storey heights and the overall height, the proposed extension to form a new dwelling would not respect the form and detail of the existing building. The position of the proposed front entrance in close proximity to the entrance portico of 15 Upper Rock Gardens would further add to the uncomfortable relationship between the existing building and the proposed dwelling. The proposal results in a negative impact on the character and

- appearance of the listed building. The scheme is therefore considered contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.
2. Policy QD27 of the Brighton & Hove Local Plan states that planning permission will not be granted for development that would cause material nuisance and loss of amenity to proposed, existing or adjacent users. The proposed development, by virtue of its overbearing height and its close proximity to 12 St. James's Avenue and 16 Upper Rock Gardens, would serve to significantly oppress and enclose the outlook to neighbouring residents, contrary to the above policy.
  3. The proposed loss of the existing raised garden that serves as amenity space for residents at 15 Upper Rock Gardens would be detrimental to the existing and future occupiers of the building. For this reason the proposal is considered contrary to policies QD27 and HO5 of the Brighton & Hove Local Plan.

The applicant subsequently appealed the decision and the appeal was dismissed in October 2013.

**BH2012/01817** Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton – listed building consent was refused on the following grounds on the 08/08/2012:

1. Having regard to the lower window levels, the smaller storey heights and the overall height, the proposed extension to form a new dwelling would not respect the form and detail of the existing building. The position of the proposed front entrance close to the entrance portico of the existing portico would further add to the uncomfortable relationship between the existing building and the proposed dwelling. The proposal results in a negative impact on the character and appearance of the listed building. The scheme is therefore considered contrary to policy HE1 of the Brighton & Hove Local Plan.

The appeal was subsequently allowed in October 2013.

**BH2011/03873** Removal of rear fire escape at second and third floor levels – approved 13/02/2012

**BH2006/01111** Formation of bedsit unit in roof space with proposed rear dormer and installation of velux roof light. New window to north elevation – refused 17/10/2006

**BH2004/01101/LB** Internal alterations to form 5 self-contained flats. Demolition of existing rear extensions. Six-storey side extension to create identical building to form 5 self-contained flats. Six-storey rear extension and two rear dormers – refused 02/06/2004 (Appeal dismissed 02/03/2005)

**BH2004/01100/FP** Internal alterations to change use of building from existing studio flats and HMO to form a total of 5 self-contained flats. Six storey side extension to create identical building to form 5 self-contained flats. Six-storey rear extension and two rear dormers – refused 04/06/2004 (Appeal dismissed 02/03/2005)

**BH1999/02307/LB** 5 Storey rear extension to provide new shower/w.c. accommodation for 8 existing bedsit flats and 2 existing studio flats plus provision of 1 new studio flat. Demolition of existing extension – approved



02/12/1999

**BH1999/02304/FP** 5 storey rear extension to provide new shower/wc accommodation for 8 existing bedsit flats and 2 existing studio flats plus provision of 1 new studio flat. Demolition of existing extension – approved 02/12/1999

#### 4 THE APPLICATION

4.1 Listed building consent is sought for the erection of 1 no two storey one bed house to side/rear of 15 Upper Rock Gardens Brighton and for alteration to the rear of the exiting outrigger. The building would be attached to the side (north) elevation of the existing 5 storey building.

4.2 The proposed dwelling to the side of the existing building consists of:

- Removal of the existing single storey timber shed/store.
- Erection of a two storey structure to form a one bed roomed house, set back 6.1m from the front elevation of existing house and to extend to the rear boundary of the site.
- Property to be maximum of 6.4m wide x 7.1m deep x 5.8m in height.
- Layout: Ground floor – living room/dining room, kitchen, w.c, floor area approximately 28m<sup>2</sup> floorspace. First floor – bedroom, bathroom - 21m<sup>2</sup> floorspace. Total floorspace 49m<sup>2</sup>.
- Detailing:  
Front elevation: segmental bay with timber framed sliding sash windows at ground and first floor levels, panelled front door with recessed dummy window panel above at first floor level, cornice to parapet wall at roof level.  
Rear elevation: mono-pitched roof with rooflight in lower portion, to be obscure glazed and fixed shut, French doors to patio.
- Materials: walls –rendered, roof – dark grey slates, windows/doors – painted soft wood.
- Amenity space: rear patio area 4m<sup>2</sup>.

4.3 Existing building:

- Rear area of outrigger at ground floor level, 2.0m x 3.3m deep, currently forming store and laundry room, to be incorporated into proposed dwelling, to form kitchen.
- Provision of timber framed rooflight within mono-pitched roof to outrigger to proposed kitchen.

This application is accompanied with a full planning application BH2014/00645.

#### 5 PUBLICITY & CONSULTATIONS

**External:**

5.1 **Neighbours: Nine (9)** letters of representations have been received have been received from the occupiers of **12, 16 (flats 2, 3, 4), 17, 27, 33, 34, 47 Upper Rock Gardens; objecting** to the application for the following reasons:

- The site is the garden of a Grade II Listed Building within a conservation area. A modern house in its garden, a very small piece of land, which adjoins a listed property is inappropriate and detrimental to the setting of the listed building and conservation area.
- An overdevelopment of the site. No need to cram a house on this site. There is very little space without building a house.
- Character of the existing building will be lost with external changes visible from the street.

5.2 **CAG:** Recommend approval of the application. CAG made no objection to the previous scheme and noted that the previous listed building application had been approved on appeal and that this application is for minor amendments.

**Internal:**

5.3 **Heritage:** No objection. This is a Grade II Listed Building in the East Cliff Conservation Area and is part of a mixed terrace which displays a range of historic detailing. This application takes a very similar form to the proposal under application BH2012/01817 and /01816, the heritage aspects of which were dismissed by the planning inspector. It is therefore not proposed to object to this application however the details of materials, cornice profile, window and door joinery etc are all really important for a successful result and as inadequate information has not been provided the details should be sought by 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.

The National Planning Policy Framework (NPPF) is a material consideration.

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

6.4 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.

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

HE1 Listed Building Consent

#### Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

#### Supplementary Planning Documents:

SPD09 Architectural Features

#### 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 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 This proposal follows a previously refused application (BH2004/01101/LB) for a six storey side extension that would have taken the form of the existing building, and a later listed building application (BH2012/01817) in association with a full planning application (BH2012/01816) for a two storey extension to form a single dwelling house. The 2012 applications were refused and subject of appeals where the listed building application was allowed. The Inspector considered that the proposed building would not have adversely affect the Listed Building or Conservation Area. The full planning application was dismissed due to the effect on neighbouring amenity and adequacy of the private amenity space provided through the scheme.

- 8.4 This current application proposes a building of the same design, detailing and footprint as the listed building consent application allowed on appeal, with alterations to the roof to reduce impact on neighbouring properties. The proposed roof has been lowered to be below the height of the front parapet, and is mono-pitched. With the exception of the proposed alteration to the roof, the proposed building would appear as approved on appeal. Despite public comments which consider that a dwelling on the site would be cramped and detrimental to the character and appearance of both the Conservation Area and setting of the Listed Building, given the previous appeal decision, it is not considered that a refusal could be upheld. The Heritage Officer and CAG do not object to the proposal and consider the proposal subject to conditions to ensure appropriate detailing of cornice profile, windows and door joinery, and of materials. The provision of a small rooflight in the rear outrigger and blocking in two doors to transfer two small ancillary rooms from the existing dwelling to form the proposed kitchen is considered acceptable as the internal alterations are to part of the building with no architectural features of merit and the rooflight is modest in size and does not adversely affect the character or appearance of the building.
- 8.5 For these reasons it is considered that the proposal is acceptable and conforms with policy HE1 of the Brighton & Hove Local Plan.

## **9 CONCLUSION**

- 9.1 The proposed building, by virtue of its siting set back from the front of the adjoining listed building, and lower in height, would be subservient to the listed building. The alteration to the existing building area are a minor nature which, together with the proposed new building, would not adversely affect the character or appearance of the listed building.

## **10 EQUALITIES**

- 10.1 None identified.

## **11 CONDITIONS / INFORMATIVES**

### Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent. **Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. No works 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 works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details. **Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
3. 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

PLANNING COMMITTEE LIST- 8 OCTOBER 2014

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. No works shall take place until full details of all new sash window(s) and their reveals and cills including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be single glazed painted timber vertical sliding sashes with concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter. **Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
5. No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter. **Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
6. The rooflight(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof. **Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan	31837/4		26 February 2014
Block Plan			26 February 2014
Existing details	31837/2		26 February 2014
Proposed details of cottage	31837/4	C	2 May 2014
Existing rear elevation	31837/7		26 February 2014
Proposed front elevation	31837/8A		26 February 2014
Proposed rear elevation	31837/9A		26 February 2014
Flank elevation – proposed section	31837/10A		26 February 2014
Existing flank elevation	31837/11		26 February 2014
Proposed courtyard elevation	31837/12A		26 February 2014
Boundary elevation	31837/13A		26 February

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			2014
Waste Minimisation Statement			26 February 2014
Heritage Statement			26 February 2014
Design and Access Statement			26 February 2014
Biodiversity Checklist			26 February 2014

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 Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:

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

(ii) for the following reasons:-

The proposed building, by virtue of its siting set back from the front of the adjoining Listed Building, and lower in height, would be subservient to the Listed Building. The alteration to the existing building area are a minor nature which, together with the proposed new building, would not adversely affect the character or appearance of the Listed Building.

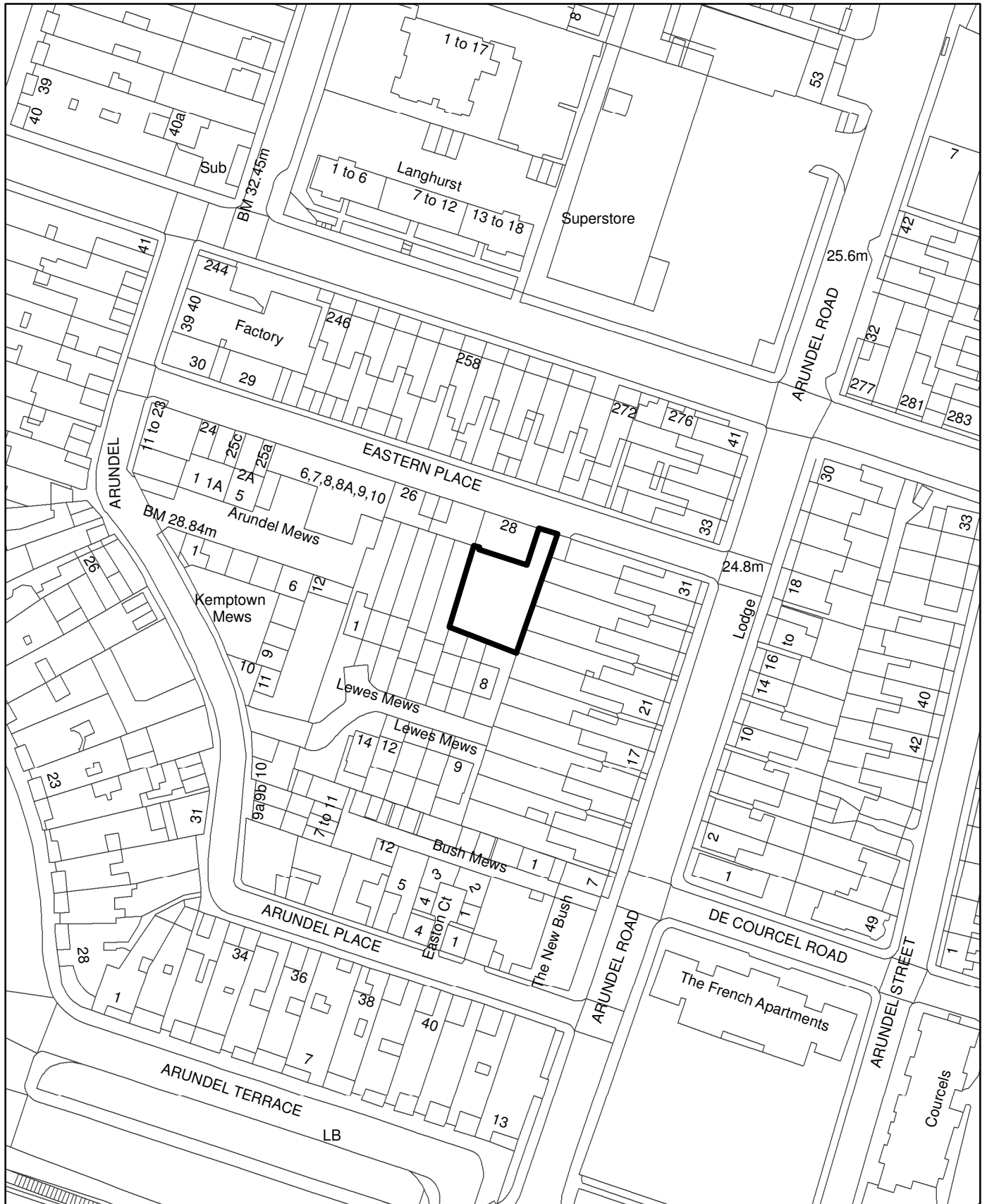
# **ITEM G**

**Land to Rear of 28 Eastern Place, Brighton**

**BH2014/01956**  
**Full planning**

**08 OCTOBER 2014**

# BH2014/01956 Land to Rear of 28 Eastern Place, Brighton



**Brighton & Hove  
City Council**



Scale : 1:1,250



<b><u>No:</u></b>	<b>BH2014/01956</b>	<b><u>Ward:</u></b>	<b>ROTTINGDEAN COASTAL</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Land to Rear of 28 Eastern Place Brighton</b>		
<b><u>Proposal:</u></b>	<b>Erection of 1no four bedroom dwelling.</b>		
<b><u>Officer:</u></b>	Chris Swain Tel 292178	<b><u>Valid Date:</u></b>	24 June 2014
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	19 August 2014
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Meloy Architects, 14 Whichelo Place, Brighton BN2 9XF		
<b><u>Applicant:</u></b>	Mr Christopher Pearce & Mrs Lucy Lauener, 28 Eastern Place Brighton BN2 1GJ		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a vacant scaffolders yard located to the rear (south) of 28 Eastern Place, there are currently no structures on the site. The site is circa 1.8m lower than Eastern Place and is accessed to the side of 28 Eastern Place. 28 Eastern Place is a 2/3 storey (including basement) end of terrace property which appears to be in use as a live/work unit. The site is bounded to the west by a wall which is circa 3.2 to 4m high. To the south is a row of relatively modern 3 storey terraced properties which have a small private amenity space of circa 5m in depth. To the east of the site are pairs of two storey semi detached properties fronting onto Arundel Road, set within modest plots with garden lengths of circa 19m.

## 3 RELEVANT HISTORY

**BH2010/00119** - Erection of 3no two bedroom dwellings (C3) and 1no commercial unit (B1). Refused 6 March 2014. The reasons for refusal were as follows:

1. 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.
2. 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.

**BH2013/01251** - Erection of 4no two bedroom dwellings and 1no commercial unit. Refused 6 September 2013. The reasons for refusal were as follows:

1. The proposal, by reason of its inappropriate form, roof material, elevation treatment, architectural detailing and plot size, 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. The applicant has failed to demonstrate that the proposed development would provide a suitable level of amenity for the future occupiers of the site in relation to outlook and levels of daylight as such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed development would result in an un-neighbourly form of development which would result in a detrimental impact upon the amenity of the adjoining occupiers by virtue of loss of outlook and overbearing impact, over-dominance and visual intrusion, the applicant has also fail to demonstrate that the proposal would not result in adverse loss of daylight to the adjoining properties in Lewes Mews contrary to policy QD27 of the Brighton & Hove Local Plan.

This application is currently subject to an appeal (AA/Q1445/A/14/223461).

**BH2012/03482** Replacement of metal windows with timber double doors with associated alterations to form obscured glass Juliette balconies to rear elevation. (Retrospective) Approved 09/04/2013

**BH2012/02179** Replacement of metal windows with timber double doors with associated alterations to form Juliette balconies to rear elevation. (Retrospective). Refused, 21/09/2012.

**73/205** Erection of 17 private dwelling houses and access road. Refused, 13/02/1973.

**56/1475** Use of premises for light industry. Approved. 29/05/1956.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the erection of 1no four bedroom dwelling. The dwelling would be 10.8m in width, 8.8m in depth and up to a maximum of 5.5m in height with a flat roof. The dwelling would be finished in a dark stained timber cladding with deep aluminium windows and glazed doors. There would be a brown roof with five centrally sited rooflights and a panel of solar thermal tubes. Private amenity space would be provided to the south and west of the dwelling. Access would be from Eastern Place via a ramped entrance.

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

##### **External**

- 5.1 **Neighbours: Fourteen (14)** representations have been received from the occupiers of **Nos. 2, 3 (x2), 4 (x2), 5 (x2), 8, 11 (x2)** and **12 Lewes Mews** and **Nos. 25, 27 and 29 Arundel Road** objecting to the scheme on the following grounds:

- Significant loss of privacy, light and outlook,
- Visual intrusion,
- Overbearing impact,
- Inaccuracies in daylighting study for the previously refused application,
- Lack of consultation from the applicant in relation to adjoining properties,
- No daylighting study for the properties on Arundel Road,
- Lack of consultation between developers and adjoining properties,
- The plans are inaccurate and do not show the full representation of the existing boundary treatment,
- The applicant should be providing single storey B1 workshops which would provide employment for the area.
- The design is not in keeping with the area,
- Increased parking pressure,
- The land is contaminated,
- The site should be considered B8 and not sui generis and as such the loss of this use is contrary to policies EM3 and EM5.
- Eastern Place is not suitable for heavy goods vehicles over 5 tonnes,
- An overshadowing study has not been submitted,
- The existing brick wall on the west boundary is owned by 5 Lewes Mews and should not form part of the residential boundary.

5.2 **Nine (9)** representations have been received from the occupiers of **Nos.27, 252 (x2), 258, 260, 262 and 268 (x2), Eastern Place** and **Baldwins, Keymer Road, Keymer** supporting the application on the following grounds;

- Improved use compared to the scaffolding yard,
- Will help the housing shortage within Brighton & Hove,
- Improved visual impact compared to the existing empty site,
- The design will encourage wildlife and biodiversity.
- Contemporary design appropriate within this diverse Kemp Town area.

**Internal:**

5.3 **Environmental Health: No objection**

The application seeks the erection of one four bedroomed dwelling to the rear of 28 Eastern Place, Brighton. The proposal is to redevelop what is effectively a brownfield site. Adjacent to the application site are a number of uses which are listed as potentially contaminated land due to their former uses and the potential to have caused localised contamination. These are:

- 1956 to 1974, Precision engineers located at 28 Eastern Place
- 1908 to 1914 – Laundry use at 23 Arundel Road
- 1955 Former depot site to the Western boundary.

5.4 It is therefore appropriate to consider a discovery strategy to ensure that any accidental or unexpected findings during construction maybe dealt with in a structured and ordered manner.

5.5 Additionally, given the proximity of the housing, a construction and environmental management plan may be appropriate. This will place the onus

on the developers to limit disturbance to neighbours and may be secured through the section 106 process.

**Sustainable Transport: No objection.**

5.6 **Pedestrian and Vehicle Access**

The applicant is proposing a shared access road with the existing vehicle crossover for both pedestrians and vehicles. This arrangement is acceptable for this size of development (one dwelling).

The Highway Authority does note that there is a raised kerb running across the southern footway a few metres east of the site access. This kerb is part of a nearby crossover is unnecessary and obstructs access to and from the site for pedestrians including wheel chair users and those less ambulant. It is requested that the applicant removes the kerb and liaises with the City's Network Coordination team regarding the levelling of the footway. The below condition is recommended to be attached to ensure that the site is fully accessible for all pedestrians.

5.7 **Car Parking**

The proposed car parking arrangement is acceptable and condition 1 is recommended to be attached.

5.8 **Cycle Parking**

The proposed cycle parking store is adequate for a development of this size and condition 2 is recommended to be attached.

5.9 **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.

5.10 **Access Officer:** Approach to the houses from the public highway should be level or gently sloping. The ramp in this case is at an unacceptably steep gradient (around 1:10 stated), however, there is level access from the car parking space to the house.

5.11 **Arboriculture:** There is no vegetation on the site itself with the exception of one ivy clad wall. In a garden to the south east of the site and partially overhanging the site is a Leylandii. This is at some distance from the proposed new property and given the brick wall and concrete flooring in this vicinity, should not be affected by the proposed development.

5.12 Should either of the above species need to be clipped back to the boundary prior to development commencing, the Arboricultural Section would have no objection.

Overall, the Arboricultural Section has no objection to the proposals in this application.

## **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
SU5	Surface water and foul sewage disposal infrastructure
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – full and effective use of sites

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QD4	Design – strategic impact
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling types and densities
HO4	Dwelling densities
HO5	Provision of private amenity space
HO7	Car free housing
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry

### 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
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations relating to the determination of this application are the principle of the proposed development, the impact upon the character and appearance of the area, impact on neighbouring residential amenity and the standard of accommodation, traffic implications and sustainability.
- 8.2 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.

### **Planning History**

- 8.3 This application follows two previously refused schemes for both residential and a commercial unit on the site. The most recent of these schemes proposed a building with three, two storey residential units and a single story commercial unit adjoined to the rear of No.28 Eastern Place (BH2014/00119). The proposal was considered unacceptable and was refused in March 2014 for the following reasons,

*1. 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. 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.*

- 8.4 This application is currently subject to an appeal (AA/Q1445/A/14/223461).

- 8.5 The applicant has attempted to address the reasons for refusal by proposing a single residential dwelling on the site, by relocating the development further away from the boundaries of the site and the rear of No.28 Eastern Place and by altering the design, detailing and materials.

**Principle:**

- 8.6 The principle of the development has been accepted in the two previously refused applications as set out below.

- 8.7 The lawful use of the site is as a scaffolders yard, which has been in situ for over 30 years. The site was used for the storage and distribution but also the repair and maintenance of the scaffold, and as such the site would be classed as a sui generis use. Local Plan Policy EM3 seeks the retention of industrial land (use classes B1, B2 and B8), whereby the site would only be released if it could be demonstrated that the site was unsuitable for modern employment needs. As the existing lawful use is not considered to fall within either a B1, B2 or B8 use class there is no policy presumption against the loss of employment floorspace. A residential use is an appropriate use which would add to the existing housing stock within the city. The principle of the proposed development on the site is therefore considered acceptable.

**Design:**

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

- 8.9 In particular, policy QD2 requires new developments to be designed in such a way that they emphasise and enhance the positive qualities of the local neighbourhood, by taking into account local characteristics such as height,

scale, bulk and design of existing buildings, impact on skyline, natural and built landmarks and layout of streets and spaces.

- 8.10 Whilst the contemporary, flat roofed design approach of the previously refused scheme was considered acceptable in principle, the overall site coverage of the development was considered excessive, the individual plots too cramped and the proposed use of materials and detailing inappropriate.
- 8.11 The proposal has been reduced in scope and scale in comparison to the previously refused scheme. The mixed use scheme has been replaced with a single detached residential dwelling with private garden. Whilst the general, two storey, flat roofed form would be retained it would be sited 1.2m further away from the east boundary and 2m further away from the south boundary in comparison to the previously refused scheme. The building would be detached from No.28 Eastern Place, with a set back of 4.2m from the rear of this building. The height of the building would remain unchanged.
- 8.12 The detached design and increased separation from the site boundaries has reduced the overall site coverage significantly and as such the overall plot coverage and extent are considered to be acceptable in the context of the existing neighbouring development and would not result in an overly cramped form of development.
- 8.13 By separating the development from the rear of No.28 Eastern Place the proposal appears as a coherently designed building in its own right, rather than as a substantial extension to the existing property. The 4.2m space between the proposed dwelling and rear elevation of No.28 Eastern Place creates a significant visual gap and minimises the visual impact of the proposal with the site.
- 8.14 The part rendered, part timber clad finish of the previously refused scheme in conjunction with the tall and narrow fenestration that partially spanned ground and first floor levels resulted in a somewhat awkward and top heavy appearance. As revised, the proposed contemporary dwelling would have a more balanced and coherent appearance. The elevations would all be finished in a dark stained timber other than a rendered wall adjoining the newly created rear yard to No.28 Eastern Place. The extensive use of full height aluminium glazing and sliding doors at ground floor level in addition to the deep windows at first floor levels serve to break up the bulk of the building and provide an acceptable level of visual interest.
- 8.15 Whilst the timber cladding and the brown roof would not be characteristic materials within the immediate vicinity, in the context of this detached, contemporary design which is considered to be appropriate in regards to form, design, scale and plot coverage it is not considered to detract significantly from the overall appearance and character of the building or the wider locality. Whilst the proposal would be partially visible in views from the north east it is set well back from the street frontage and a significantly lower ground level and as such is not considered to result in any significant harm to the visual amenity of the Eastern Place streetscene.



In conclusion, the development is considered to provide a suitable standard of design and appearance for new development within this location.

**Impact on Amenity:**

Neighbouring occupiers

- 8.16 Policy QD27 relates to protection of amenity and confirms that permission will not be granted where development would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.17 The previously refused application was considered to be an un-neighbourly form of development resulting in an overly dominant and overbearing impact and visual intrusion to the properties to the south in Lewes Mews.
- 8.18 In the current application the south elevation of the building would be sited 2m further to the north with an increased separation of 1.2m from the eastern boundary in comparison to the previously refused scheme. Whilst the overall height of the building remains unchanged the bulk and mass of the development has been shifted a significant distance from the rear elevations of the properties in Lewes Mews and as such is considered to have overcome the previous concerns relating to the overly dominant and overbearing impact and visual intrusion that could have resulted from the positioning and scale of the building previously proposed. Whilst it is acknowledged that the southern elevation would still appear as blank featureless façade there is considered to be sufficient separation from this properties to mitigate against any significant detrimental impact and would not result in a harmful sense of enclosure.
- 8.19 A daylighting report was submitted as part of the previous application, assessing the impact of the proposed development upon the three closest adjoining properties to the south, Nos. 6, 7 and 8 Lewes Mews. Assessed under BRE guidance it was not considered that the loss of daylight to the rear elevations of the adjoining properties on Lewes Mews would be so significant as to warrant refusal. The increased separation between the current proposal and the rear elevations of the properties on Lewes Mews would reduce this impact even further. Furthermore, these properties are sited due south of the proposal and there would not be any significant loss of sunlight to these properties.
- 8.20 The two previously refused proposals were not considered to have a significantly detrimental impact upon adjoining properties in regards to overlooking. The current proposal is similar to the two previous proposals in that there is only fenestration to the east and west facing elevations at first floor level. The main first floor windows would be set in 1m from the external facades and would serve the four bedrooms. There would also be narrow secondary windows sited to the far ends of these elevations. There would be no direct views into the rear elevations of adjoining properties, other than to the dwellings on Arundel Road which are over 23m away and whilst there would be views into adjoining gardens there is already significant existing overlooking to these gardens as you would expect within a city location with a tight urban grain and the proposal would not warrant refusal on these grounds.

8.21 Whilst the proposal would result in a degree of loss of light and outlook and visual intrusion to No.28 Eastern Place this property is sited at a higher ground level and only partially in residential use and as such the proposal is not considered to have a significantly harmful impact upon the amenity currently enjoyed by the occupiers of this property.

Future Occupiers

8.22 Local Plan policy QD27 requires that new residential development provides suitable living conditions for future occupiers. Policy HO5 requires the provision of private amenity space where appropriate to the scale and character of the development. The policy does not contain any quantitative standards for private amenity space but the supporting text indicates that balconies would be taken into account.

8.23 The application proposes adequate private amenity space to the south and west of the dwelling. The proposed layout is acceptable in regards to room types and sizes with adequate levels of outlook and natural light levels throughout and the application is acceptable in this regard.

8.24 Policy HO13 requires new residential dwellings be built to lifetime home standards. The Planning Statement advises that the dwelling has been designed to meet lifetime home standards and this is apparent on the proposed floorplans. The plans clearly show that the dwelling can be adapted to meet the needs of people with disabilities without major structural alterations. On this basis the proposal is considered to comply with the overall aims of policy HO13.

8.25 The access to the site would be resurfaced with the gradient reduced from 1:6 to 1:10 and would improve access to the site for pedestrians.

**Sustainable Transport:**

8.26 Policy TR1 of the Local Plan requires that development proposals provide for the demand for travel they create and maximise the use of public transport, walking and cycling.

8.27 The applicant is proposing a shared access road with the existing vehicle crossover for both pedestrians and vehicles. This arrangement is acceptable for this size of development (one dwelling).

8.28 It is noted that there is a raised kerb running across the southern footway a few metres east of the site access. This kerb, which is part of a nearby crossover is unnecessary and obstructs access to and from the site for pedestrians including wheel chair users and those less mobile. As such a condition is recommended that the part of the pavement is levelled to ensure that the site is fully accessible for all pedestrians.

8.29 The proposed car parking arrangement is in accordance with SPGBH4 – Parking Standards and is considered acceptable.

The proposed cycle parking store is adequate for a development of this size and the proposal is acceptable in this regard.

- 8.30 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.

**Sustainability:**

- 8.31 Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials. The dwelling provides an acceptable level of natural light and ventilation and makes provision for features such as cycle and refuse stores. SPD08 – Sustainable Building Design requires new dwellings on previously developed land to meet Code Level 3 of the Code for Sustainable Homes (CSH). The sustainability checklist confirms that the proposed dwelling will meet Code Level 3 and the proposal is acceptable in this regard.

**Environmental Health:**

- 8.32 Given the previous use of the site the Environmental Health Officer has requested that a full land contamination condition is applied to the scheme which could be secured by condition. Given the compact and tight nature of the site a Construction Environment Management Plan is also considered appropriate in this instance.

**9 CONCLUSION**

- 9.1 The development would make efficient and effective use of the site and would have no significant adverse impact upon the character and visual amenity of the site or the wider surrounding area. The development would provide a dwelling with an acceptable standard of accommodation and without significant detriment to neighbouring amenity or highway safety.

**10 EQUALITIES**

- 10.1 None.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.  
**Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

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Plan Type	Reference	Version	Date Received
Site location plan	0143/PA/100		24 June 2014
Existing and proposed block plans	0143/PA/101		13 June 2014
Plan as existing	0143/PA/102		13 June 2014
Elevations as existing	0143/PA/103		13 June 2014
Site layout plan	0143/PA/200		13 June 2014
Proposed ground floor plan	0143/PA/201		24 June 2014
Proposed first floor plan	0143/PA/202		24 June 2014
Proposed north and east elevations	0143/PA/203		13 June 2014
Proposed south and west elevations	0143/PA/204		13 June 2014
Proposed sections AA and BB	0143/PA/205		13 June 2014
Detail façade section and elevation	0143/PA/206		24 June 2014
Datum survey land levels	7359		13 June 2014

- 3) Access to the flat roof shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.  
**Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 4) No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse 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) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to

and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

- 6) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

**Reason:** To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

- 7) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles belonging to the occupants of and visitors to the development hereby approved.

**Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

- 8) 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.

Pre-Commencement Conditions:

- 9) Unless otherwise agreed in writing by the Local Planning Authority, no 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 has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

- 10) No development shall take place until 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) No development shall take place until details of the construction of the brown roof has 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.

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**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.

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

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

- 13) Prior to the commencement of the development, details of a scheme of works to remove the raised kerb running across the southern footway east of the site entrance to create an accessible footway and route to 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.

**Reason:** In the interest of highway safety and to comply with policies TR1, TR7 and TR8 of the Brighton & Hove Local Plan.

- 14) 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.

- 15) No development shall take place until a Constructional Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- a) a scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with, reviewed and recorded (including details of any considerate contractor or similar scheme.)
  - b) a scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management, vibration, site traffic, and deliveries to and from the site.
  - c) details of hours of construction including all associated vehicular movements.
  - d) details of the construction compound.
  - e) a plan showing construction traffic routes.

The construction shall be carried out in accordance with the approved CEMP. **Reason:** In the interests of highway safety and to comply with policies QD27, SU10, SR18, SU9 and TR7 of the Brighton & Hove Local Plan.

### Pre-Occupation Conditions:

- 16) Unless otherwise agreed in writing by the Local Planning Authority, the dwellinghouse hereby approved shall not be occupied until a Final/Post

## PLANNING COMMITTEE LIST- 8 OCTOBER 2014

Construction Code Certificate issued by an accreditation body confirming that the residential unit 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) 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.

- 18) 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.

### Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The development would make efficient and effective use of the site and would have no significant adverse impact upon the character and visual amenity of the site or the wider surrounding area. The development would provide a dwelling with an acceptable standard of accommodation and without significant detriment to neighbouring amenity or highway safety.
3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council approved Manual for Estate roads and under licence from the Highways Operations Manager. The

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applicant should contact the Network Co-ordination Team (01273 293 366).



<b>PLANNING COMMITTEE</b>	<b>Agenda Item 81</b>  Brighton & Hove City Council
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**Information on Pre-application Presentations and Requests**

**Upcoming presentations – Dates TBC**

Anston House, Preston Road, Brighton – site redevelopment

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
1 <sup>st</sup> April 2014	<b>Land at Meadow Vale, Ovingdean</b>	Rottingdean Coastal	Construction of 112 new dwellings with vehicular access provided from a new junction on Ovingdean Road, on-site open space and a landscaping buffer along the Falmer Road boundary.
11 <sup>th</sup> March 14	<b>Hove Park Depot, The Droveaway, Hove</b>	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 <sup>th</sup> February 14	<b>City College, Wilson Avenue, Brighton</b>	East Brighton	Additional accommodation
29 <sup>th</sup> October 13	<b>Hippodrome, Middle Street, Brighton</b>	Regency	Refurbishment and Extension
17 <sup>th</sup> Sept 13	<b>One Digital, Hollingdean Road, Brighton</b>	Hollingdean and Stanmer	Student accommodation development
27 <sup>th</sup> Aug 13	<b>The BOAT, Dyke Road Park, Brighton</b>	Hove Park	Outdoor theatre
16 <sup>th</sup> July 13	<b>Circus Street, Brighton</b>	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 8<sup>th</sup> OCTOBER 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****BH2013/03104****Land South of Sussex Police Building 14 Crowhurst Road Brighton**

Application for approval of details reserved by condition 5, 7, 10, 11, 14 and 16 of application BH2011/03804.

**Applicant:** Capital (Hair & Beauty) Ltd

**Officer:** Adrian Smith 290478

**Split Decision on 16/09/14 DELEGATED****1) UNI**

APPROVE the details pursuant to conditions 5 and 11 subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to conditions 7, 10, 14 and 16 are NOT APPROVED.

**2) UNI2**

1. The proposed lighting scheme submitted in respect of condition 10 would have a detrimental impact on ecology around the site.

**3) UNI3**

The nature conservation scheme submitted in respect of condition 14 fails to include the requisite number of bird and bat boxes to enhance the nature conservation interest of the site.

**4) UNI4**

3. The landscaping scheme submitted in respect of condition 16 fails to detail the size and planting method for the trees.

**BH2014/01257****18 Overhill Gardens Brighton**

Erection of first floor extension to front above existing garage.

**Applicant:** Mr George Kypreos

**Officer:** Joanne Doyle 292198

**Refused on 10/09/14 DELEGATED****1) UNI**

The proposed first floor front extension, by virtue of its unsympathetic design would result in an over dominant addition that would unbalance the semi detached pair of properties and disrupt the continuity of the properties in the nearby vicinity. The proposal is therefore contrary to QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12).

**BH2014/01570****25 Woodland Way Brighton**

Erection of a single storey rear extension to replace existing conservatory with

roof lantern and raised decking with steel and glazed balustrade.

**Applicant:** Mr & Mrs Jordan

**Officer:** Chris Swain 292178

**Approved on 29/08/14 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 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 other than those expressly authorised by this permission shall be constructed in the side elevations of the hereby permitted extension without planning permission obtained from the Local Planning Authority.

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

**3) UNI**

The external decked area hereby permitted shall not be brought into use until the privacy screening indicated on the approved drawing WW/02B has been installed in its entirety. The screening shall be retained 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.*

**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
Existing plans, section and elevations	WW/01		13 May 2014
Proposed plans, section and elevations	WW/02	B	13 May 2014

**5) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

*Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan.*

**BH2014/02061**

**71 Westfield Crescent Brighton**

Roof extension incorporating side and rear dormer and front rooflight.

**Applicant:** Mark Rayfield

**Officer:** Robert Hermitage 290480

**Refused on 11/09/14 DELEGATED**

**1) UNI**

The proposed dormer extensions by reason of their excessive size, cladding, and positioning on the roofslope in relation to fenestration below would represent incongruous additions to the roof slopes that fails to represent the character and appearance of the host property. Moreover, the dormer proposed on the side roof slope would unbalance the pair of semi-detached properties. The proposed

development is therefore contrary to policies QD14 of the Brighton & Hove Local Plan and SPD12 Extensions and Alterations

**BH2014/02158**

**35 Rotherfield Crescent Brighton**

Erection of raised rear patio with balustrading and access steps to garden.

**Applicant:** Barry Bates

**Officer:** Christine Dadswell 292205

**Refused on 16/09/14 DELEGATED**

**1) UNI**

The proposed decking by reason of its excessive scale, depth and height would not only result in an unneighbourly addition by reason of increased overlooking and loss of privacy but would also have a detrimental impact on the character and appearance of the host property. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the guidance contained in SPD12 Design Guide for Extensions and Alterations.

**BH2014/02188**

**32a Warmdene Road Brighton**

Removal of existing conservatory and erection of single storey rear extension.

**Applicant:** Mr Terry Topping

**Officer:** Christine Dadswell 292205

**Approved on 28/08/14 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			04 July 2014
Existing and Proposed Plans, Sections and Elevations	01	C	11 Aug 2014

**BH2014/02207**

**29 Stoneleigh Avenue Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extensions, formation of rear dormer and insertion of 4no rooflights to front.

**Applicant:** Mr Adrian Elkin

**Officer:** Roselle Goacher 292265

**Refused on 09/09/14 DELEGATED**

**BH2014/02259****64 Lyminster Avenue Brighton**

Creation of terrace above existing garage and enlargement of existing porch to front.

**Applicant:** Mr A Symons

**Officer:** Robert Hermitage 290480

**Approved on 03/09/14 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 Plan	-	-	8th July 2014
Block Plan	-	-	11th July 2014
Existing and Proposed Plans	-	-	15th July 2014

**BH2014/02339****16 Old Farm Road Brighton**

Erection of single storey side extension.

**Applicant:** L Taylor

**Officer:** Mark Thomas 292336

**Refused on 08/09/14 DELEGATED**

**1) UNI**

The proposed extension, by virtue of its height, scale, bulk, projection, positioning and form, would have a significantly detrimental impact on the character and appearance of the recipient property. The property would appear overextended and disjointed due to the extensions poor relationship to the main house. For these reasons, the proposed development would be contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: 'Design guide for extensions and alterations'.

**BH2014/02342****17 Ladies Mile Road Brighton**

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 3m, and for which the height of the eaves would be 2.7m.

**Applicant:** Mr Simon Swadling

**Officer:** Jessica Hartley 292175

**Prior approval not required on 01/09/14 DELEGATED**

**BH2014/02408****22 Church Hill Brighton**

Erection of single storey rear extension and alterations to fenestration.

**Applicant:** Ms Laura Sachse

**Officer:** Lorenzo Pandolfi 292337

**Refused on 10/09/14 DELEGATED**

**1) UNI**

The proposed extension would result in the addition of a poorly detailed and unbalancing element to the rear elevation, to the harm of the Listed Building and the surrounding Patcham Conservation Area. As such the proposal would be contrary to policies HE1, HE6 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note SPGBH13: Listed Buildings - General Advice.

**BH2014/02411****52 Mayfield Crescent Brighton**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs Westwood

**Officer:** Tom Mannings 292322

**Approved on 04/09/14 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
Existing Plans, section and elevations	1001/01		18/07/14
Proposed Plans, Section and Elevations	1001/02		18/07/14

**BH2014/02432****12 Plainfields Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.55m.

**Applicant:** Mr K H Tahsin

**Officer:** Robert Hermitage 290480

**Prior Approval is required and is refused on 29/08/14 DELEGATED**

**BH2014/02455****86 Midhurst Rise Brighton**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Bryan Nobbs**Officer:** Robert Hermitage 290480**Approved on 04/09/14 DELEGATED****BH2014/02507****Asda Superstore 1 Crowhurst Road Brighton**

Erection of new entrance canopy to replace existing.

**Applicant:** Asda Stores Ltd**Officer:** Andrew Huntley 292321**Approved on 11/09/14 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	PL-01		25.07.2014
Existing Site Plan	PL-02		25.07.2014
Proposed Site Plan	PL-03	A	04.08.2014
Existing & Proposed Layout	PL-04	A	04.08.2014
Existing Elevations	PL-05	A	05.08.2014
Proposed Elevations	PL-06	A	05.08.2014

**BH2014/02646****3 Old Farm Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.25m, for which the maximum height would be 3.25m and for which the height of the eaves would be 3m.

**Applicant:** Mr & Mrs David Whittle**Officer:** Robert Hermitage 290480**Prior approval not required on 02/09/14 DELEGATED****BH2014/02729****22 Glenfalls Avenue Brighton**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Kevin Laundon**Officer:** Tom Mannings 292322**Approved on 04/09/14 DELEGATED****BH2014/02751****31 Stoneleigh Avenue Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the original house by 5.9m, for which the maximum height would be 2.8, and for which the height of the eaves would be 2.8m.

**Applicant:** Mr A Gill



**Officer:** Benazir Kachchhi 294495  
**Prior approval not required on 17/09/14 DELEGATED**

**PRESTON PARK**

**BH2014/01312**

**101B Preston Drove Brighton**

Retention of existing satellite dish to flat roof. (Retrospective)

**Applicant:** Antony Benedict

**Officer:** Allison Palmer 290493

**Refused on 29/08/14 DELEGATED**

**1) UNI**

It is considered the siting of the satellite dish on the single storey flat roof has a detrimental impact on the appearance and character of the area, contrary to policies QD22, QD27 and HE6 of the Brighton & Hove Local Plan 2005.

**BH2014/01661**

**First Floor Flat, 59 Beaconsfield Villas Brighton**

Replacement of single glazed timber windows at first floor level with double glazed timber windows.

**Applicant:** Alison Henry Trust

**Officer:** Jessica Hartley 292175

**Approved on 03/09/14 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			21/05/2014
Block Plan			21/05/2014
Window Details			15/07/2014
Window Specifications			15/07/2014

**3) UNI**

The dimensions of the glazing bars and mouldings of the new windows hereby permitted shall match exactly those of the existing building.

*Reason: For the avoidance of doubt; to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 09, Architectural Features.*

**BH2014/01759**

**140A Springfield Road Brighton**

Replacement of timber single glazed sash windows with timber double glazed sash windows and replacement of door with part double glazed timber door.

**Applicant:** Mr Graham Miles

**Officer:** Robin Hodgetts 292366

**Approved on 01/09/14 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			28/05/14
Manufacturers details			28/05/14
Section			28/05/14

### **BH2014/01776**

#### **157-159 Preston Road Brighton**

Application for Approval of Details Reserved by Conditions 3, 5, 7, 9, 10 and 11 of application BH2012/01844.

**Applicant:** Cross Stone Securities Ltd

**Officer:** Adrian Smith 290478

**Split Decision on 01/09/14 DELEGATED**

## **1) UNI**

The details of the disabled bays as required by condition 11 fail to meet the required standard as 1.2m clear zones are not detailed to either side of each bay as well as to the rear. Further, the submitted site layout plan includes a substantial reorganisation of parking spaces and amenity spaces that does not correspond with the approved drawings under BH2012/01844. As such, as the submitted plans substantially differ from those approved and fail to provide the appropriate level of detail, this condition cannot be agreed.

## **2) UNI2**

No samples or details of materials have been submitted to satisfy condition 9.

### **BH2014/01856**

#### **247-249 & Land Adjacent to 251 Ditchling Road Brighton**

Application for Approval of Details Reserved by Condition 22 of application BH2011/03487.

**Applicant:** David Cook

**Officer:** Wayne Nee 292132

**Approved on 09/09/14 DELEGATED**

### **BH2014/02039**

#### **Ground Floor Flat 20 Chester Terrace Brighton**

Replacement of rear existing timber framed windows with UPVC double glazed windows and replacement of timber cladding with render. (Retrospective)

**Applicant:** Jane Moodey

**Officer:** Roselle Goacher 292265

**Approved on 03/09/14 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
Block Plan & Location Plan	13-128/Loc		20/06/2014
Pre-Existing Plans and Elevations	14-128-01		20/06/2014
Existing Plans and Elevations	14-128-02		20/06/2014
Pre-Existing and Existing windows/door details	14-128-03		11/07/2014

**BH2014/02096**

**74 Hythe Road Brighton**

Installation of rooflight to rear.

**Applicant:** Jeremy Beales

**Officer:** Roselle Goacher 292265

**Approved on 04/09/14 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	ESX221749		23/06/2014
As Existing	No. 1	A	23/07/2014
As Proposed	No.1	A	21/07/2014
2. Proposal	2A & 2B		23/06/2014

**BH2014/02200**

**Flats 1A & 1B 2 Lancaster Road Brighton**

Relocation of existing bathroom window at No 1A from side to rear to facilitate erection of single storey extension to No. 1B.

**Applicant:** Paul & Gill Jones

**Officer:** Chris Swain 292178

**Approved on 01/09/14 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
Existing plans, elevations and site plan and proposed block plan			1 July 2014
Proposed plans and elevations			1 July 2014

**BH2014/02255**

**80 Sandgate Road Brighton**

Erection of rear extension at first floor level.

**Applicant:** Dr Rosemary Baker

**Officer:** Jessica Hartley 292175

**Approved on 04/09/14 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 Plan	068 L-01		08/07/2014
Block Plan	068 L-02		08/07/2014
Existing Drawings	068 L-03		08/07/2014
Proposed Drawings	068 L-04		08/07/2014

**BH2014/02270**

**146 Waldegrave Road Brighton**

Creation of dormer to rear and installation of rooflight to front.

**Applicant:** Mr Rhys Pritchard

**Officer:** Jessica Hartley 292175

**Approved on 02/09/14 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 rooflight hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**3) UNI**

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.*

**4) UNI**

The new dormer sash window in the rear elevation of the development hereby permitted shall be obscure glazed and non-opening to the lower half, and thereafter 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.*

**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 Location Plan	02/14/146WR L-001		08/07/2014
Block Plan	02/14/146WR L-002		08/07/2014
Existing Drawings	02/14/146WR L-003		08/07/2014
Proposed Drawings	02/14/146WR L-004		08/07/2014

**6) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**BH2014/02283**

**22 Ashford Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating dormer to rear and 2no rooflights to front. Replacement of existing rear door with double doors.

**Applicant:** Mr & Mrs Carter

**Officer:** Robert Hermitage 290480

**Approved on 03/09/14 DELEGATED**

**BH2014/02302**

**Flat 26 Preston Mansions Preston Park Avenue Brighton**

Creation of a guarded roof terrace on existing flat roof.

**Applicant:** Mr Mike Wilson

**Officer:** Joanne Doyle 292198

**Approved on 04/09/14 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 details contained in the Design and Access Statement, only timber decking shall be used in the construction of the terrace and shall be retained as such thereafter.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to*

comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

**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 & Block Plan			10 Jul 2014
Existing & Proposed Floor Plans			10 Jul 2014
Existing & Proposed Elevations			10 Jul 2014

**BH2014/02365**

**42 Chester Terrace Brighton**

Erection of single storey rear infill extension.

**Applicant:** Ms Clare Morrison

**Officer:** Robert Hermitage 290480

**Approved on 10/09/14 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	P01a	A	18th July 2014
Location Plan	E01a	A	18th July 2014
Existing Floor Plans	E02	-	15th July 2014
Proposed Floor Plans	P02a	A	4th September 2014
Existing Elevations	E03a	A	4th September 2014
Proposed Elevations	P03	-	15th July 2014

**BH2014/02426**

**28 Prestonville Road Brighton**

Erection of single storey rear extension and revised fenestration.

**Applicant:** Andrew Winczez

**Officer:** Joanne Doyle 292198

**Approved on 16/09/14 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 & Block Plan	220.100		21 Jul 2014
Existing Floor Plan & Section	220.01		21 Jul 2014
Existing Elevations	220.02		21 Jul 2014
Proposed Floor Plan & Section	220.03.b		21 Jul 2014
Proposed Elevations	220.04.b		21 Jul 2014

**BH2014/02444**

**39 Southdown Avenue Brighton**

Roof alterations incorporating dormer to rear and rooflight to side.

**Applicant:** Mr Alan Bowry

**Officer:** Tom Mannings 292322

**Approved on 04/09/14 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 rooflight(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
As Existing Plans	39/01		22/07/14
As Existing Elevations and Sections	39/02		22/07/14
Proposed Floor Plans	39/03		22/07/14
Proposed Sections and Elevations	39/04		22/07/14

**BH2014/02501**

**8 Beacon Close Brighton**

Certificate of lawfulness for proposed demolition of existing conservatory and erection of single storey rear extension. Loft conversion incorporating hip to gable roof extension to the rear, installation of side dormer and 6no rooflights.

**Applicant:** Jamie Longford

**Officer:** Jessica Hartley 292175

**Approved on 03/09/14 DELEGATED**

**BH2014/02988**

**160 Dyke Road Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2012/03534.

**Applicant:** Rogan Investments Ltd

**Officer:** Sue Dubberley 293817

**Approved on 17/09/14 DELEGATED**

**REGENCY**

**BH2014/00747**

**5 Clifton Hill Brighton**

Application for Approval of Details Reserved by Condition 7 of application BH2013/03278.

**Applicant:** Streamline Taxis

**Officer:** Christopher Wright 292097

**Approved on 28/08/14 DELEGATED**

**BH2014/01224**

**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:** Helen Hobbs 293335

**Refused on 02/09/14 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 which would outweigh and justify the identified 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, HE4 and HE6 of the Brighton & Hove Local Plan, Supplementary Planning Guidance 11 and 13 and Supplementary Planning Document 09.

**BH2014/01225**

**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:** Helen Hobbs 293335

**Refused on 02/09/14 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 which would outweigh and justify the identified 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.

**BH2014/01603**

**37 Western Road & 39 Clarence Square Brighton**

Application for Approval of Details Reserved by Conditions 4, 5, 6, 7 and 8 of application BH2013/03617.

**Applicant:** Hoskins Ltd

**Officer:** Jason Hawkes 292153

**Approved on 03/09/14 DELEGATED**

**BH2014/01656**

**61 Montpelier Road Brighton**

Removal of existing external fire escape to rear.

**Applicant:** Juliet Smith

**Officer:** Christine Dadswell 292205

**Approved on 10/09/14 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 one month of their installation and shall be retained as such thereafter.

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

**3) UNI**

All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed 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**

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 Elevations with Location and Block Plan	1185-PA-001		04 September 2014
Existing Section	1185-PA-002		04 September

			2014
Existing Site Photographs	1185-PA-003		04 September 2014
Proposed Section	1185-PA-011	B	04 September 2014
Proposed Elevations with Location and Block Plan	1185-PA-010	B	04 September 2014
Proposed Railing Detail	1185	D	04 September 2014

**BH2014/01663**

**61 Montpelier Road Brighton**

Removal of existing external fire escape to rear.

**Applicant:** Juliet Smith

**Officer:** Christine Dadswell 292205

**Approved on 12/09/14 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**

All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.

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

**3) UNI**

The hereby approved railings shall be painted black within one month of their installation and shall be retained as such thereafter.

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

**BH2014/01739**

**123 - 124 Western Road Brighton**

Alterations to shopfront to front and side elevations including installation of new fascia panel, new windows and entrance doors and associated works (Part Retrospective).

**Applicant:** Mr Amir Khan

**Officer:** Jason Hawkes 292153

**Approved on 03/09/14 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
Location Plan			28th May 2014
Block Plan	164/01		28th May 2014
Plan Existing at Doors	0164-50	A	9th June 2014
Existing at Temple Street	0164-51	A	9th June 2014
Existing at Western Road	0164-52	A	9th June 2014
Plan Proposed at New Doors	0164-53	A	9th June 2014
Proposed at Temple Street	0164-54	A	9th June 2014

Proposed at Western Street	0164-55	A	9th June 2014
Section and Details	0164-56	A	9th June 2014

**BH2014/01870**

**Former Royal Alexandra Hospital 57 Dyke Road Brighton**

Application for approval of details reserved by condition 34 of application BH2010/03379.

**Applicant:** Taylor Wimpey South West Thames

**Officer:** Helen Hobbs 293335

**Approved on 09/09/14 DELEGATED**

**BH2014/02063**

**19 Oriental Place Brighton**

Conversion of existing hotel (C1) to form 5no studio flats, 3no one bedroom flats and 1no two bedroom flat (C3) with associated alterations including extension at second and third floor levels.

**Applicant:** Steph Harding

**Officer:** Liz Arnold 291709

**Refused on 04/09/14 DELEGATED**

**1) UNI**

The proposed rear extension would result in loss of historic detail and a loss of the appreciation of the original form, scale and mass of the principal building. The external works to the building would result in a loss of the historic and aesthetic significance of the building. Furthermore the visually heavy extension would appear unduly dominant and would be of detriment to the visual amenities of the rear of the terrace which includes historic subservient rear extensions. The proposal would therefore harm the historic character and appearance of the building, wider terrace and Regency Square Conservation Area, contrary to policies QD14, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

**2) UNI2**

The proposed conversion of the property into nine residential units of 5 studio flats, 3 one bed flats and 1 two bedroom flat would be an over-intensive use of the site and would provide a poor size and mix of units. Furthermore the bedrooms of the basement flat would have inadequate natural light, ventilation and outlook. The proposal would provide a cramped and unsatisfactory standard of residential accommodation, which would fail to meet the likely needs of future occupiers. The proposal is thereby contrary to policies HO3, QD27 and SU2 of the Brighton & Hove Local Plan.

**BH2014/02064**

**19 Oriental Place Brighton**

Conversion of existing hotel (C1) to form 5no studio flats, 3no one bedroom flats and 1no two bedroom flat (C3) with associated internal alterations to layout and external alterations including extension at second and third floor levels.

**Applicant:** Steph Harding

**Officer:** Liz Arnold 291709

**Refused on 04/09/14 DELEGATED**

**1) UNI**

The proposed rear extension would result in the loss of historic detail and appreciation of the historic form, scale and mass of the principal building. The proposed extension would result in an over-development of the building and site, and would be an unduly dominant addition to the prominent north and west/south-west elevations. The proposed extension is thereby contrary to policies HE1 and HE3 of the Brighton & Hove Local Plan, and Supplementary Planning Documents 12, Design Guide for Extensions and Alterations, and, 09

Architectural Features.

**2) UNI2**

The proposed conversion of the internal spaces to form 9 self-contained residential units would result in the loss of original plan form and loss of original historic features of the building. The proposal is thereby contrary to policies HE1 and HE4 of the Brighton & Hove Local Plan.

**BH2014/02097**

**70 Montpelier Road Brighton**

Alterations to North boundary wall including installation of coping stones.

**Applicant:** Millmead Properties Ltd

**Officer:** Joanne Doyle 292198

**Approved on 16/09/14 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	13/32/1		23 Jun 2014
Existing & Proposed Drawing	13/32		01 Sept 2014

**3) UNI**

All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.

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

**BH2014/02098**

**70 Montpelier Road Brighton**

Alterations to North boundary wall including installation of coping stones.

**Applicant:** Millmead Properties Ltd

**Officer:** Joanne Doyle 292198

**Approved on 16/09/14 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**

All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.

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

**BH2014/02146**

**Unit 31 Churchill Square Brighton**

Display of internally illuminated fascia and panel signs and non - illuminated vinyl sign.

**Applicant:** Twinmar Ltd

**Officer:** Christopher Wright 292097

**Approved on 05/09/14 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**

The maximum levels of luminance for the internally illuminated fascia and panel signs hereby permitted shall not exceed 600 Candelas per square metre.

*Reason: To safeguard the appearance and character of the area in accordance with policy QD12 of the Brighton & Hove Local Plan.*

**BH2014/02147**

**Unit 31 Churchill Square Brighton**

Removal of high level rail.

**Applicant:** Twinmar Ltd

**Officer:** Christopher Wright 292097

**Approved on 04/09/14 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
Plan - Site Location	E100		27 Jun 2014
Shopfront Proposal	A210.1		27 Jun 2014
Shopfront Existing and Enabling	E110.1		27 Jun 2014

**BH2014/02177**

**1 Market Street Brighton**

Installation of fascia signs, information signs, menu box and hanging sign.

**Applicant:** Heineken Ltd

**Officer:** Sonia Gillam 292265

**Approved on 01/09/14 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.*

**BH2014/02210**

**26 Spring Street Brighton**

Application for variation of condition 3 of application BN88/1963/F (Change of use from shop to A3 food and drink.) to allow opening on Sundays and Bank Holidays between 1200 - 1700 and allow use of the garden by customers between 1200 - 1700 Monday to Saturday.

**Applicant:** Talk of Tea

**Officer:** Christopher Wright 292097

**Approved on 11/09/14 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
Plan Type	Reference	Version	Date Received
Location Plan			8 Jul 2014
Proposed Table Plan (rear garden)			8 Jul 2014

## 2) UNI

The premises shall be used only for the sale and consumption of tea, coffee, similar snacks and non-alcoholic beverages, and for no other purpose (including any other purpose in 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).

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

## 3) UNI

The rear garden shall only be used by customers between the hours of 12.00 and 17.00 Mondays to Saturdays and at no other times.

*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 use hereby permitted shall not be open to customers except between the hours of 08.00 and 18.00 Mondays to Saturdays, and between the hours of 12.00 and 17.00 Sundays and Bank or Public Holidays.

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

### **BH2014/02253**

#### **Flats 3 & 4 7 Montpelier Terrace Brighton**

Internal alterations to form two first floor self contained flats.

**Applicant:** Mr Lawrence

**Officer:** Jason Hawkes 292153

**Refused on 01/09/14 DELEGATED**

#### 1) UNI

The proposal results in an inappropriate layout for the two flats with irregular shaped rooms. The scheme also results in the removal of original walls and intensifies the use of the first floor through further division of rooms. The scheme is therefore deemed to detract from the plan form and the historic character of the listed building and is contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11: Listed Building Interiors.

### **BH2014/02264**

#### **106 - 121 Kings Road Brighton**

Display of internally illuminated fascia signs and non illuminated hand painted sign.

**Applicant:** The Coal Shed Restaurant Limited

**Officer:** Jessica Hartley 292175

**Approved on 03/09/14 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.*

**BH2014/02265**

**106 - 121 Kings Road Brighton**

Installation of new shop front with associated alterations including new side entrance and retractable awnings.

**Applicant:** The Coal Shed Restaurant Limited

**Officer:** Jessica Hartley 292175

**Approved on 03/09/14 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 Shopfront Plan and Elevations	L14 3024 09-01		08/07/2014
Proposed Shopfront Plan, Elevations and Details	L14 3024 09-02		08/07/2014

**BH2014/02317**

**86 Western Road Brighton**

Application for approval of details reserved by conditions 2, 3 and 8 of application BH2013/03404.

**Applicant:** Creams London Ltd

**Officer:** Liz Arnold 291709

**Approved on 17/09/14 DELEGATED**

**BH2014/02410**

**5 Vernon Terrace Brighton**

Replacement of existing entrance tiles with black and white tiles and installation of sandstone tiles to front garden.

**Applicant:** 5 Vernon Terrace (Brighton) Ltd

**Officer:** Christine Dadswell 292205

**Approved on 10/09/14 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**

Notwithstanding the submitted details no works shall take place until details of an alternative waterproof membrane have been submitted to and approved in writing by the Local Planning Authority. The works shall take place in strict accordance with the agreed details and be maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

Notwithstanding the submitted details no works shall take place until details of the sandstone tiles have been submitted to and approved in writing by the Local Planning Authority. The details shall provide that the sandstone tiles are cut straight with a smooth surface and laid with tight joints. The works shall take place in strict accordance with the agreed details and be maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**4) UNI**

Notwithstanding the submitted plans no works shall take place until details of the replacement entrance tiles have been submitted to and approved in writing by the Local Planning Authority. The details shall include the pattern, border and step nosing detail and shall match exactly the entrance to no. 3 Vernon Terrace. The works shall take place in strict accordance with the agreed details and be

maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2014/02415**

**36 Montpelier Road Brighton**

Application for Approval of Details Reserved by Conditions 8 and 9 of application BH2014/00579.

**Applicant:** Paxform Properties

**Officer:** Liz Arnold 291709

**Approved on 05/09/14 DELEGATED**

**BH2014/02416**

**82 North Street Brighton**

Display of non - illuminated shroud to scaffolding for a temporary period of 6 months.

**Applicant:** Metro Bank Plc

**Officer:** Jason Hawkes 292153

**Refused on 02/09/14 DELEGATED**

**1) UNI**

Having regard to the scale, design and prominence of the proposed sign, the scheme is deemed inappropriate in terms of its visual impact and would stand out on this prominent location as an overbearing and inappropriate addition out of character with the surrounding area. The proposal is therefore deemed contrary to policy QD12 and to the guidance outlined in the SPD regarding shroud signs.

**BH2014/02437**

**52-53 Western Road Brighton**

Application for approval of details reserved by conditions 5, 6, 7, 8, 9, 11 and 14 of application BH2013/03835.

**Applicant:** Abbeydale Group

**Officer:** Jason Hawkes 292153

**Approved on 17/09/14 DELEGATED**

**BH2014/02511**

**20 Marlborough Street Brighton**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mr P Bowler

**Officer:** Tom Mannings 292322

**Split Decision on 09/09/14 DELEGATED**

**1) UNI**

GRANT a lawful development certificate for the proposed rear rooflights:-

1. The proposed rear rooflights would be permitted under Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

**1) UNI**

REFUSE a lawful development certificate for the rear extension for the following reason:-

1. The single-storey rear extension would not be permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as the total area of ground covered by buildings within the curtilage of the dwellinghouse would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) (a), and, the enlarged part of the dwellinghouse 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 (g).

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

### **BH2013/03102**

#### **41 Providence Place Brighton**

Erection of three storey, 3no bedroom house. (Retrospective)

**Applicant:** Samuel Tannenbaum

**Officer:** Adrian Smith 290478

**Approved on 28/08/14 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	P115PC/FPR/01	-	11/09/2013
Block plan	P115PC/FPR/02	-	06/09/2013
Pre-existing floor plans and elevations	P115PC/FPR/03	-	06/09/2013
Existing floor plans and elevations	P115PC/FPR/05	-	06/09/2013
Proposed floor plans and elevations	P115PC/FPR/06	-	06/09/2013
Existing and proposed contextual elevations	P115PC/FPR/04	-	06/09/2013

#### **2) UNI**

Within three months of the date of this permission all alterations to the building, including the painting of the building, as detailed on drawing no.P115PC/FPR/06 received on 06 September 2013 shall be completed and thereafter retained as such.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.*

#### **3) UNI**

Within three months of the date of this permission a scheme for the storage of refuse and recycling shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be carried out in full within three months of approval and the 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**

Within three months of the date of this permission a scheme shall be submitted to the Local Planning Authority for approval in writing 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 residents of the development will not qualify for a resident parking permit and the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.*

#### **5) UNI**

Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse under classes A, B, C & E of Schedule 2 Part 1 the Order 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.*

#### **6) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, within three months of the date of this permission details of how the development has met the energy and water performance measures within Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority for approval in writing. The details shall be submitted using a registered Code 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.*

#### **7) UNI**

Within three months of the date of this permission the vehicular crossover located in front of the existing garage doors shall be re-constructed as a footway in accordance with the Council's approved 'Manual for Estate Roads'.

*Reason: To protect the safety of users of the highway and to comply with policy TR7 of the Brighton & Hove Local Plan.*

#### **8) UNI**

Within three months of the date of this permission details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved shall be submitted to the Local Planning Authority for approval in writing. These facilities shall be fully implemented and made available for use within three months of approval and 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.*

### **BH2014/00612**

#### **67 Upper Lewes Road Brighton**

Change of use from a 5 bedroom small house in Multiple Occupation (C4) to a 7 bedroom house in Multiple Occupation (Sui Generis) with associated alterations including erection of a single storey rear extension and a loft conversion incorporating rear dormers and front rooflights.

**Applicant:** Y Rana

**Officer:** Andrew Huntley 292321

**Refused on 29/08/14 DELEGATED**

#### **1) UNI**

The proposed change of use to provide 7 bedrooms as a Sui Generis House in Multiple Occupation would, as a result of over-subdivision of the attic rooms, lack of head height and therefore useable space, create a cramped form of accommodation which would fail to provide an acceptable standard of accommodation. Therefore the proposal would be detrimental to the residential amenity of future occupiers and is contrary to policy QD27 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed rear dormers and front rooflights would result in a cluttered, bulky and dominant appearance, which would be detrimental to the character and appearance of the host building and the surrounding Old Hove Conservation Area. The development is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12.

**BH2014/01003**

**Top Flat 49 Warleigh Road Brighton**

Insertion of 2no rooflights to front and 2no dormer windows to rear.

**Applicant:** Mr Ivan Jones

**Officer:** Jonathan Puplett 292525

**Refused on 29/08/14 DELEGATED**

**1) UNI**

The siting, form and detailing of the proposed rear dormers and the proposed size and siting of the proposed front rooflights would relate poorly to the existing building, and wider terrace row, and would fail to emphasise or enhance the positive qualities of the local neighbourhood. The rear dormers are therefore considered contrary to Local Plan policy QD14 and design guidance within Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/01363**

**Devonian Court Park Crescent Place Brighton**

Erection of additional storey to facilitate creation of 3no two bedroom flats (C3).

**Applicant:** Witnesham Ventures

**Officer:** Andrew Huntley 292321

**Refused on 03/09/14 DELEGATED**

**1) UNI**

The proposed roof addition, by reason of its height and bulk, would appear unduly dominant and would cause harm to the established character of the street scene and surrounding area. The design, detailing and roof form would fail to relate to the fenestration below and would create a 'top heavy' bulky appearance to the building. Overall, the design would fail to provide a suitable standard of design and appearance for new development, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan. The proposal therefore fails to enhance the positive qualities of the neighbourhood and represents a poorly designed development, out of keeping with its surroundings, to the detriment of the character of the area and the visual appearance of the streetscene. This harm is therefore considered to outweigh the benefit provided by the additional residential units. As such, the proposal would be contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

**2) UNI2**

The application has failed to demonstrate that the proposal would not cause detrimental levels of overlooking and the perception of overlooking into the existing properties on Trinity Street and Crescent Terrace. This harm is therefore considered to outweigh the benefit provided by the additional residential units. Therefore, the proposal would cause significant harm to neighbouring amenity and thus would be contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/01690**

**93 Lewes Road Brighton**

Change of use to part of ground floor from retail (A1) to dental surgery (D1).

**Applicant:** The Centre For Dentistry

**Officer:** Sue Dubberley 293817

**Approved on 28/08/14 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	No number		22/05/14
Existing ground floor	0048G01-ASP		22/05/14
Proposed layout plan	DH190514		22/05/14

**BH2014/01890**

**105 London Road Brighton**

Certificate of lawfulness for proposed use of ground floor as retail (A1) and first, second and third floors as a single residential dwelling (C3).

**Applicant:** Maker Properties

**Officer:** Wayne Nee 292132

**Approved on 29/08/14 DELEGATED**

**BH2014/01913**

**11 Buckingham Place Brighton**

Application for Approval of Details Reserved by Condition 2 of application BH2013/03826.

**Applicant:** Ms Kefi Chadwick

**Officer:** Andrew Huntley 292321

**Approved on 08/09/14 DELEGATED**

**BH2014/01965**

**9 London Road Brighton**

Change of use from bank (A2) to restaurant (A3) and take away (A5) at ground floor level and 2no. one bedroom and 1no. two bedroom flats (C3) at first and second floor levels with associated alterations including installation of extract duct, new front entrance and new windows to rear elevation.

**Applicant:** Essy Sharanizadeh & Santander

**Officer:** Sonia Gillam 292265

**Approved on 17/09/14 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 ground floor commercial use hereby permitted shall not be operational except between the hours of 07:00 and 22:00 on Mondays to Sundays, including 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.*

**3) UNI**

The easternmost window to the bedroom of the rear first floor flat in the northern

elevation of the development hereby permitted shall be obscure glazed and, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, non-opening. The window shall thereafter be permanently retained as such.

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

**4) UNI**

Access to the flat roof areas of the building (other than the second floor balcony area shown on the plans) 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.*

**5) UNI**

The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

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

**6) UNI**

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

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

**7) UNI**

No intoxicating liquor shall be sold or supplied within the A3/ A5 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 bar area shall be ancillary to the approved A3 restaurant use.

*Reason: In the interest of general amenity and public order and to comply with policies QD27 and SR12 of the Brighton & Hove Local Plan.*

**8) 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.*

**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**

Notwithstanding the submitted plans the development hereby permitted shall not

be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

**11) UNI**

The development hereby permitted shall not be commenced until details of sustainability measures in relation to the ground floor commercial unit have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

**12) 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.*

**13) 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	01		17/06/2014
Block plan	Loc		17/06/2014
Proposed first floor plan showing position of noise assessment equipment			21/08/2014
Proposed elevation and plan of ventilation system			01/08/2014
Existing floor plans	01		17/06/2014
Proposed floor plans	02	C	21/08/2014
Existing elevations	03		17/06/2014
Proposed elevations	04	C	21/08/2014

**14) UNI**

No development shall commence until a scheme for the soundproofing of the floors and walls between the ground and first floor uses hereby permitted 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.*

**BH2014/02020**

**94-103 London Road Brighton**

Application for Approval of Details Reserved by Condition 30 of application BH2014/01127.

**Applicant:** Watkin Jones Group

**Officer:** Kathryn Boggiano 292138

**Approved on 28/08/14 DELEGATED**

**BH2014/02079**

**23 West Hill Street Brighton**

Replacement of UPVC windows with timber sash windows to front elevation.

**Applicant:** Mr Lee Manifold

**Officer:** Jessica Hartley 292175

**Approved on 01/09/14 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 thereafter.

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

**3) UNI**

The development hereby permitted shall be carried out in accordance with the approved 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			08/07/2014
Windows Proposed to be Changed			23/06/2014
Proposed Frame			23/06/2014
Frame Details			08/07/2014

**BH2014/02106**

**23 Surrey Street Brighton**

Insertion of rear dormer.

**Applicant:** Mr Alex Kordek

**Officer:** Roselle Goacher 292265

**Approved on 09/09/14 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 tiles on the hereby approved dormer shall match in material, colour, style and texture those of the existing roof.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

### 3) UNI

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

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

Plan Type	Reference	Version	Date Received
Proposed Loft Conversion		A	31/07/2014

## **BH2014/02166**

### **31-33 Bath Street Brighton**

Erection of boundary wall along boundary between 31 - 33 Bath Street and 19 - 25 Compton Avenue. (Part retrospective)

**Applicant:** Natterjack Construction

**Officer:** Allison Palmer 290493

**Approved on 11/09/14 DELEGATED**

### 1) UNI

No development shall take place until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

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

### 2) UNI

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

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

Plan Type	Reference	Version	Date Received
Design and access statement			01/07/14
Biodiversity checklist			01/07/14
Site waste minimisation statement			01/07/14
Site location			01/07/14
Block plan			09/07/14
Structural survey			01/07/14
Structural details temp works	12584/10	H	17/07/14
Structural details new wall proposed	12584/11	B	17/07/14
Proposed structural details wall elevation	12584/12	B	17/07/14

## **BH2014/02219**

### **Downs Filling Station 134 Ditchling Road Brighton**

Display of internally illuminated fascia signs.

**Applicant:** Studio One Design & Production Services Ltd

**Officer:** Chris Swain 292178

**Approved on 02/09/14 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.*

**BH2014/02222**

**9 St Peters Place Brighton**

Internal alterations to layout of house.

**Applicant:** Andre Mattar

**Officer:** Benazir Kachchhi 294495

**Approved on 03/09/14 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 existing original door on the second floor landing shall be retained in accordance with the approved '1:20 Proposed Floor Plan' received 3 February 2014.

*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 new doors, architraves and skirtings hereby approved shall match the existing on the second floor in all respects and shall be 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.*

**BH2014/02225**

**67A Upper Gloucester Road Brighton**

Installation of external staircase with balustrade to provide means of escape from upper floors with associated works.

**Applicant:** Mrs Alison Cornelius

**Officer:** Andrew Huntley 292321

**Approved on 03/09/14 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 full details of the new railings including 1:20 scale elevational drawings and 1:1 scale sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

**3) UNI**

The new door, staircase and the flat roof over the existing extension shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

The opening within the parapet wall hereby permitted shall be made good and painted in a colour to match the existing and shall be retained as such thereafter.

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

**5) UNI**

The new entrance pier shall match the existing entrance piers on Buckingham Street in terms of design, materials and finish (including colour).

*Reason: To ensure a satisfactory appearance to the development and to comply*

with policy HE6 of the Brighton & Hove Local Plan.

**6) UNI**

No development shall take place until full details of the new door and fanlight and their reveals, cills and glazing bars including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The door and fanlight shall be painted timber in a colour to match the existing windows and have concealed trickle vents. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

**7) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Floor Plans	14.34.EI.P 001		04.07.2014
Existing Elevations	14.34.EI.P 002		04.07.2014
Proposed Floor Plans	14.34.EI.P 003		04.07.2014
Proposed Elevations	14.34.EI.P 004		04.07.2014
Location & Block Plans	14.34.EI.P 005		04.07.2014

**8) UNI**

Within 2 months of the erection of the staircase and railings hereby permitted, the staircase and railings shall be painted black 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.*

**BH2014/02241**

**27 St Martins Street Brighton**

Erection of conservatory to rear.

**Applicant:** Jon Skinner

**Officer:** Robert Hermitage 290480

**Approved on 03/09/14 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 and Location Plan	-	-	11th July 2014
Existing Floor Plan	-	-	4th July 2014
Proposed Floor Plan	-	-	4th July 2014
Existing Elevations	-	-	4th July 2014
Proposed Elevations	-	-	4th July 2014

**BH2014/02355**

**Top Floor Flat 3 2 Buckingham Street Brighton**

Creation of 2no dormers to rear and insertion of 1no rooflight to front.

**Applicant:** Miss Louise Parker

**Officer:** Jessica Hartley 292175

**Refused on 04/09/14 DELEGATED**

**1) UNI**

The proposed rear dormer windows would appear overly dominant and result in a cluttered appearance to the rear roofslope and a top heavy appearance to the host property due to their excessive number. As such the proposal would be contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12.

**BH2014/02518**

**10 New England Road Brighton**

Application for Approval of Details Reserved by Conditions 5, 6, 7, 9 and 12 of application BH2014/01090.

**Applicant:** QED Estates Ltd

**Officer:** Adrian Smith 290478

**Approved on 03/09/14 DELEGATED**

**BH2014/02831**

**94-103 London Road Brighton**

Application for Approval of Details Reserved by Conditions 19ii, 25 and 42 of application BH2014/01127

**Applicant:** Watkin Jones Group

**Officer:** Kathryn Boggiano 292138

**Split Decision on 05/09/14 DELEGATED**

**1) UNI**

The details pursuant to conditions 19ii, 25 (refuse and recycling storage for the student management and marketing unit) and 42 and subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to condition 25 (refuse and recycling storage for the retail and the gymnasium units) for the reason(s) set out below:

1. No information has been submitted with regard to condition 25 in relation to the refuse and recycling storage for the retail and gymnasium units.

**WITHDEAN**

**BH2014/01189**

**24 Tongdean Rise Brighton**

Remodelling of existing dwelling including two storey extensions to front and rear, alterations and enlargement of roof incorporating installation of rooflights to the front and rear. Creation of lower ground level to rear, fenestration and associated works.

**Applicant:** Mr Simon Hull

**Officer:** Helen Hobbs 293335

**Approved on 09/09/14 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 first floor windows in the southern elevation of the development hereby permitted shall be obscure glazed and, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, non-opening. The windows shall thereafter be permanently retained as such.

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

**3) 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, including the glazing, 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**

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	L-01		14th April 2014
Block plan	L-02		14th April 2014
Existing plans	L-03		14th April 2014
Existing elevations	L-04		14th April 2014
Proposed plans	L-05a	A	31st July 2014
Proposed elevations	L-06a	A	31st July 2014

**BH2014/01393**

**24A Tivoli Crescent Brighton**

Installation of replacement white UPVC sash window to front elevation.

**Applicant:** Ms Caroline Pickering

**Officer:** Benazir Kachchhi 294495

**Approved on 02/09/14 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			29/04/2014
Renaissance Vertical Slider System - Profile Combination sections (x3)			29/04/2014
Plan Drawing			29/04/2014

**BH2014/01496**

**16 Redhill Drive Brighton**

Application for Approval of Details Reserved by Conditions 9, 10, 11, 12, 13, 14 and 15 of application BH2013/04390

**Applicant:** David Meredith

**Officer:** Jason Hawkes 292153

**Approved on 28/08/14 DELEGATED**

**BH2014/01572**

**99 Valley Drive Brighton**

Certificate of Lawfulness for existing front and rear dormers and hip to barn end roof extension.

**Applicant:** Mr Danny Tasker

**Officer:** Benazir Kachchhi 294495

**Refused on 01/09/14 DELEGATED**

**1) UNI**

The evidence submitted has been found insufficient. Therefore, there is a need for the submission of a sworn statement from the Builder for the existing development to qualify as lawful and immune from enforcement action. It is therefore recommended that a certificate of lawfulness for the existing development be refused.

**BH2014/01631**

**35 Surrenden Crescent Brighton**

Demolition of existing garage and erection of new garage to rear and erection of single storey side extension.

**Applicant:** Mr & Mrs R Ashton

**Officer:** Joanne Doyle 292198

**Approved on 29/08/14 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**

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 eastern elevation of the extension hereby approved or the western elevation of the detached garage hereby approved without planning



permission obtained from the Local Planning Authority.

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

#### **4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location & Block Plan	12420 P01	A	19 May 2014
Ground Floor Plan as Proposed	12420 P02	F	19 May 2014
First Floor Plan as Proposed	12420 P03	F	19 May 2014
Roof Plan as Proposed	12420 P04	F	19 May 2014
Front & Side Elevations as Proposed	12420 P05	F	19 May 2014
Rear & Side Elevations as Proposed	12420 P06	F	19 May 2014
Ground Floor Plan as Existing	12420 E02	C	19 May 2014
First Floor Plan as Existing	12420 E03	C	19 May 2014
Roof Plan as Existing	12420 E04	C	19 May 2014
Front & Side Elevations as Existing	12420 E05	C	19 May 2014
Rear & Side Elevations as Existing	12420 E06	C	19 May 2014

#### **BH2014/01686**

##### **101 Green Ridge Brighton**

Erection of front /side extension with pitched roof, side roof lights and associated alterations.

**Applicant:** Mr & Mrs Modern

**Officer:** Helen Hobbs 293335

**Refused on 28/08/14 DELEGATED**

#### **1) UNI**

The proposal, by reason of its design, size and bulk, would create an overly dominant addition which would not appear subservient to the existing dwellinghouse. The extension would appear poorly designed and detailed in relation to the existing building and wider surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and to guidance within Supplementary Planning Document 12 (SPD12): Design Guide for Extensions and Alterations.

#### **BH2014/01777**

##### **76 Tongdean Lane Brighton**

Removal of existing conservatory and erection of part two storey, part three storey rear and side extension incorporating revised fenestration, creation of terraces at lower ground and ground floor levels and associated works.

**Applicant:** Tomislav Stojanovic

**Officer:** Liz Arnold 291709

**Approved on 29/08/14 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 commence until further details, including drawings to a scale of 1:50, of the ground floor terrace screening, type of glazing and its projection along the shared boundary, have been submitted to and approved in writing by the Local Planning Authority. The approved screening scheme shall be carried out in full as approved prior to first occupation of the development and thereafter permanently retained as such.

*Reason: As insufficient information has been submitted and to safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

No development or other operations shall commence on site until a scheme which provides for the retention and protection of the Prunus Tree located at the front of the site along with a method statement for the construction of the driveway within its Root Protection Area and details of the protection and retention of the trees/hedge located along the western boundary of the site, have been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme.

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

**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 and Block Plan	TA 740/x01	Rev. A	29th May 2014
Existing Site Survey	TA 740/x02	-	29th May 2014
Existing Street Scene Elevation	TA 740/X03	-	29th May 2014
Existing Floor Plans	TA 740/x04	-	29th May 2014
Existing Site Section	TA 740/x05	-	29th May 2014
Existing Elevations	TA 740/x06	-	29th May 2014
Proposed Site Layout	TA 740/P10	-	29th May 2014
Proposed Floor Plans	TA 740/P11	-	29th May 2014
Proposed Floor Plans	TA 740/P12	-	29th May 2014
Proposed Street Elevation	TA 740/P13	-	29th May 2014
Proposed Sections	TA 740/P14	-	29th May 2014
Proposed Sections	TA 740/P15	-	29th May 2014

**6) 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.*

**BH2014/01867**

**36 North Road Preston Brighton**

Removal of ground floor window with associated alterations to East elevation.

**Applicant:** Bruce Piper

**Officer:** Benazir Kachchhi 294495

**Approved on 28/08/14 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**

Notwithstanding the submitted drawings, prior to its installation details of the mechanical extract vent / flue, including the design, materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevations and section drawings to a minimum scale of 1:5. The works shall be implemented strictly in accordance with the agreed 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 a method statement for the works of blocking up the window opening, boarding over the internal wall surface and installing the extract system 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 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**

The tiles used for the external finish of the works hereby permitted shall exactly match in material, size, colour, style, method of fixing and texture to those of the existing building.

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

**5) UNI**

All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the listed building.

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

**BH2014/01961**

**9 Hillbrow Road Brighton**

Application for Approval of Details Reserved by conditions 6, 7, 8, 9, 11 and 12 of application BH2012/02370.

**Applicant:** Highdown Construction Ltd

**Officer:** Adrian Smith 290478

**Split Decision on 05/09/14 DELEGATED**

**1) UNI**

The details pursuant to condition 12 subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to conditions 6, 7, 8, 9 & 11 are NOT APPROVED for the reason(s) below:

1. No material samples have been submitted as required by condition 6

**2) UNI2**

2. No Code for Sustainable Homes Certificates have been submitted to meet the requirements of conditions 7 & 8 whilst insufficient information has been submitted to justify the lower standard proposed

**3) UNI3**

3. The site layout detailed on the submitted landscaping plans to meet condition 9 substantially differs from that approved under application BH2012/02370 such that the landscaping and planting schedules cannot be granted.

**4) UNI4**

4. Insufficient details of protective tree fencing have been submitted to satisfy Condition 11, whilst works have commenced without such fencing being installed.

**BH2014/02017**

**87 Mill Rise Brighton**

Erection of conservatory extension with storage underneath to rear elevation.

**Applicant:** Miss Sage

**Officer:** Benazir Kachchi 294495

**Approved on 01/09/14 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 provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or doors shall be constructed in the northern elevation of the conservatory hereby approved without planning permission obtained from the Local Planning Authority.

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

**3) UNI**

The windows in the southern elevation of the development hereby permitted shall be obscure glazed and, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, non-opening. The windows shall thereafter be permanently retained as such.

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

**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			18 June 2014
Block plan			18 June 2014
Existing ground floor plan			18 June 2014

Existing elevations			26 August 2014
Proposed conservatory floor plan and deck layout			26 August 2014
Proposed elevations			26 August 2014

### 5) UNI

The external brick base 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.*

### **BH2014/02078**

#### **13 Clermont Terrace Brighton**

Enlargement of existing rear dormer.

**Applicant:** Mr & Mrs John Harley

**Officer:** Allison Palmer 290493

**Refused on 28/08/14 DELEGATED**

### 1) UNI

The extension to the rear dormer, by reason of its excessive size, scale, positioning and cladding would represent an incongruous feature that would cause a significant detrimental effect on the rear elevation of the building, and the surrounding residential amenity of the Preston Park Conservation Area. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and the guidance contained in SPD12 Design Guide for Extensions and Alterations .

### **BH2014/02215**

#### **39 Green Ridge Brighton**

Erection of single storey rear and side extensions. Extensions and alterations to the roof including dormers to front, rear and side.

**Applicant:** Mr Kieran Dawson

**Officer:** Jessica Hartley 292175

**Refused on 28/08/14 DELEGATED**

### 1) UNI

The proposed side extension and large roof extension, by virtue of its design, size and bulk, would create an incongruous and overly prominent addition, to the detriment of the appearance of the existing property and wider street scene. As such, the development would be contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide for Extensions and Alterations (SPD12).

### 2) UNI2

The proposed alterations would by reason of excessive bulk, scale, depth and fenestration cause significant harm to the residential amenity of the occupiers of 37 Green Ridge, by way of loss of privacy and overshadowing and as such would be contrary to QD27 of the Brighton & Hove Local Plan.

### **BH2014/02244**

#### **19 Gordon Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating front rooflight and rear dormer with Juliet balcony.

**Applicant:** Mr & Mrs Mertens

**Officer:** Tom Mannings 292322

**Approved on 03/09/14 DELEGATED**

**BH2014/02291****23 Robertson Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating front rooflights and rear dormer with Juliet balcony.

**Applicant:** Andrew Hunter

**Officer:** Benazir Kachchhi 294495

**Approved on 10/09/14 DELEGATED**

**BH2014/02330****8A Inwood Crescent Brighton**

Erection of single storey side and rear extensions.

**Applicant:** Mrs Maxine Stoddart

**Officer:** Lorenzo Pandolfi 292337

**Approved on 15/09/14 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 walls 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 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/Block Plan	5036/PL/001		14/07/2014
Floors Plans Existing	5036/PL/010		14/07/2014
East Elevation Existing	5036/PL/011		14/07/2014
South Elevation Existing	5036/PL/012		14/07/2014
North Elevation Existing	5036/PL/013		14/07/2014
Floors Plans Proposed	5036/PL/020		14/07/2014
East Elevation Proposed	5036/PL/021		14/07/2014
South Elevation Proposed	5036/PL/022		14/07/2014
North Elevation Proposed	5036/PL/023		14/07/2014

**BH2014/02383****8 Inwood Crescent Brighton**

Certificate of lawfulness for proposed conversion of basement flat and maisonette into single dwelling house.

**Applicant:** Mrs Maxine Stoddart

**Officer:** Lorenzo Pandolfi 292337

**Approved on 15/09/14 DELEGATED**

**BH2014/02399****38A Whittingehame Gardens Brighton**

Erection of single storey rear extension to replace existing conservatory.

**Applicant:** Simon J Checkley

**Officer:** Christine Dadswell 292205

**Approved on 03/09/14 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
Location Plan and Block Plan	897/03		16 July 2014
Existing Plans and Elevations	897/01		16 July 2014
Proposed Plans and Elevations	897/02	A	16 July 2014

**BH2014/02461**

**Blocks A & B Kingsmere London Road Brighton**

Application for approval of details reserved by condition 9 of application BH2012/03673.

**Applicant:** Anstone Properties Ltd

**Officer:** Joanne Doyle 292198

**Refused on 16/09/14 DELEGATED**

**EAST BRIGHTON**

**BH2014/01754**

**19 Sudeley Street Brighton**

Removal of pitched roof to rear outrigger to create roof terrace with associated alterations.

**Applicant:** Mr Paul Tempest

**Officer:** Joanne Doyle 292198

**Refused on 29/08/14 DELEGATED**

**1) UNI**

The proposed removal of the mono pitch roof on the rear outrigger and replacement window is considered to have an adverse impact upon the visual appearance and character of the host property contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

**BH2014/02000**

**Flat 4 Bristol Court West 142 Marine Parade Brighton**

Replacement of existing single glazing with double glazing within existing wooden frames to 6no sash windows on South elevation, including draught proofing.

**Applicant:** Mr Anthony Shinner

**Officer:** Jonathan Puplett 292525

**Approved on 10/09/14 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 permission hereby approved relates to replacement double glazing only, which shall have a cavity between the glazing of no more than 4mm. The existing windows frames and timber sash frames shall be retained.

*Reason: For the avoidance of doubt and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN			15/07/2014
FLOORPLAN			13/06/2014
GLAZING SPECIFICATION			16/07/2014

**BH2014/02001**

**Flat 4 Bristol Court West 142 Marine Parade Brighton**

Replacement of existing single glazing with double glazing within existing wooden frames to 6no sash windows on South elevation, including draught proofing.

**Applicant:** Mr Anthony Shinner

**Officer:** Jonathan Puplett 292525

**Approved on 10/09/14 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 permission hereby approved relates to replacement double glazing only, which shall have a cavity between the glazing of no more than 4mm. The existing windows frames and timber sash frames shall be retained.

*Reason: For the avoidance of doubt and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**BH2014/02058**

**155 Eastern Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating dormer to rear and 2no rooflights to front. Erection of extension to second floor level with dormer.

**Applicant:** Mr P Forrest

**Officer:** Robert Hermitage 290480

**Refused on 03/09/14 DELEGATED**

**BH2014/02199**

**Flat 1 4 Eastern Terrace Brighton**

Erection of single storey outbuilding in rear garden and insertion of new door to rear elevation.

**Applicant:** Mr J Foley



**Officer:** Tom Mannings 292322

**Approved on 09/09/14 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 new door to the rear elevation of the building, including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

**3) UNI**

No works shall take place until details of the weathering to the junction between the hereby approved studio and adjoining wall 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.*

**BH2014/02309**

**Flat 3 5 Chesham Place Brighton**

Internal alterations to layout of flat.

**Applicant:** Sacha Pierre

**Officer:** Christine Dadswell 292205

**Approved on 03/09/14 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 kitchen units and boiler cupboards shall be scribed around the existing skirting boards.

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

**3) UNI**

All architraves, skirtings and cornices should exactly match the existing.

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

**4) UNI**

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

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

**BH2014/02310****St John the Baptist RC Primary School Whitehawk Hill Road Brighton**

Certificate of lawfulness for proposed single storey extension to North elevation.

**Applicant:** The Governors of St John the Baptist Catholic Primary School**Officer:** Roselle Goacher 292265**Refused on 10/09/14 DELEGATED****BH2014/02326****Wolseley Build Centre 19 Bristol Gardens Brighton**

Application for approval of details reserved by conditions 17 and 24 of application BH2013/03869.

**Applicant:** Downs Estates Ltd**Officer:** Wayne Nee 292132**Approved on 08/09/14 DELEGATED****BH2014/02373****29 Peel Road Brighton**

Demolition of existing outbuilding and erection of single storey detached timber outbuilding in rear garden.

**Applicant:** Mr Fabian Miskin**Officer:** Tom Mannings 292322**Approved on 03/09/14 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 building hereby permitted shall be used solely as ancillary accommodation in connection with the enjoyment of the main property as a single dwellinghouse and it shall at no time be occupied as a separate unit of accommodation.

*Reason: In order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.***3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			16/07/14
Block Plan			16/07/14
Proposed Elevations	SC/FM/ELEV		16/07/14
Existing and Proposed Floor Plan	SC/FM/PLAN		16/07/14
Proposed Roof Plan	SC/FM/ROOF PLAN		16/07/14

**BH2014/02404****8 Chesham Road Brighton**

Alterations incorporating changes from rear pitched roof to mansard roof, dormer to front elevation and revised fenestration.

**Applicant:** Mr James Eyre**Officer:** Tom Mannings 292322**Approved on 03/09/14 COMMITTEE**

### 1) BH01.01

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

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

### 2) 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, including the glazing, 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 QD14 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
Location Plan	1235/E01		18th July 2014
Block Plan	1235/P01		18th July 2014
Existing Plans	1235/E02		18th July 2014
Existing Elevations	1235/E03		18th July 2014
Proposed Plans	1235/P02	A	18th July 2014
Proposed Elevations	1235/P03		18th July 2014
Proposed Section C	1235/P04		18th July 2014
Existing Sections	1235/E04		18th July 2014

### **BH2014/02524**

#### **21 Whitehawk Road Brighton**

Certificate of Lawfulness for existing use of property as residential dwelling. (C3).

**Applicant:** Mrs Linda Saunders

**Officer:** Robert Hermitage 290480

**Approved on 04/09/14 DELEGATED**

### **HANOVER & ELM GROVE**

### **BH2014/01617**

#### **Top Flat 27 Gladstone Place Brighton**

Insertion of 2no rooflights to the rear.

**Applicant:** Neil Jamieson

**Officer:** Jessica Hartley 292175

**Approved on 02/09/14 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 and Proposed Plans and Sections	2005/DNP/01		08/07/2014
Existing and Proposed Elevations and Roof Layout	2005/DNP/02		19/05/2014
Site Location Plan			26/06/2014

**BH2014/01749**

**20 Grant Street Brighton**

Replacement of existing wooden fence with wooden gate. (Retrospective)

**Applicant:** Nicholas Harvey

**Officer:** Allison Palmer 290493

**Approved on 04/09/14 DELEGATED**

**1) UNI**

The new crossover and access shall be constructed prior to the first use of the gates hereby permitted.

*Reason: In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.*

**2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location plan			11/07/2014
Site plan			14/07/2014
Photos			28/02/2014
Existing elevation			09/07/2014
Proposed elevation			09/07/2014
Proposed floorplan			09/07/2014

**BH2014/02232**

**70 Sandown Road Brighton**

Erection of rear conservatory to ground floor flat.

**Applicant:** Mr Richard Murphy

**Officer:** Andrew Huntley 292321

**Approved on 01/09/14 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 windows in the northern elevation of the development hereby permitted as shown on Plan 103-PA-013 shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site and Block Plan	103-PA-001	A	07.07.2014
Existing Ground Floor Plan	103-PA-005	A	07.07.2014
Existing Sectional Elevations	103-PA-006	B	07.07.2014
Proposed Ground Floor Plan	103-PA-012	C	07.07.2014
Proposed Elevation and Sections	103-PA-013	B	07.07.2014

**BH2014/02263**

**5 Pankhurst Avenue Brighton**

Certificate of Lawfulness for proposed single storey rear extension and loft conversion incorporating gable end roof extension, front rooflights and rear dormer.

**Applicant:** Ms Pam Scanlon

**Officer:** Robert Hermitage 290480

**Approved on 02/09/14 DELEGATED**

**BH2014/02348**

**114 Islingword Road Brighton**

Prior approval for change of use of basement and ground floor from retail (A1) to 1no three bedroom maisonette (C3).

**Applicant:** Mr Iain Boyle

**Officer:** Joanne Doyle 292198

**Prior Approval is required and is approved on 15/09/14 DELEGATED**

**BH2014/02353**

**15 Grant Street Brighton**

Certificate of Lawfulness for proposed loft conversion incorporating front rooflights and rear dormer with Juliet balcony, and fenestration alterations to ground floor.

**Applicant:** Robert Plater

**Officer:** Robert Hermitage 290480

**Approved on 04/09/14 DELEGATED**

**HOLLINGDEAN & STANMER**

**BH2013/03471**

**1 Pevensey Building North South Road University of Sussex**

Internal alterations to layout.

**Applicant:** Department of Estates and Facilities Management

**Officer:** Andrew Huntley 292321

**Refused on 01/09/14 DELEGATED**

**1) UNI**

The works have harmed the special character of the building's interior by virtue of the new false ceilings in both meeting rooms which obscure architectural features of the building. This has significantly harmed the architectural and historic character, and the appearance of the interior of the Grade II\* listed building and is not outweighed by any public benefit. Therefore, the proposal is contrary to policy HE1 of the Brighton & Hove Local Plan and the Council's Supplementary Planning Guidance Notes SPGBH13: Listed Buildings - General Advice.

**BH2014/01223**

**40 Beatty Avenue Brighton**

Demolition of garage and side extension and erection of 1no two bed dwelling adjoining existing dwelling with associated alterations.

**Applicant:** Mr S Malins

**Officer:** Andrew Huntley 292321

**Approved on 28/08/14 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 other alteration of the hereby approved 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.*

**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 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**

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) 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.*

**7) UNI**

Notwithstanding the submitted plans 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**

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.*

**9) UNI**

The hereby approved 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.*

**10) UNI**

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.*

**11) UNI**

No development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves Code level 4 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**12) UNI**

The residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built has achieved a Code for Sustainable Homes rating of Code level 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*

**13) 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	14/122/Loc	C	14.08.2014
Existing Elevations	14/122/SK01		16.04.2014
Existing Plans	14/122/SK 04		02.05.2014
Proposed Elevations	14/122/SK 03	A	16.07.2014
Proposed Plans	14/122/SK 02	B	16.07.2014

#### **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.*

#### **BH2014/01483**

##### **58 Beatty Avenue Brighton**

Erection of single storey side extension to first floor level.

**Applicant:** Mr P Blee

**Officer:** Joanne Doyle 292198

**Refused on 16/09/14 DELEGATED**

#### **1) UNI**

The proposed first floor side extension, by virtue of its siting and form, and resulting relationship with the existing building, would form an unduly prominent addition which would poorly relate to the main building and would harm the visual amenities of the area. The proposal would therefore detract from the character and appearance of the existing property and the street scene and would be contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design guide for Extensions and Alterations.

#### **BH2014/01586**

##### **Hollingdean Depot Upper Hollingdean Road Brighton**

Demolition of existing office building. Erection of single storey office building and resurfacing to podium area. Installation of roller shutters and infill walls to workshop at lower level.

**Applicant:** Brighton & Hove City Council

**Officer:** Chris Swain 292178

**Approved on 15/09/14 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**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method



statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

*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.*

### 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	001		14 May 2014
Block plan	002	A	27 May 2014
Existing upper workshop podium plan	003		14 May 2014
Existing lower podium plan	004		27 May 2014
Existing workshop elevations	005		27 May 2014
Workshop level plan	011		14 May 2014
Proposed sections AA-BB	015		14 May 2014
Proposed sections CC-FF	016		14 May 2014
Demolition works plan	017		27 May 2014
Existing workshop podium, upper podium office plan	021		28 May 2014
Muster office layout plan	022		27 May 2014
Site plan	001		14 May 2014

### **BH2014/02103**

#### **Chalvington Close & Varley Halls of Residence Coldean Lane Brighton**

Application for approval of details reserved by condition 3 of application BH2014/00932.

**Applicant:** University of Brighton

**Officer:** Chris Swain 292178

**Approved on 28/08/14 DELEGATED**

### **BH2014/02269**

#### **240 Ditchling Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating 2no front rooflights and rear dormer.

**Applicant:** Mr Jeremy Reid

**Officer:** Roselle Goacher 292265

**Approved on 03/09/14 DELEGATED**

### **BH2014/02292**

#### **116 Wolseley Road Brighton**

Demolition of existing conservatory and erection of a single storey rear extension.

**Applicant:** Mr & Mrs Parsons

**Officer:** Christine Dadswell 292205

**Approved on 01/09/14 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 Plan	0601-lp		08 July 2014
Block Plan	0601-bp		08 July 2014
Existing Plans	0601-1		08 July 2014
Proposed Plans	0601-2		08 July 2014
Existing and Proposed Elevations	0601-3B	B	14 Aug 2014

### **BH2014/02406**

#### **12 Rushlake Road Brighton**

Application for approval of details reserved by condition 3 of application BH2011/02592.

**Applicant:** Mr J Panteli

**Officer:** Allison Palmer 290493

**Approved on 28/08/14 DELEGATED**

### **BH2014/02424**

#### **4 Middleton Rise Brighton**

Certificate of lawfulness for existing use as six bedroom small house in multiple occupation.

**Applicant:** Tara Whittington

**Officer:** Jessica Hartley 292175

**Approved on 10/09/14 DELEGATED**

### **BH2014/02506**

#### **131 Hollingdean Terrace Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.3m, for which the maximum height would be 3.05m, and for which the height of the eaves would be 3m.

**Applicant:** Mr David Hoy

**Officer:** Jessica Hartley 292175

**Prior approval not required on 01/09/14 DELEGATED**

## **MOULSECOOMB & BEVENDEAN**

### **BH2014/00331**

#### **Willow Surgery 50 Heath Hill Avenue Brighton**

Application for variation of condition 2 of application BH2012/03818 (Demolition of existing surgery and residential accommodation and erection of new surgery and student accommodation comprising of 19 rooms) to permit internal alterations and changes to fenestration to increase accommodation to 24 rooms.

**Applicant:** WP Properties Ltd

**Officer:** Andrew Huntley 292321

**Refused on 03/09/14 COMMITTEE**

**1) UNI**

The proposed variation of condition to increase the unit numbers by 25% does not take into consideration the additional and cumulative impacts of increased trips, visitors and noise and disturbance to the existing amenities to the detriment of the local community contrary to TR1, SU10 and QD27 of the Brighton & Hove Local Plan 2005.

**BH2014/01382**

**72 Jevington Drive Brighton**

Conversion of existing dwelling into 1no one bed flat and 1no three bed maisonette incorporating revised fenestration and erection of external staircase to side elevation

**Applicant:** Mr Michael Bush

**Officer:** Chris Swain 292178

**Refused on 09/09/14 DELEGATED**

**1) UNI**

The original floor area of the original dwelling is less than 115 sq m and incorporates only three bedrooms. The proposal is therefore contrary to policy HO9 of the Brighton & Hove Local Plan and the original dwelling is not considered suitable for conversion into smaller units of accommodation.

**BH2014/02252**

**37 Coombe Terrace Brighton**

Change of use from retail shop (A1) to 1no one bedroom flat (C3) at ground floor level.

**Applicant:** Peter Towner

**Officer:** Andrew Huntley 292321

**Approved on 12/09/14 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
Existing & Proposed Front Elevations	PT/1407/001		07.07.2014
Existing & Proposed Rear Elevations	PT/1407/002		07.07.2014
Existing & Proposed Floor Plans	PT/1407/003		07.07.2014
Existing & Proposed Side Elevations	PT/1407/004		07.07.2014
Location & Block Plan	PT/1407/005		07.07.2014
Passivent Ventilation System	PT/1407/006		07.07.2014
Supporting Document	PT/1407/008		07.07.2014
Glazing Details			07.07.2014
Ventilation Details			07.07.2014
Floor Treatment			07.07.2014

**2) UNI**

The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans and detailed within the

supporting document PT/1407/008 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 development hereby permitted shall not be occupied until all of the ventilation measures shown on the approved plans and detailed within document PT/1407/008 have been fully implemented and made available for use and shall thereafter be retained as such.

*Reason: To safeguard the amenities of the occupiers of future occupants of the development, ensure the efficient use of resources and to comply with policies SU2, SU10 and QD27 of the Brighton & Hove Local Plan.*

### **4) UNI**

The development hereby permitted shall not be occupied until all of the soundproofing measures detailed within submitted document PT/1407/008 have been fully implemented. The soundproofing measures shall thereafter be retained at all times.

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

### **5) UNI**

The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans and detailed within the supporting document PT/1407/008 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.*

## **BH2014/02300**

### **53 Barcombe Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extensions, dormer to rear elevation and front rooflights.

**Applicant:** Dr Ryan Scott

**Officer:** Robert Hermitage 290480

**Refused on 04/09/14 DELEGATED**

### **1) UNI**

The development is not permitted under Schedule 2, Part 1, Classes A, B and Class C of the Town and Country Planning (General Permitted Development) Order 1995, as amended and the volume of the proposed roof extensions exceeds the allowed 40m<sup>3</sup>, measuring 45.69m<sup>3</sup>

## **QUEEN'S PARK**

### **BH2013/04192**

#### **3 Royal Crescent Brighton**

Application for approval of details reserved by conditions 3 and 4 of application BH2013/02139.

**Applicant:** Dr Helen Smith

**Officer:** Andrew Huntley 292321

**Split Decision on 01/09/14 DELEGATED**

### **1) UNI**

APPROVE the details pursuant to condition 4 and subject to full compliance with the submitted details.

**1) UNI**

The details pursuant to condition 3 are NOT APPROVED.

**2) UNI2**

1. Insufficient information has been submitted as only very limited details and no samples of the flint wall have been submitted. The flint wall is an important part of the character and appearance of the area and of the listed building. Poor detailing would have a significant adverse impact on the historic character and appearance of the listed building and wider East Cliff Conservation Area. Therefore, insufficient information has been submitted in regard to this condition and is contrary to policies QD1, QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

**BH2014/00864**

**12a Richmond Parade Brighton**

Demolition of existing two storey building and erection of five storey building comprising of office space at basement level and 4no two bedroom flats from ground to third floors with roof terrace at fourth floor.

**Applicant:** Ed Derby

**Officer:** Sonia Gillam 292265

**Approved on 04/09/14 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 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.*

**3) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

*Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.*

**4) UNI**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any amendment thereto the workspace hereby approved shall be used only for uses within Class B1 and for no other use.

*Reason: To ensure the amenity of residential properties in the building are protected and to ensure a business use is retained on the site, in accordance with policies QD27 and EM6 of the Brighton & Hove Local Plan.*

**5) UNI**

The windows at ground, first, second and third floors in the eastern elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

**6) UNI**

The new windows serving the residential units shown on the approved plans shall be triple glazed units such that internal noise conditions shall achieve

BS8233:2014 good standards and shall be retained as such thereafter.

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

**7) UNI**

Notwithstanding the submitted plans, no development shall take place until samples of the materials (including cladding, 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**

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.*

**9) UNI**

No development shall take place above the ground floor slab level until details of the ventilation strategy for the residential units 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 future occupants of the development, ensure the efficient use of resources and to comply with policies SU2, SU10 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 Design Stage/Interim Code for Sustainable Homes Certificates demonstrating that the development hereby approved achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units have been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**11) UNI**

The development hereby permitted shall not be commenced until details of sustainability measures in relation to the B1(a) commercial unit have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

**12) 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.*

**13) UNI**

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

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

**14) UNI**

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

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

**15) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	12-001-100		18/03/2014
Existing plans and elevations	12-001-101		18/03/2014
Proposed lower ground floor plan	12-001-310	A	18/03/2014
Proposed floor plans	12-001-310	B	
Proposed elevations	12-001-311	C	18/03/2014
Proposed elevations	12-001-312	D	18/03/2014

**BH2014/01085**

**Essex Place Montague Street Brighton**

Application for approval of details reserved by conditions 3 and 7 of application BH2013/01447.

**Applicant:** Pod LLP

**Officer:** Chris Swain 292178

**Approved on 01/09/14 DELEGATED**

**BH2014/02076**

**University of Brighton 10 Pavilion Parade Brighton**

Replacement of 3 no existing timber top hung casement windows with timber frame sliding sash windows to South elevation.

**Applicant:** University of Brighton

**Officer:** Chris Swain 292178

**Approved on 15/09/14 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 windows hereby permitted shall be painted white 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.*

## **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan			8 July 2014
Existing south elevation	21736-02 EL01	A	3 September 2014
Proposed south elevation	21736-0202 EL02	A	3 September 2014
Existing windows elevation	21736-0202 DL01		8 July 2014
Proposed windows elevation	21736-0202 DL02		8 July 2014
Joinery sectional details	F-08-04	F	8 July 2014

### **BH2014/02077**

#### **University of Brighton 10 Pavilion Parade Brighton**

Replacement of 3no existing timber top hung casement windows with timber frame sliding sash windows to South elevation.

**Applicant:** University of Brighton

**Officer:** Chris Swain 292178

**Approved on 15/09/14 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 windows hereby permitted shall be painted white 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.*

### **BH2014/02433**

#### **Flat 3 68 Marine Parade Brighton**

Rebuilding of front porch and refurbishment of front entrance door. Rebuilding and refurbishment of floor and canopy of first floor balcony.

**Applicant:** Hannah Wimbleton

**Officer:** Wayne Nee 292132

**Approved on 15/09/14 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 canopy frame and details shall match exactly the remnants of the pre-existing structure.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.*

**3) UNI**

No works 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 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 and HE6 of the Brighton & Hove Local Plan.*

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site plan	n/a		21 July 2014
Canopy side and front detail	n/a		21 July 2014
Canopy fretting detail	n/a		21 July 2014
Existing plans	0100/101		21 July 2014

**BH2014/02434**

**Flat 3 68 Marine Parade Brighton**

Rebuilding of front porch and refurbishment of front entrance door. Rebuilding and refurbishment of floor and canopy of first floor balcony.

**Applicant:** Hannah Wimbleton

**Officer:** Wayne Nee 292132

**Approved on 15/09/14 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 samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

**3) UNI**

The canopy frame and details shall match exactly the remnants of the pre-existing structure.

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

**ROTTINGDEAN COASTAL**

**BH2013/01701**

**9 Grange Farm Cottages Greenways Brighton**

Alterations to fenestration to the rear elevation.

**Applicant:** Stephen Coogan

**Officer:** Andrew Huntley 292321

**Approved on 01/09/14 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 works shall take place until full details of the proposed window and French doors including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: Although the proposed window design is traditional, it does not match the existing windows of the property and insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

**3) UNI**

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			22.05.2013
Existing Rear Elevation			02.07.2013
Existing Floor Plans			02.07.2013
Proposed Rear Elevation			02.07.2013
Proposed Floor Plans			02.07.2013

**BH2013/01702**

**9 Grange Farm Cottages Greenways Brighton**

Internal alterations to layout including installation of new doors and partitions. External alterations include alterations to fenestration to the rear elevation.

**Applicant:** Stephen Coogan

**Officer:** Andrew Huntley 292321

**Refused on 01/09/14 DELEGATED**

**1) UNI**

Insufficient information has been submitted to justify the proposed works, which would significantly harm the remaining historic plan form and 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.

**BH2014/01468**

### **Trinity House Roedean Vale Brighton**

Application for Approval of Details Reserved by Condition 11 of application BH2010/00065.

**Applicant:** Natterjack Construction

**Officer:** Andrew Huntley 292321

**Refused on 09/09/14 DELEGATED**

### **BH2014/01494**

#### **The Grange The Green Rottingdean Brighton**

Installation of replacement lighting installed on tracking mounted to ceiling.

**Applicant:** Rottingdean Preservation Society

**Officer:** Chris Swain 292178

**Approved on 15/09/14 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 track should be coloured to match the colour of the ceiling 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.*

### **BH2014/01618**

#### **66 High Street Rottingdean Brighton**

Application of details reserved by condition 2 of application BH2013/04251.

**Applicant:** Marion Briggs

**Officer:** Chris Swain 292178

**Approved on 03/09/14 DELEGATED**

### **BH2014/01731**

#### **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.

Installation of replacement timber casement window.

**Applicant:** Miss Caroline Minogue

**Officer:** Christine Dadswell 292205

**Approved on 28/08/14 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 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.

#### 4) 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.*

### **BH2014/01855**

#### **1 Roedean Heights Brighton**

Demolition of existing conservatory and erection of conservatory to the rear.

**Applicant:** Mr Ingram

**Officer:** Joanne Doyle 292198

**Approved on 01/09/14 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 & Block Plan			05 Jun 2014
Existing & Proposed Plans	01A		11 Jun 2014

### **BH2014/01864**

#### **17 Dean Court Road Rottingdean Brighton**

Application for Approval of Details Reserved by Conditions 5 and 6 of application BH2013/03658.

**Applicant:** Mrs Christina Harrison-Flynn

**Officer:** Robin Hodgetts 292366

**Approved on 05/09/14 DELEGATED**

### **BH2014/01906**

#### **38 Rock Grove Brighton**

External alterations to form access to second floor flat roof and replacement of window with door.

**Applicant:** Mr Robin Guilleret

**Officer:** Christine Dadswell 292205

**Refused on 29/08/14 DELEGATED**

##### 1) UNI

Insufficient information has been provided in respect of the impact of the proposed development on the underlying historic roof structure. In the absence of this information it cannot be demonstrated that the proposal would not have an adverse effect on the architectural and historic character of the Grade I listed building property. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Document 09, Architectural Features.

**2) UNI2**

Notwithstanding the above reason for refusal it is considered that the proposal would form a bulky and incongruous addition to the roof which would harm the architectural and historic character of the Grade I Listed Building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Document 09, Architectural Features.

**BH2014/02002**

**32 The Octagon Waterfront Brighton Marina Brighton**

Change of use from driving test centre (Sui Generis) to office (B1).

**Applicant:** James McKinney

**Officer:** Chris Swain 292178

**Approved on 04/09/14 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 use hereby permitted shall not be open or in use except between the hours of 08:00 and 20:00 on Monday to Saturday and between 09:00 and 17:00 Sundays and bank holidays:

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

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site location plan and block plan	Drawing 1	1	13 June 2014

**BH2014/02040**

**15 Founthill Avenue Saltdean Brighton**

Erection of single storey side extension and creation of new vehicle crossover with associated boundary wall alterations.

**Applicant:** Mr & Mrs Parker

**Officer:** Tom Mannings 292322

**Approved on 02/09/14 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**

No development or other operations shall commence on site in connection with the development hereby approved until a detailed Arboricultural Method Statement regarding protection of the on-street Sycamore 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 ensure the safety of the on-street Sycamore and to comply with policy QD16 of the Brighton & Hove Local Plan.*

### **4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Plans and Elevations	1452/1652		19th June 2014
Proposed Vehicle Crossover Boundary Wall Alterations & Single Storey Side Extension 'Annex'	1452/1800	A	1st July 2014

## **BH2014/02072**

### **First Floor Flat 266 Eastern Road Brighton**

Installation of 2no rooflights to front and dormer and rooflight to rear.

**Applicant:** Mr Lewis Bronze

**Officer:** Benazir Kachchhi 294495

**Approved on 04/09/14 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 and Block Plan, Existing and Proposed Plans, Sections and Elevations	163(21)000	A	23/07/2014

## **BH2014/02122**

### **26 Lewes Crescent Brighton**

Application for Approval of Details Reserved by Condition 5 of application BH2014/00594

**Applicant:** 26 Lewes Crescent, Brighton Ltd

**Officer:** Christine Dadswell 292205

**Approved on 01/09/14 DELEGATED**

**BH2014/02151****59 Dean Court Road Rottingdean**

Roof extensions to rear and insertion of 7no rooflights.

**Applicant:** Mr & Mrs Nunan**Officer:** Tom Mannings 292322**Approved on 08/09/14 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
Block and Location Plans	218.100		30/06/14
Existing Ground and First Floor Plans	218.101		30/06/14
Proposed Ground and First Floor Plans	218.101		30/06/14
Existing Loft & Roof Plans and Section a.a	218.102		30/06/14
Proposed Second Floor & Roof Plans and Sections	218.102		30/06/14
Existing Elevations	218.103		30/06/14
Proposed Elevations	218.103		30/06/14

**BH2014/02170****116 Lustrells Vale Saltdean Brighton**

Erection of extension to rear to form two storey maisonette and creation of dormer to rear roof slope to existing self - contained flat.

**Applicant:** Russell Builders (Southern Ltd)**Officer:** Wayne Nee 292132**Refused on 05/09/14 DELEGATED****1) UNI**

The proposed two storey rear extension, by virtue of its form, bulk and design, would form an inappropriate addition which would not relate appropriately to the existing building. The proposal would therefore be detrimental to the character and appearance of the property, and the visual amenities of the surrounding area, which is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for Extension and Alterations.

**2) UNI2**

The proposed rear dormer, by reason of its size, bulk and design, is considered to form an unacceptable alteration to the rear roof slope. This would detract from the character and appearance of the existing property. As such, the proposal is

contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and SPD12: Design guide for Extension and Alterations.

**BH2014/02173**

**5 Lenham Road West Rottingdean Brighton**

Demolition of existing garage and erection of single storey building adjoining existing house to rear.

**Applicant:** Mr & Mrs Shearman

**Officer:** Jessica Hartley 292175

**Approved on 01/09/14 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 single storey building to the rear of the site shall at all times retain a direct link to the main house and be used incidental to the enjoyment of the dwellinghouse, 5 Lenham Road West, as a whole, and shall not be occupied as a separate dwelling unit of accommodation in its own right.

*Reason: The Local Planning Authority considers that the annex building represents an unsuitable standard of accommodation for independent occupancy. Furthermore, in order to protect the amenities of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing Ground Floor Plan	3491.EXG.01		01/07/2014
Proposed Ground floor Plan	3491.PL.01		01/07/2014
Existing Roof Plan	3491.EXG.02		01/07/2014
Proposed Roof Plan	3491.PL.02		01/07/2014
Existing Elevations and Location Plans	3491.EXG.03	A	08/07/2014
Proposed Elevations and Location Plans	3491.PL.03	A	08/07/2014
Existing Elevations	3491.EXG.04		09/07/2014
Proposed Elevations	3491.PL.04		08/07/2014

**BH2014/02224**

**13 Tremola Avenue Saltdean Brighton**

Roof alteration including hip to barn end roof extensions, creation of 2no dormers and insertion of rooflight to front and dormer to rear. Creation of terrace to ground floor front, creation of pitched roof to existing single storey rear extension, revised fenestration and other associated works.

**Applicant:** Stanley Medcalfe

**Officer:** Christine Dadswell 292205

**Refused on 01/09/14 DELEGATED**

**1) UNI**

The proposed dormers, rooflight and solar panels by reason of design, positioning, scale, bulk and massing, would relate poorly with and have an unduly dominant visual relationship with the scale and character of the building. The



proposal would have a detrimental impact on visual amenity and the character and appearance of the wider street. As such the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design guidance for extensions and alterations.

**BH2014/02229**

**26 Lewes Crescent Brighton**

Application for approval of details reserved by condition 4 of application BH2014/00594.

**Applicant:** 26 Lewes Crescent Ltd

**Officer:** Christine Dadswell 292205

**Refused on 29/08/14 DELEGATED**

**1) UNI**

Insufficient information has been submitted to assess whether the proposed details would have a detrimental impact on the special architectural and historical character of the Listed Building. In particular, the application fails to include joinery details for the proposed radiator boxes, architraves and internal doors.

**BH2014/02296**

**16 Westmeston Avenue Saltdean Brighton**

Erection of conservatory to rear with raised decking and storage area below.

**Applicant:** Greg Redwood

**Officer:** Jessica Hartley 292175

**Refused on 04/09/14 DELEGATED**

**1) UNI**

The proposed conservatory extension, by virtue of its design, scale and siting would form a bulky and unsympathetic addition resulting in an overextended and disjointed appearance to the property. As such, the proposal would be detrimental to the character and appearance of the property and the visual amenities enjoyed by neighbouring properties and is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: 'Design guide for extensions and alterations'.

**2) UNI2**

The proposed conservatory extension and raised terrace would cause significant harm to the residential amenity of neighbouring properties, and would detract from the character and appearance of the property and the wider area and such would be contrary to QD27 of the Brighton & Hove Local Plan.

**BH2014/02301**

**101 Saltdean Vale Saltdean Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m for which the maximum height would be 2.7m, and for which the height of the eaves would be 2.6m.

**Applicant:** M & M Building Services

**Officer:** Robert Hermitage 290480

**Prior Approval is required and is approved on 01/09/14 DELEGATED**

**BH2014/02367**

**13 Welesmere Road Rottingdean Brighton**

Erection of two storey side and rear extensions with associated roof alterations incorporating installation of rooflights and revised fenestration and porch to front elevation.

**Applicant:** Mr & Mrs Berry

**Officer:** Chris Swain 292178

**Approved on 15/09/14 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**

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 to the roof of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

**4) UNI**

The rooflight to the south east facing roofslope, adjacent to the garden of No.11 Welesmere Road shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.

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

**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 location and block plans			15 July 2014
Existing floor plans	1004/01		15 July 2014
Existing sections and elevations	1004/02	A	15 July 2014
Proposed floor plans and elevations	1004/03	B	15 July 2014

**BH2014/02369**

**70 Lenham Avenue Brighton**

Erection of part one, part two storey side extension.

**Applicant:** Mr John Sheehy

**Officer:** Christine Dadswell 292205

**Approved on 10/09/14 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
Existing Lower Ground and Ground Floor Plans and Elevations	3483.EXG.01		15 July 2014
Existing First Floor and Roof Plans and Elevations with Location Plan	3483.EXG.02		15 July 2014
Existing Sections	3483.EXG.03		15 July 2014
Proposed Plans and Elevations with Location and Block Plan	3483.PL.01		15 July 2014

## **BH2014/02378**

### **12 Chorley Avenue Saltdean Brighton**

Roof alterations including raising of ridge height and installation of rooflights to front and rear elevations.

**Applicant:** Mr Lawrence Andrew

**Officer:** Andrew Huntley 292321

**Approved on 08/09/14 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 extension, enlargement or other alteration of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes 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 to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

#### 4) UNI

The 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, Floor Plan & Elevations	ANDREW-040 4165-001		03.09.2014

**BH2014/02393**

**Flat 2 42 Sussex Square Brighton**

Replacement of existing obscure glazed window with clear glazing and internal alterations to layout of flat.

**Applicant:** Zoe Woodward

**Officer:** Christine Dadswell 292205

**Approved on 10/09/14 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 relocated boiler shall use the existing flue extract.

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

**3) UNI**

All new architraves, skirtings and cornices should exactly match the existing.

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

**BH2014/02397**

**50 Lustrells Crescent Saltdean Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension front rooflights, rear dormer, side window and associated alterations.

**Applicant:** Mr Nigel Taylor

**Officer:** Robert Hermitage 290480

**Approved on 03/09/14 DELEGATED**

**BH2014/02746**

**Southcliffe Lodge Marine Drive Saltdean Brighton**

Certificate of lawfulness for proposed single storey rear extensions and loft conversion incorporating hip to gable end roof extension, 4no front rooflights and rear dormer.

**Applicant:** John Roadnight

**Officer:** Tom Mannings 292322

**Approved on 10/09/14 DELEGATED**

**WOODINGDEAN**

**BH2014/00366**

**132 Kipling Avenue Brighton**

Erection of 1no three bed end of terrace dwelling with associated alterations.

**Applicant:** Bradley Edison

**Officer:** Chris Swain 292178

**Approved on 05/09/14 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 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.*

**3) UNI**

The external finishes of the new dwellinghouse, hereby permitted shall match in material, colour, style, bonding and texture those of the existing building, No.132 Kipling Avenue.

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

**4) UNI**

Notwithstanding the internal layout indicated on drawing 512/01A, the dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to 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 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.*

**6) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no 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 5 has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**7) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

**8) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the dwellinghouse hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit has achieved a Code for Sustainable Homes rating of Code level 5 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

**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
Proposed plans and elevations, site plan and block plan	512/01		21 February 2014
Existing plans and elevations	512/02	A	21 February 2014
Site layout / tree plan	512/03		21 February 2014

**10) UNI**

The first floor window to the side elevation of the development hereby permitted shall be obscure glazed 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.*

**BH2014/01307**

**Land Rear of 107 109 & 111 Cowley Drive Brighton**

Variation of condition 6 & 13 of application BH2013/02492 (Erection of two storey, 2no bedroom detached chalet bungalow with access from Pinfold Close) to require the development to achieve level 4 rather than 5 of the Code for Sustainable Homes.

**Applicant:** Christine Cross

**Officer:** Chris Swain 292178

**Approved on 11/09/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced before 6 January 2017.

*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			1 August 2013
Proposed location plan, block plan and elevations	2410.1/30		23 July 2013

**3) UNI**

No extension, enlargement, alteration or provision within the curtilage of dwellinghouse as provided for within Schedule 2, Part 1, Class[es 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) UNI**

The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

*Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.*

**5) UNI**

The first floor window in the south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

**6) 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.*

**7) UNI**

The extended 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.*

**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 take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

*Reason: To ensure the provision of satisfactory facilities for the storage of refuse*

*and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**10) UNI**

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

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

**11) UNI**

No development shall take place until;

a) a scheme to translocate all protected reptiles as identified with the submitted Reptile Survey Report received on 16 October 2013 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify an area within the site, which will be clearly marked out on a site plan and detail longer term maintenance measures.

b) No development shall commence until all the necessary works that have been identified with the approved scheme have been completed. The identified site shall be maintained as set out within the scheme thereafter.

*Reason: To ensure that the development complies with policies QD17 and QD18 of the Brighton & Hove Local Plan.*

**12) UNI**

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

Notwithstanding the submitted drawing 2410.1/30 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.*

**14) 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.*



## **86 Crescent Drive South Brighton**

Erection of single storey side extension and single storey rear conservatory.

**Applicant:** Mr Alex Ney

**Officer:** Joanne Doyle 292198

**Approved on 04/09/14 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
Existing Plans Elevations Site Plan Block Plan	1321-01C		23 May 2014
Proposed Plans & Elevations	1321-02G		23 May 2014

## **BH2014/02105**

### **Toby Inn 104 Cowley Drive Brighton**

Extensions and alterations to existing building including additional floor to facilitate change of use from Public House (A4) to Hostel (Sui Generis).

**Applicant:** Tim Martin Interiors Limited

**Officer:** Wayne Nee 292132

**Refused on 03/09/14 COMMITTEE**

### **1) UNI**

The local planning authority is not satisfied that the applicant has demonstrated an exception to policy HO20. Were it to be demonstrated the priority use identified in policy is for residential and mixed use schemes. This application does not fall within the preferred criteria. This application is therefore contrary to policy HO20 of the Brighton & Hove Local Plan 2005 and CP1 of the Brighton & Hove City Plan (submission document).

### **2) UNI2**

This application does not take into consideration the cumulative impact of increased trips from occupiers & visitors, noise and disturbance to the existing amenities to the detriment of the local community contrary to TR1 SU10 and QD27 of the Brighton & Hove Local Plan 2005.

### **3) UNI3**

The site is in a non central location where there is an absence of concentrated infrastructure to support that use. There is no evidence to support the need for this type of use within such a location. The application is therefore contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

## **BH2014/02422**

### **Woodingdean Community Centre Warren Road Brighton**

Replacement of existing windows and doors with UPVC windows and aluminium doors. Installation of insulated UPVC cladding panels.

**Applicant:** Property & Design

**Officer:** Jessica Hartley 292175

**Approved on 04/09/14 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 and Block Plans	K045 001		21/07/2014
Existing Floor Plans	K045 300		21/07/2014
Proposed Floor Plans	K045 301		21/07/2014
Existing and Proposed North Elevations	K045 302		21/07/2014
Existing and Proposed East Elevations	K045 303		21/07/2014
Existing and Proposed South Elevations	K045 304		21/07/2014
Existing and Proposed West Elevations	K045 305		21/07/2014

### **BH2014/02556**

#### **26 Ravenswood Drive Brighton**

Prior approval for the erection of single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

**Applicant:** Mrs Harris

**Officer:** Robert Hermitage 290480

**Prior approval not required on 03/09/14 DELEGATED**

### **BRUNSWICK AND ADELAIDE**

#### **BH2014/00232**

##### **Basement Flat 34 Lansdowne Place Hove**

Internal alterations to layout of flat and external alterations to courtyard including in filling of windows and installation of replacement window and door. (Retrospective)

**Applicant:** Sylvia Wei

**Officer:** Helen Hobbs 293335

**Approved on 03/09/14 DELEGATED**

#### **1) UNI**

Notwithstanding the approved plans, the render used to infill the rear window shall be a lime based mix, matching the texture, profile and finishing treatment of the surrounding render.

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

## 2) UNI

The external vent shall be made from traditional materials and shall be painted to match the elevation within 1 month of its installation.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

## 3) UNI

No further works shall take place until full details of the replacement front door including 1:20 sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

*Reason: As insufficient information has been submitted, to ensure the satisfactory preservation of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.*

### **BH2014/00847**

#### **Flat 7 15 First Avenue Hove**

Replacement of existing timber and aluminium windows with UPVC windows. (Retrospective)

**Applicant:** Michael Nugent

**Officer:** Jessica Hartley 292175

**Approved on 03/09/14 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
Location Plan			07/05/2014
Floor Plans	RL2/22		14/03/2014
Window Drawings			14/03/2014
Kommerling Specifiers Guide			24/06/2014

### **BH2014/01045**

#### **Palmeira Mansions 29 Church Road Hove**

Alterations to facilitate conversion of lower ground, ground, first and second floor from offices (B1) to 2 no flats and 1no maisonette (C3) and refurbishment of existing maisonette at third and fourth floor level.

**Applicant:** Anstone Properties Ltd

**Officer:** Jason Hawkes 292153

**Refused on 03/09/14 DELEGATED**

## 1) UNI

The scheme does not take the opportunity to enhance the significance of the heritage asset and reverse some of the previous unsympathetic alterations undertaken at the property which have detracted from its historic character. Additionally, the removal of the basement stairs is considered to result in further harm to the character and appearance of the listed building which is not outweighed by public benefits. The scheme is therefore contrary to policies HE1 and HE4 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11: Listed Building Interiors.

## 2) UNI2

The application fails to demonstrate the impact of the requirements for bathroom and kitchen drainage and ventilation on this listed building which could have

significant impacts internally and externally on the character of the listed building. As such, the scheme is contrary to policy HE1 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 11: Listed Building Interiors.

**BH2014/01121**

**Palmeira Mansions 29 Church Road Hove**

Non material amendment to BH2011/02302 to reorder approved layout to incorporate a self-contained two bedroom flat on the lower ground floor and two bedroom maisonette on the ground and first floors with no overall increase in the number of flats.

**Applicant:** Anston Properties Ltd

**Officer:** Jason Hawkes 292153

**Refused on 09/09/14 DELEGATED**

**BH2014/01187**

**29 Brunswick Street East Hove**

Creation of roof terrace with glass balustrading, replacement of existing concrete roof tiles with slate and alterations to roof. Replacement of existing timber windows with timber doors at ground floor front elevation and removal of existing windows to rear elevation following prior approval application BH2013/03874 for the change of use from offices (B1) to residential (C3).

**Applicant:** Mr I Woodhouse

**Officer:** Helen Hobbs 293335

**Refused on 10/09/14 DELEGATED**

**1) UNI**

The introduction of a terrace and balustrade, due to its size and design, would form an alien and incongruous addition to the property, that would be unduly prominent within the streetscene. Furthermore the loss of a substantial part of the front roofslope would significantly alter the original form and shape of the main roof, to the detriment of the existing building, streetscene and surrounding 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.

**BH2014/01199**

**Brunswick Gardens Brunswick Square Hove**

Replacement and widening of existing steel vehicular gates with cast iron gates and installation of new cast iron pedestrian gate.

**Applicant:** Brighton & Hove City Council

**Officer:** Helen Hobbs 293335

**Approved on 04/09/14 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 gates shall be maintained and repaired in matching materials and to matching profiles. The specification for the repair of the existing railings developed by Property and Design in May 2013 shall apply to the future repair and maintenance of the new gates.

*Reason: To ensure the satisfactory appearance of the development and to comply with policies HE4 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 plan	001		14th April 2014
Block plan	002		14th April 2014
Proposed plans	003		14th April 2014
Existing plans and elevations	004		14th April 2014

### **BH2014/01342**

#### **Flats 5 & 6 22 Palmeira Square Hove**

Internal alterations to layout of 2 no. flats to create 1 flat.

**Applicant:** Frank Inglis

**Officer:** Christopher Wright 292097

**Refused on 28/08/14 DELEGATED**

#### **1) UNI**

The proposed internal alterations to the layout would result in the loss of the original plan form and spatial subdivision of the building, which would be harmful to its character and special architectural interest. As such the proposal is contrary to policy HE1 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed enclosure at second and third floor level of the staircase to the upper two floors of the building would subdivide the common-way within the building in an unsympathetic fashion which would be detrimental to its historic character and would obscure and erode the features of special architectural interest within the Listed Building, such as the ornate and decorative staircase. As such the proposal is contrary to policy HE1 of the Brighton & Hove Local Plan.

### **BH2014/01343**

#### **Flats 5 & 6 22 Palmeira Square Hove**

Certificate of Lawfulness for the proposed conversion of 2 no flats into 1 no flat.

**Applicant:** Frank Inglis

**Officer:** Christopher Wright 292097

**Approved on 09/09/14 DELEGATED**

### **BH2014/01527**

#### **3-4 Western Road Hove**

External alterations to create rear roof terrace on first and second floor and rear balcony to first, second and third floor, following prior approval application BH2013/03381 for change of use from offices (B1) to residential (C3) to form 6 no residential units.

**Applicant:** Legal Link Ltd

**Officer:** Christopher Wright 292097

**Approved on 04/09/14 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 doors shall be painted softwood 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.*

### 3) UNI

The roof terraces shall not be brought into use until 1m high painted masonry perimeter walls with 500mm obscure glazed screens over, have been fully constructed in accordance with the approved drawings. The roof terraces shall be retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development, to safeguard the amenity of neighbouring residents, and to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.*

### 4) UNI

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

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

Plan Type	Reference	Version	Date Received
Location & Block Plan	Y078-A01		9 May 2014
Existing Ground and Consented Floor Plans	Y078-A02		9 May 2014
Consented Floor Plans	Y078-A03		9 May 2014
Existing Front Elevation	Y078-A04		9 May 2014
Existing Rear Elevation and Section	Y078-A05		19 May 2014
Proposed Ground, First and Second Floor Plans	Y078-D01		9 May 2014
Proposed Third Floor Roof Plans	Y078-D02		9 May 2014
Proposed Front Elevation	Y078-D03		9 May 2014
Proposed Rear Elevation and Section	Y078-D04		9 May 2014

### 5) UNI

The external finish of the roof terrace balustrades shall match in material, colour, style, bonding and texture those of the existing building. The balustrades shall be fully constructed, in accordance with the approved drawings, prior to the terrace being brought into use and shall be retained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

### **BH2014/01568**

#### **17-19 Holland Mews Hove**

Application for Approval of Details Reserved by Conditions 9 and 14 of application BH2013/03253.

**Applicant:** Brighton Mews Developments Limited

**Officer:** Jason Hawkes 292153

**Approved on 28/08/14 DELEGATED**

### **BH2014/01884**

#### **26 Cambridge Road Hove**

Replacement of existing guttering and down pipe and installation of new soil vent pipe.

**Applicant:** Glynis Bates

**Officer:** Roselle Goacher 292265

**Approved on 29/08/14 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 proposed rainwater goods and soil vent pipe hereby permitted shall be formed of u-PVC in a style that mimics cast iron.

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

**3) UNI**

The proposed rainwater goods and soil vent pipe hereby permitted shall be black in colour and maintained as such.

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

**4) UNI**

The development hereby permitted shall 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 Front Elevation	PD/284/02		24/06/2014
Front Elevation Photograph	PD/284/03		24/06/2014

**BH2014/01962**

**Flat 2 93 Lansdowne Place Hove**

Application for approval of details reserved by condition 4 of application BH2012/00825.

**Applicant:** Emily Jenkins

**Officer:** Mark Thomas 292336

**Refused on 28/08/14 DELEGATED**

**1) UNI**

Insufficient detail has been submitted to assess whether or not the proposal would have a detrimental impact on the special architectural and historical character of the Listed Building. In particular, the application has failed to submit large scale elevations and joinery profiles as required by condition 4 of BH2012/00825.

**BH2014/02251**

**Flat 4 12 - 13 Brunswick Terrace Hove**

Internal alterations to layout. (Retrospective)

**Applicant:** M Daly

**Officer:** Christine Dadswell 292205

**Approved on 28/08/14 DELEGATED**

**CENTRAL HOVE**

**BH2014/01657**

**Flat 42 4 Grand Avenue Hove**

Replacement of existing single glazed crittall windows with double glazed windows.

**Applicant:** Alida Steinfeld

**Officer:** Helen Hobbs 293335

**Approved on 28/08/14 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 submitted plans the replacement windows shall exactly match the glazing pattern of the existing windows, including the profiles of the metal frames, joinery details and any projecting elements.

*Reason: To ensure the satisfactory preservation of this listed building 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
1202014/01			28th May 2014
Proposed windows	1202014/02		28th May 2014
Proposed windows	1202014/03		28th May 2014
Proposed sections	1202014/04		19th May 2014
Existing windows	1202014/05		28th May 2014
Existing windows	1202014/06		28th May 2014

### **BH2014/01658**

#### **Flat 42 4 Grand Avenue Hove**

Replacement of existing single glazed crittall windows with double glazed crittall windows.

**Applicant:** Alida Steinfeld

**Officer:** Helen Hobbs 293335

**Approved on 28/08/14 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**

Notwithstanding the submitted plans the replacement windows shall exactly match the glazing pattern of the existing windows, including the profiles of the metal frames, joinery details and any projecting elements.

*Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 and HE6 of the Brighton & Hove Local Plan.*

### **BH2014/01664**

#### **Land to the rear of 29 Medina Villas Hove**

Erection of two storey 4 bedroom detached dwelling.

**Applicant:** Gramm Limited

**Officer:** Liz Arnold 291709

**Approved on 15/09/14 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 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 construction of the hereby approved building shall not incorporate expansion joints, bell drips or metal beads or stops, and shall be maintained as such thereafter.

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

## **4) 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 policies QD1 and HE6 of the Brighton & Hove Local Plan.*

## **5) UNI**

The first floor eastern most window in the southern elevation of the development hereby permitted shall be obscure glazed and, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, non-opening. The window shall thereafter be permanently retained as such.

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

## **6) UNI**

The lower sections of windows to the rear elevation at first floor levels shall not be glazed otherwise than with fixed shut obscured glass, as indicated on approved drawing no. 0157-PA-011 Rev C, and shall thereafter permanently retained as such.

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

## **7) UNI**

Notwithstanding the approved plans the repositioned wall pier and truncated wall shall match exactly the design, detailing and materials of the existing wall and pier.

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

## **8) UNI**

The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

## **9) UNI**

The vehicle parking area shown on the approved plans shall not be used otherwise than for the 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.*

**10) UNI**

The hardstanding 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) UNI**

The new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

*Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.*

**12) UNI**

Unless otherwise agreed in writing with the Local Planning Authority the measures set out in the Waste Minimisation Statement submitted on the 3rd June 2014 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.*

**13) UNI**

No development shall take place 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.*

**14) 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, including window and door frames, 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 HE6 of the Brighton & Hove Local Plan.*

**15) UNI**

No development shall take place until full details of the proposed windows and doors and their reveals and cills have been submitted to and approved in writing by the Local Planning Authority. The details shall include 1:20 scale elevational drawings and sections and 1:1 scale joinery sections. The works shall be carried out and completed fully in accordance with the approved details and shall be retained as such thereafter.

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

**16) UNI**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include details of hard surfacing, boundary treatments and planting of the development including two trees to compensate for the trees to be removed from the site.

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

**17) 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.*

**18) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall take place until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 5 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

**19) UNI**

The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such thereafter.

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

**20) UNI**

The hereby approved cast iron sliding gate shall be installed in accordance with the approved plans prior to the occupation of the development hereby permitted 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.*

**21) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the hereby approved residential unit shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 5 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.*

## 22) UNI

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.*

## 23) 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.*

## 24) UNI

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

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

## 25) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Location & Topo. Plans, Proposed Block Plan and Existing Photograph	0157-PA-001	-	21st May 2014
Existing and Proposed Streetscenes	0157-PA-011	Rev. C	26th August 2014
Proposed Drawings	0157-PA-011	Rev. C	26th August 2014

### **BH2014/01929**

#### **Flat 5 2 Grand Avenue Hove**

Application for Approval of Details Reserved by Condition 4 of application BH2013/02690.

**Applicant:** Steven Hill

**Officer:** Helen Hobbs 293335

**Approved on 03/09/14 DELEGATED**

### **BH2014/01955**

#### **50 Ashley Court 18-19 Grand Avenue Hove**

Replacement of existing timber windows to front and side elevations with UPVC windows.

**Applicant:** Ms Sara Al-Aswad

**Officer:** Christine Dadswell 292205

**Approved on 03/09/14 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			13 June 2014
Existing partial flat plan and elevations	1108 01A		25 June 2014
Proposed partial flat plan and elevations	1108 02A		25 June 2014

**BH2014/02008**

**Flat 1 15 Fourth Avenue Hove**

Erection of a single storey detached outbuilding in rear garden.

**Applicant:** Dr David Sheard

**Officer:** Helen Hobbs 293335

**Refused on 11/09/14 DELEGATED**

**1) UNI**

The proposed outbuilding, due to its excessive size, design and siting represents an overdevelopment of the site and would appear discordant to the main dwelling. The proposal would therefore cause significant harm to the character and appearance of the existing property, streetscene and surrounding conservation area. The proposal is contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide on Extensions and Alterations.

**BH2014/02066**

**Garden Flat 30 Tisbury Road Hove**

Replacement of existing rear door with sash window.

**Applicant:** Mr Jeremy Gautrey

**Officer:** Helen Hobbs 293335

**Approved on 11/09/14 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**

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 and block plans	01		17th July 2014
East elevation and plans	02		17th July 2014

**BH2014/02249**

**9 St Aubyns Hove**

Alterations to rear fire escape.

**Applicant:** 9 St Aubyns (Hove) Ltd

**Officer:** Benazir Kachchhi 294495

**Approved on 11/09/14 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 ironwork embedded in the structure is to be removed and the areas made good to match the surrounding surfaces in matching materials, profiles and finishes.

*Reason: To ensure a satisfactory appearance to the development and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.*

## **3) UNI**

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	AC/9SA/01		08 July 2014
Existing and proposed elevations	AC/9SA/02		17 July 2014

## **GOLDSMID**

### **BH2013/03904**

#### **St Annes Convent 3 & 3a Lansdowne Road Hove**

Application for approval of details reserved by condition 11 of application BH2012/01702.

**Applicant:** P D Harris Ltd

**Officer:** Adrian Smith 290478

**Split Decision on 12/09/14 DELEGATED**

#### **1) UNI**

the details pursuant to condition 11a subject to full compliance with the submitted details.

#### **1) UNI**

the details pursuant to condition 11b are NOT APPROVED for the reason(s) set out below.

1. No BRE issued Design Stage Certificate has been submitted to meet the requirements of condition 11b, contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

### **BH2014/00959**

#### **19 The Upper Drive Hove**

Application for Approval of Details Reserved by Conditions 6, 7, 8a, 8b, 9, 10, 11, 12, 15 and 16 of application BH2010/01319

**Applicant:** Cotes Developments

**Officer:** Jason Hawkes 292153

**Approved on 17/09/14 DELEGATED**

### **BH2014/01135**

#### **4 Granville Road Hove**

Conversion of existing four bedroom House in Multiple Occupation (C4) and one bedroom flat to form 5no one bedroom flats (C3) with associated alterations including loft conversion incorporating rear dormer, rear and front rooflights and alterations to fenestration.

**Applicant:** Bayleaf Homes  
**Officer:** Paul Earp 292454  
**Refused on 04/09/14 DELEGATED**

**1) UNI**

The proposed development would result in the loss of an HMO, for which there is an identified need in the city as recognised in the Housing Strategy 2009-2014. The application has failed to justify the loss of this HMO which is contrary to policy HO14 of the Brighton & Hove Local Plan.

**2) UNI2**

The application does not provide a mix of unit sizes and fails to justify the loss of this form of accommodation for which there is an identified need. The application therefore fails meet the requirements of policy HO3 and HO14 of the Local Plan and CP19 of the City Plan and paragraph 50 of the National Planning Policy Framework.

**3) UNI3**

The proposal to create five self contained units is considered an overdevelopment of the site. The unit within the second floor would result in poor amenity for future occupiers with limited usable space and poor outlook. The proposal results in accommodation which is below the standard the council would reasonably expect and contrary to policy QD27 of the Brighton & Hove Local Plan.

**4) UNI4**

The proposed front roof lights, by reason of their siting and number 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.

**BH2014/01417**

**3 Furzedene Furze Hill Hove**

Erection of a single storey front extension with replacement of existing balustrading to front balcony and alterations to fenestration.

**Applicant:** Simon Horsfield  
**Officer:** Joanne Doyle 292198

**Approved on 16/09/14 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**

Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

*Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**4) UNI**

The development hereby permitted shall be carried out in accordance with the

approved drawings listed below.

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

Plan Type	Reference	Version	Date Received
Site Location & Block Plan	LH14-372-100	A	04 Sep 2014
Existing Floor Plans	LH14-372-101		01 May 2014
Existing Elevations & Section	LH14-372-102		01 May 2014
Proposed Floor Plans	LH14-372- 101	C	12 Aug 2014
Proposed Elevations & Section	LH14-372-202	B	12 Aug 2014

### **BH2014/01439**

#### **Car Park at 121-123 Davigdor Road Hove**

Permanent use of land as hand car wash with associated parking.  
(Retrospective)

**Applicant:** Mr F Gjona

**Officer:** Christopher Wright 292097

**Approved on 01/09/14 DELEGATED**

#### **1) UNI**

Within 1 calendar month from the date of this decision, an Operational Management Plan providing details of how the car wash use functions shall be submitted to the Local Planning Authority for written approval. The submitted plan shall clearly demonstrate how the car wash will function including how at peak times queues will be managed to prevent vehicles queuing back onto the public highway and how and where vehicles will be parking before and after washing. The car wash use shall operate in accordance with the details approved in writing by the Local Planning Authority thereafter.

*Reason: To ensure safe development that can provide for the demand for travel the use generates, to address congestion and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.*

#### **2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Plan	13/06/05/03		2 May 2014
Block Plan	12/02/01/04		2 May 2014
Block Plan	11/02/02/08		2 May 2014

#### **3) UNI**

The use hereby permitted shall not be open to customers except between the hours of 08.00 and 18.00 each day.

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

### **BH2014/01530**

#### **10 The Upper Drive Hove**

Erection of single storey side extension, widening of driveway, alterations to fenestration and other associated alterations.

**Applicant:** David Hindmarch

**Officer:** Joanne Doyle 292198

**Approved on 04/09/14 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 Plan	YO99-A02		09 May 2014
Block Plan	YO99-A01		09 May 2014
Existing Floor & Roof Plans	YO99-A03		09 May 2014
Existing Elevations	YO99-A04		09 May 2014
Proposed Floor & Roof Plans	YO99-D01		09 May 2014
Proposed Elevations	YO99-D02		01 Sep 2014

**BH2014/01638**

**Flat 1 68 Wilbury Road Hove**

Erection of a conservatory to rear elevation to replace existing with steps.

**Applicant:** Leslie Barber

**Officer:** Allison Palmer 290493

**Approved on 28/08/14 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
Photos			19 May 2014
Site plan, block plan, existing elevations & floorplan, proposed elevations & floorplans	23202.03		19 May 2014

**BH2014/01989**

**Top Flat 86 Goldstone Road Hove**

Installation of 2 no. rooflights to front roof slope and 1no. rooflight to rear.

**Applicant:** Brian O'Neill

**Officer:** Joanne Doyle 292198

**Approved on 16/09/14 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 Elevations	BO_01		18 Jun 2014
Existing Plans & Sections	BO_02		18 Jun 2014
Proposed Floor Plans Elevations & Section	BO_03 01	D	04 Sept 2014

**BH2014/02053**

**86 Goldstone Villas Hove**

Change of use of ground floor from taxi office (sui generis) to mixed use for retail (A1) and financial and professional services (A2).

**Applicant:** Cycle Brighton

**Officer:** Christopher Wright 292097

**Approved on 03/09/14 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			23 Jun 2014
Floor Plan Existing			30 Jun 2014
Floor Plan Proposed			30 Jun 2014

**BH2014/02073**

**44 Hove Park Villas Hove**

Erection of single storey rear extension.

**Applicant:** Mr Ben Hatch

**Officer:** Lorenzo Pandolfi 292337

**Approved on 29/08/14 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 & Block Plans	CH611/001		23/06/2014
Existing Plans	CH611/002		23/06/2014
Existing Plans, Elevations & Sections	CH611/003		23/06/2014
Proposed Plans	CH611/011		23/06/2014
Proposed Plans, Elevations& Sections	CH611/012		23/06/2014

**BH2014/02162**

**1 Hove Park Villas Hove**

Change of use from mixed use of retail and counselling and therapy (sui generis) to mixed use of retail and tattoo studio (sui generis).

**Applicant:** Mr Adrian Stacey

**Officer:** Jason Hawkes 292153

**Approved on 04/09/14 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 premises shall not be open or in use except between the hours of 08.00 and 21.00 hours on Monday to Friday, and between 09.00 to 21.00 hours on Saturdays, Sundays and Bank Holidays.

*Reason: To safeguard the amenities of the locality in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			3rd July 2014
Plan as Existing	0.01		30th June 2014
Plan as Proposed	0.02		30th June 2014

**BH2014/02169**

**64 Goldstone Villas Hove**

Conversion of lower ground floor from shop (A1) to 1no one bedroom self-contained flat (C3), with installation of entrance door and window to side and French doors to rear.

**Applicant:** Mr Dinesh Shukla

**Officer:** Christopher Wright 292097

**Approved on 05/09/14 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.*

**3) UNI**

The new window and French doors hereby permitted shall be painted softwood with concealed trickle vents the window shall be a double hung vertical sliding sash. Both the window and French doors shall be retained as such thereafter.

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

**4) UNI**

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

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

Plan Type	Reference	Version	Date Received
Existing/proposed floor plans and elevations; Section a-A; Location/block plans.	1262014/01		30 Jun 2014

**5) UNI**

The development hereby permitted shall not be occupied until the sustainability measures detailed within the Sustainability Checklist received on the 30th June 2014 have been fully implemented, and such measures shall thereafter be retained as such.

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

**BH2014/02174**

**Land Rear of 75 Lyndhurst Road Hove**

Demolition of existing garage and erection of a single storey dwelling house.

**Applicant:** Luisa Morelli

**Officer:** Liz Arnold 291709

**Refused on 17/09/14 DELEGATED**

**1) UNI**

The proposed dwelling by reason of its design, excessive footprint, form, detailing, finish materials, limited plot size and the required reduction in the plot size of no. 75 Lyndhurst Road, would result in a development that fails to reflect the immediate character of the Lyndhurst Road and Silverdale Avenue streetscenes and the wider surrounding area, compromising the quality of the

local environment. The proposal represents an incongruous and cramped form of development and an overdevelopment of the site. This identified harm would outweigh the benefit of additional housing and as such is contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

### **2) UNI2**

The proposed scheme would not include a suitably sized useable outside private amenity area which would be appropriate for a family sized dwelling. The scheme would therefore be harmful to the amenity of future occupiers, contrary to policy HO5 of the Brighton & Hove Local Plan.

### **3) UNI3**

The outlook from the proposed bedrooms would be oppressive, resulting in a sense of enclosure, as a result of the height of the proposed screening adjacent to the proposed bedroom window/glazed door and the proximity of the related openings to the screening. Therefore the proposal would provide a poor standard of accommodation harmful to the amenity of future occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

## **BH2014/02427**

### **81 Davigdor Road Hove**

Hip to gable roof extension with dormer to rear and replacement of existing side window at first floor level.

**Applicant:** Mrs Pam Sardy

**Officer:** Joanne Doyle 292198

**Refused on 17/09/14 DELEGATED**

### **1) UNI**

The proposed gable end roof extensions would appear an inappropriate addition which would harm the character and appearance of the existing property, and would appear incongruous within this section of Davigdor Road. Furthermore, the proposed rear dormer, by reason of its size, bulk, design and materials, would appear an overly dominant addition which would create a top-heavy appearance to the building. The proposal would detract from the character and appearance of the existing property and wider surrounding area and is contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

### **2) UNI2**

The proposed gable end roof extensions, by virtue of their massing and bulk in close proximity to side dormer windows at 79 and 83 Davigdor Road, represent an un-neighbourly form of development that would appear overbearing, resulting in a significant loss of outlook and an increased sense of enclosure, for occupants of adjoining properties. The proposal therefore is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

## **HANGLETON & KNOLL**

## **BH2014/01467**

### **10 West Way Hove**

Erection of detached garage and conversion of existing garage to ancillary accommodation incorporating formation of pitched roof with rooflights.

**Applicant:** Robert Hollway

**Officer:** Mark Thomas 292336

**Approved on 08/09/14 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 annexe conversion hereby approved shall only be used as ancillary accommodation in connection with the use of the main property as a single dwelling house and shall at no time be converted to a self-contained unit.

*Reason: In order to protect the amenities of neighbouring properties and in accordance with policies QD27 of the Brighton & Hove Local Plan.*

## **3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and site plan			19.05.2014
Proposed site plan			21.07.2014
Proposed garage conversion			04.09.2014
Proposed elevations			21.07.2014
Proposed garage			11.07.2014

### **BH2014/02204**

#### **7 Poplar Avenue Hove**

Certificate of lawfulness for proposed loft conversion incorporating 2 no rooflights to front and dormer to rear.

**Applicant:** Tania Sierra Measures

**Officer:** Benazir Kachchhi 294495

**Approved on 01/09/14 DELEGATED**

### **BH2014/02293**

#### **79 Lark Hill Hove**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** David Beaken

**Officer:** Benazir Kachchhi 294495

**Refused on 02/09/14 DELEGATED**

## **1) UNI**

The proposed erection of single storey extensions to side and rear is not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the 2008 Order.

### **BH2014/02414**

#### **126 Stapley Road Hove**

Erection of conservatory and single storey extension to the rear.

**Applicant:** Mr Sherwood & Miss Goodman

**Officer:** Helen Hobbs 293335

**Refused on 11/09/14 DELEGATED**

## **1) UNI**

The proposed extensions, by virtue of their size, siting, design and roof form, relate poorly to existing property and form a discordant and overdeveloped appearance, detracting from the character and appearance of the existing dwelling and the surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document Design Guide on Extensions and Alterations (SPD12).

### **BH2014/02431**

## **40 Holmes Avenue Hove**

Erection of 2no two storey three bedroom houses.

**Applicant:** Mr M Morley

**Officer:** Liz Arnold 291709

**Refused on 11/09/14 DELEGATED**

### **1) UNI**

The proposed dwellings by reason of their design, form, excessive footprints, detailing, finish materials, limited plot depths and the required reduction in the plot size of no. 40 Holmes Avenue, would result in a development that fails to reflect the immediate character of the Holmes Avenue and Wayfield Avenue street scenes and the wider surrounding area, compromising the quality of the local environment. The proposal represents an incongruous and cramped form of development and an overdevelopment of the site. This identified harm would outweigh the benefit of additional housing and as such is contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

### **2) UNI2**

The scheme does not include a suitably sized useable outside private amenity area which would be appropriate for a family sized dwelling. The scheme would therefore be harmful to the amenity of future occupiers, contrary to policy HO5 of the Brighton & Hove Local Plan.

### **3) UNI3**

The proposal by virtue of its scale, bulk and massing in close proximity to the boundary with no. 42 Holmes Avenue would represent an unneighbourly form of development which would appear overbearing and oppressive when viewed from the garden area of the northern neighbouring property in addition to resulting in actual and perceived overlooking and loss of privacy to the garden areas of the northern neighbouring properties located on Holmes Avenue. The proposal would have a harmful impact on neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.

### **4) UNI4**

The proposed dwellings would be constructed on existing undeveloped land and therefore should be constructed to meet Level 5 of the Code for Sustainable Homes. The applicant has failed to justify that Level 4 as proposed within the application should be accepted. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan, and Supplementary Planning Document 08, Sustainable Building Design.

## **NORTH PORTSLADE**

### **BH2014/01668**

#### **Portslade Aldridge Community Academy Chalky Road Portslade**

Application for variation of condition 12 of application BH2012/03323 (Variation of condition 2 of application BH2012/00733 following original permission BH2011/02824) to allow for the relocation of the new refuse store.

**Applicant:** Brighton & Hove City Council

**Officer:** Jason Hawkes 292153

**Approved on 02/09/14 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	HKS-A-L-20-0	A	29th October 2012

	01		
Proposed Ground Floor Plan	HKS-A-L-20-011	K	18th October 2012
Proposed First Floor Plan	HKS-A-L-20-012	K	18th October 2012
Proposed Second Floor Plan	HKS-A-L-20-013	K	18th October 2012
Proposed Roof Plan	HKS-A-L-20-014	E	18th October 2012
Proposed North Elevation	HKS-A-L-20-021	D	18th October 2012
Proposed South, East and West Elevations Views 6/7/8/9/10	HKS-A-L-20-022	D	18th October 2012
Brise Soleil Details			21st January 2013
Proposed Canopy Sections	HKS-A-A-L-00	01	21st January 2013
Proposed Elevation Sheet 6	HKS-A-L-X55	01	21st January 2013
Existing Block Plan	HKS-A-L-20-002	A	21st September 2011
Proposed Block Plan	HKS-A-L-20-003	A	21st September 2011
Existing Ground Floor Plan	HKS-A-L-20-005	A	21st September 2011
Existing First and Second Floor Plan	HKS-A-L-20-006	A	21st September 2011
Existing Roof Plan	HKS-A-L-20-007	A	21st September 2011
Existing and Proposed Sports Hall Plan: Ground Floor / First Floor / Roof Plan	HKS-A-L-20-008	A	21st September 2011
Existing & Proposed Elevations: View 1	HKS-A-L-20-035	A	21st September 2011
Existing & Proposed Elevations: view 2	HKS-A-L-20-036	A	21st September 2011
Existing & Proposed Elevations: Views 3/4/4A/11	HKS-A-L-20-037	A	21st September 2011
General Arrangement Plan	PL.90.100	P2	6th January 2012
Access and Circulation Plan	PL.91.103	P5	16th December 2011
Soft Works Plan	PL.94.102	P2	6th January 2012
Tree Retention and Removal Plan	PL.94.104	P1	21st September 2011
Hard Works Plan	PL.95.101	P2	6th January 2012
Existing Site Layout	SK100	D1	21st September 2011
Proposed Drainage Strategy	SK101	D1	21st September 2011
Swept Path Analysis - Large Refuse Vehicle - Entering the Site - Layout B	T306	D1	27th January

## 2) UNI

Within three months of occupation of the development the Framework Travel Plan for the development shall be updated to a Full Travel Plan and submitted to



the Local Planning Authority. The Full Travel Plan shall be approved in writing by the Local Planning Authority and shall be implemented as approved thereafter and be subject to annual review in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

### **3) UNI**

Noise associated with plant and machinery incorporated within the development shall be controlled such that 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 and existing background noise levels to be determined as per the guidance provided in BS4142:1997.

*Reason: To protect the amenity of adjacent residents and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

### **4) UNI**

The development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) received on the 20th February 2012, approved under BH2012/00480, unless otherwise approved in writing by the Local Planning Authority.

*Reason: To ensure that appropriate environmental protection is in place to safeguard neighbouring amenity in compliance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.*

### **5) UNI**

The proposed signage and markings within the car park (drawings nos: C410/D3 and C411/D3 received on the 4th July 2012 and approved under BH2012/00480) shall be fully implemented prior to occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority, and thereafter be retained as such.

*Reason: In the interests of highway safety and for the benefit and convenience of the public at large and in accordance with policies QD27 and TR7 of the Brighton & Hove Local Plan.*

### **6) UNI**

The cycle parking details (drawings nos: PL.97.810/P1, PL.90.201, PL.90.202, PL.90.203 & PL.90.204 received on the 20th February 2012 and approved under BH2012/00480) shall be fully implemented and made available for use prior to the occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be retained for use at all times.

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

### **7) UNI**

The proposed road treatments, surface water drainage, outfall disposal and street lighting (drawings nos: C400/D3, C401/D1, C402/D1, C306/D3 & C400/307 received on the 20th and 29th February 2012 and approved under BH2012/00480) shall be fully implemented prior to the occupation of the building, unless otherwise agreed in writing by the Local Planning Authority. The road treatments, surface water drainage, outfall disposal and street lighting shall thereafter be retained for use at all times.

*Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to comply with Local Plan policies TR1, TR7, and TR8 of the Brighton & Hove Local Plan.*

### **8) UNI**

Within 2 months of the date of this permission, a Framework Travel Plan for the development shall be submitted for the approval of the Local Planning Authority. The Framework Travel Plan shall be implemented as approved thereafter.

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

**9) UNI**

The proposed foul and surface water sewerage disposal details (drawing nos: C306/D3 & C307/D3 received on the 29th February 2012 and approved under BH2012/00480) shall be fully implemented and made available for use prior to the occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. The means of foul and surface disposal shall thereafter be retained for use at all times.

*Reason: In the interests of appropriate foul and surface water disposal from the site and in accordance with policies SU2 and QD27 of the Brighton & Hove Local Plan.*

**10) UNI**

The finished floor levels and height of the development (drawing nos: C401/D1, C402/D1, HKS-A-L-20-20/D, HKS-A-L-20-21/D & HKS-A-L-20-22/D received on the 20th February 2012 and approved under BH2012/00480) shall fully accord with the approved details.

*Reason: To safeguard the amenities of the occupiers of nearby properties and to comply with policies QD1, QD2 and QD27 of the Brighton & Hove Local Plan.*

**11) UNI**

The development shall be implemented using the materials (drawing nos: HKS-A-L-20-021/D & HKS-A-L-20-022/D received on the 26th July 2012 and approved under BH2012/02332), unless otherwise agreed in writing by the Local Planning Authority and thereafter be retained as such.

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

**12) UNI**

Within 2 month of the date of this permission, the refuse storage (drawing no. PL.90.201/C8 Detail Layout Plan 01) shall be fully constructed and made available for use, unless otherwise agreed in writing by the Local Planning Authority. The refuse 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 recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**13) UNI**

Within 3 months of the date of this permission, unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted:

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

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

**14) UNI**

The scheme shall be implemented in accordance with the Preliminary Rainwater Reclaim Assessment (drawing nos: 60219856-P-VAR-DET-XX-001/A3, 60219856-P-RWH-PLN-UG-002/A0, 60219856-P-RWH-PLN-01-003/A0 & 60219856-P-RWH-PLN-02-004) received on the 20th February 2012 and approved under BH2012/00480.

*Reason: To ensure the development is sustainable in terms of rain water harvesting and in accordance with policy SU2 and SPD8: Sustainable Building Design of the Brighton & Hove Local Plan.*

**15) UNI**

The landscaping (drawing nos: PL.90.105/P7, PL.90.201/P9, PL.90.202/P9, PL.90.203/P9, PL.90.204/P9, PL.90.300/P4, PL.90.301/P5 & PL.90.302/P4 received on the 20th February 2012 and approved under BH2012/00480) shall be fully implemented and made available for use prior to the occupation of the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority. The landscaping shall thereafter be retained for use at all times.

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

**16) UNI**

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) UNI**

The development shall be implemented in accordance with Ground Investigation Reports and details relating to land contamination submitted on the 20th February and 27th April 2012, approved under BH2012/00480. The development shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by Campbell Reith (or such competent person as agreed by the Local Planning Authority) that the provisions approved under BH2012/00480 have been fully implemented (unless varied with the written agreement of the Local Planning Authority). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved.

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

**18) UNI**

Within 3 months of the date of this permission, 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 nearby properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.*

**19) UNI**

The development shall be implemented in accordance with the details and drawing of the proposed Lighting Strategy (drawing no: TLL/S/0122748/EX/R3/230412) received on the 9th May 2012, approved under BH2012/01468. The approved installation shall be maintained and operated in accordance with the approved details thereafter.

*Reason: In the interests of residential amenity and in accordance with policy QD27 of the Brighton & Hove Local Plan.*

**20) UNI**

The development shall be implemented in accordance with Biodiversity Reports received on the 20th February and 14th June 2012, as approved under BH2012/00480. The scheme shall be carried out in full as approved and thereafter retained as such.

*Reason: In order secure suitable Biodiversity measures on site and in accordance with policy QD17 of the Brighton & Hove Local Plan.*

**21) UNI**

The development shall be implemented in accordance with the details of the proposed plant enclosure adjacent the Sports Centre (drawing no. HKS-A-L-20-015/A) received on the 20th February 2012, approved under BH2012/00480. The enclosure shall be constructed in accordance with the agreed details and thereafter retained as such.

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

**22) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not 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 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

**23) UNI**

The car parking provision during the construction of the development will be provided on a phased basis in accordance with the car parking phasing plans, as outlined in the Planning Statement received on the 7th March 2012 and the approved drawings nos. HKS-A-L-99-01/A Rev 2; HKS-A-L-99-01/B Rev 2; HKS-A-L-99-01/C Rev 2 and HKS-A-L-99-01/D Rev 2 received on the 26th March 2012, approved under BH2012/00733, unless otherwise agreed with Local Planning Authority in writing.

*Reason: To ensure the adequate parking for the users of the Academy, library and Sports Centre, to ensure the safety of persons and vehicles entering and leaving the site and to comply with Local Plan policies TR1, TR7 & TR19 of the Brighton & Hove Local Plan.*

## **24) UNI**

All trees to remain on site, as shown on drawing PL.94.104/P1, should be protected to standard BS 5837 (2005) Trees in Relation to Construction prior to any development commencing. All pruning operations should be carried out in accordance with BS 3998 (2010) Recommendations Tree Pruning Operations.

*Reason: To protect the trees to retained on site and in accordance with policy QD16 of the Brighton & Hove Local Plan.*

### **BH2014/01952**

#### **11 North Lane Portslade**

Erection of single storey rear extension.

**Applicant:** Bongani Nkomo

**Officer:** Lorenzo Pandolfi 292337

**Approved on 08/09/14 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 and Block Plans	2014-11NL-005		12/06/2014
Existing Elevation, Floor and Roof Plan	2014-11NL-001		12/06/2014
Proposed Elevation, Floor and Roof Plan	2014-11NL-002		12/06/2014

## **SOUTH PORTSLADE**

### **BH2014/00462**

#### **Former Infinity Foods Site 45 Franklin Road & 67 67a & 67b Norway Street Portslade**

Application for Approval of Details Reserved by Conditions 16, 22, 25, 26 and 28 of application BH2013/01278.

**Applicant:** Taylor Wimpey South West Thames

**Officer:** Jason Hawkes 292153

**Approved on 05/09/14 DELEGATED**

### **BH2014/00685**

#### **103-105 Abinger Road Portslade**

Application for Approval of Details Reserved by Conditions 3, 4, 5 and 8 of application BH2013/03050.

**Applicant:** Gardener Developments Ltd

**Officer:** Andrew Huntley 292321  
**Approved on 28/08/14 DELEGATED**

**BH2014/01882**

**131 Mill Lane Portslade**

Display of 2 no externally illuminated fascia signs.

**Applicant:** WM Morrison Supermarkets PLC

**Officer:** Christopher Wright 292097

**Approved on 04/09/14 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.

**BH2014/01983**

**20 Church Road Portslade**

Conversion of existing retail unit (A1) and flat to single dwelling (C3).

**Applicant:** Mrs S Dhajan

**Officer:** Jason Hawkes 292153

**Approved on 16/09/14 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 a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

**3) UNI**

The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

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

**4) 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.*

**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			12th June 2014
Existing Front Elevation and Existing Ground & First Floor Plan	06/235/01	A	12th June 2014
Proposed Front Elevation and Proposed Ground & First	06/235/02		12th June 2014

Floor Plan			
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**6) UNI**

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a method statement to identify, risk assess and address the unidentified contaminants.

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

**BH2014/02019**

**80-96 Blakers Court Locks Crescent Portslade**

Replacement of existing roof tiles with steel tiles.

**Applicant:** Brighton & Hove City Council

**Officer:** Tom Mannings 292322

**Approved on 03/09/14 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 shall be finished in Decra Classic Pantile Steel Tiles (specification Teak) 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.*

**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			18th June 2014
Roof Plan			9th July 2014
Tile Specification Supporting Documents (17 pages)			18th June 2014
Decra Classic Tile Drawings and Details (43 pages)			18th June 2014

**BH2014/02021**

**62-78 Kemps Court Locks Crescent Portslade**

Replacement of existing roof tiles with steel tiles.

**Applicant:** Brighton & Hove City Council

**Officer:** Tom Mannings 292322

**Approved on 03/09/14 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			
Roof Plan			9th July 2014
Tile Specification Supporting Documents (17 pages)			18th June 2014

### 3) UNI

The roof shall be finished in Decra Classic Pantile Steel Tiles (specification Teak) 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.*

### **BH2014/02287**

#### **The Coach House South Street Portslade**

Prior approval for change of use from offices (B1) to residential (C3) to form 5no dwellings.

**Applicant:** Spear Development Ltd

**Officer:** Christine Dadswell 292205

**Prior Approval is required and is approved on 01/09/14 DELEGATED**

### **BH2014/02327**

#### **15 Vale Road Portslade**

Formation of vehicle crossover incorporating revised front boundary wall.

**Applicant:** Mr Lee Peters

**Officer:** Benazir Kachchhi 294495

**Approved on 03/09/14 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	BR1106 - 104		14 July 2014
Block Plan	BR1106 - 105		14 July 2014
Existing and proposed dropped curb for vehicle access	BR1106 - 105		14 July 2014

### **BH2014/02356**

#### **Former Infinity Foods Site 45 Franklin Road & 67 67a & 67b Norway Street Portslade**

Application for approval of details reserved by condition 4 of application BH2013/01278.

**Applicant:** Taylor Wimpey (South West Thames) Ltd

**Officer:** Jason Hawkes 292153

**Approved on 28/08/14 DELEGATED**

**BH2014/02372**

**48 Mill Lane Portslade**

Erection of single storey garage to side elevation and single storey extension to rear. (Part retrospective).

**Applicant:** Mr Richard Berriman

**Officer:** Benazir Kachchhi 294495

**Approved on 10/09/14 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 and block plan	14/01-02		16 July 2014
Existing ground floor plan	14/01-03		16 July 2014
Existing elevations	14/01-04		16 July 2014
Proposed floor plan and elevations	14/01-01		16 July 2014

**BH2014/02382**

**2 Gordon Road Portslade**

Erection of a single storey rear extension.

**Applicant:** Mr N Man

**Officer:** Tom Mannings 292322

**Approved on 16/09/14 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 Plan			16/07/14
Block Plan			16/07/14
Existing and Draft Proposal	Mm/01/Gor2		4/09/14

**BH2014/02389**

**47 Fairfield Gardens Portslade**

Erection of a single storey rear extension. (Part Retrospective)

**Applicant:** David Noyes**Officer:** Helen Hobbs 293335**Approved on 08/09/14 DELEGATED****1) UNI**

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
Plans and elevations as existing	03		14th July 2014
Plans and elevations as proposed	04		14th July 2014

**BH2014/02396****11 Fairfield Gardens Portslade**

Erection of single storey rear extension and conversion of existing garage into habitable living space.

**Applicant:** Michael Slade**Officer:** Benazir Kachchhi 294495**Approved on 11/09/14 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 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			15 July 2014
Block plan			15 July 2014
Existing plans and elevations			15 July 2014
Proposed plans and elevations			15 July 2014

**BH2014/02398****14 Fairway Crescent Portslade**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to rear elevation and front rooflights.

**Applicant:** Ms A Dobell**Officer:** Lorenzo Pandolfi 292337

**Approved on 10/09/14 DELEGATED**

**BH2014/02805**

**Chandlers BMW Victoria Road Portslade**

Non Material Amendment to BH2013/01851 to change rectangular bay window on the left hand side of the front elevation to flat window, remove altogether proposed rectangular bay window on the right hand side of front elevation and infill with rendered panel. Reduce size of vehicle high light display platform and minor changes to grassed and paved area in front of building.

**Applicant:** Barons & Chandlers

**Officer:** Mark Thomas 292336

**Refused on 15/09/14 DELEGATED**

**HOVE PARK**

**BH2014/00799**

**17 Goldstone Crescent Hove**

Application for variation of condition 2 of application BH2013/02613 (Demolition of existing three bedroom single dwelling and erection of part three/part four storey block of 7 no flats) to permit material alterations including addition of lift, relocation of cycle store to Northern elevation within an enclosure and addition of windows to common staircase.

**Applicant:** JB Howard Properties Ltd

**Officer:** Helen Hobbs 293335

**Approved on 04/09/14 DELEGATED**

**1) UNI**

The development hereby permitted shall be commenced before 29/04/2016.

*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**

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**

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
Proposed block plan and site location plan	TA725/09	D	20th March 2014
Proposed site layout	TA725/10	E	12th March 2014
Proposed ground floor plan	TA725/11	B	12th March 2014
Proposed first floor plan	TA725/12	B	12th March 2014
Proposed second floor plan	TA725/13	B	12th March 2014
Proposed third floor plan	TA725/14	D	12th March 2014
Street elevations	TA725/15	C	12th March 2014
Proposed sections	TA725/16	C	12th March 2014
Proposed front (west) elevation	TA725/17	C	12th March 2014
Proposed rear (east) elevation	TA725/18	D	12th March 2014
Proposed side elevation	TA725/19	C	12th March 2014
Proposed side elevation	TA725/20	D	12th March 2014

### **BH2014/01407**

#### **17 Hill Drive Hove**

Remodelling of existing bungalow to form a 3no bedroom house with garage and associated works in rear garden area (Part-Retrospective).

**Applicant:** Jonathan Paxton

**Officer:** Liz Arnold 291709

**Refused on 08/09/14 DELEGATED**

#### **1) UNI**

The development by reason of its design and detailing would appear unduly dominant and create a contrast and sense of bulk which, in relation to adjoining properties and the wider surrounding area, would harm the existing character and

appearance of Hill Drive. The development therefore fails to respond sufficiently to the character and appearance of the existing built environment, and is contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 on Design Guide for Extensions and Alterations .

**2) UNI2**

The development by virtue of the bulk and form projecting significantly to the rear curtilage of the property would be visually intrusive and cause an increased sense of enclosure for occupiers of no.19 Hill Drive and is contrary to policy QD27 of the Brighton & Hove Local Plan.

**3) UNI3**

The applicant has failed to provide sufficient information in relation to the works recently undertaken in the rear garden area of the site, including alterations to land levels, the construction of new boundary walls and the construction of an outbuilding. As such the Local Planning Authority is unable to fully assess the impacts that these works have had upon the visual amenities of the site and wider area and the impacts upon the amenities of neighbouring properties. As such the proposal is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/01552**

**215 Nevill Road Hove**

Erection of detached dwelling to rear of existing property fronting Goldstone Way incorporating new vehicular crossover.

**Applicant:** Mr & Mrs C Durrant

**Officer:** Jason Hawkes 292153

**Approved on 05/09/14 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 new dwelling hereby permitted shall be constructed to Lifetime Home standards prior to 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 hard surfaces hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surfaces to a permeable or porous area or surface within the curtilage of the property.

*Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.*

**4) UNI**

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



before the development is occupied.

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

**5) UNI**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

**6) UNI**

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

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

**7) UNI**

No development shall take place until 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**

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.*

**9) UNI**

The new 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.*

**10) 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.*

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

**12) UNI**

The scheme shall be implemented strictly in accordance with existing and proposed ground level land survey plans (drawing nos. 847/11, 847/12A, 847/13A & 847/23) submitted with the application.

*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.*

**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 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.*

**14) UNI**

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code Level 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.*

**15) UNI**

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

*Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to comply with Local Plan policies TR1, TR19 and SPG4.*

**16) UNI**

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

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

Plan Type	Reference	Version	Date Received
Layout Plans	847/01	A	9th May 2014
Elevations	847/02	A	9th May 2014

Site Plan	847/03		9th May 2014
Contextual Elevations	847/04	A	9th May 2014
Site & Location Plans	847/05	A	21st May 2014
Plan as Existing	847/11		9th May 2014
Levels Survey	847/12	A	9th May 2014
Sections through Site	847/13	A	9th May 2014
Hard & Soft Landscaping	847/14	A	9th May 2014
Site Plan	847/18	B	9th May 2014
Retaining & Boundary Wall and Fence Details	847/23		9th May 2014

**BH2014/01666**

**178 Nevill Road Hove**

Creation of vehicle crossover and dropped kerb.

**Applicant:** Mrs Kellie Bryan

**Officer:** Tom Mannings 292322

**Approved on 03/09/14 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			7th July 2014
Block Plan			7th July 2014
Existing Plan			7th July 2014
Proposed Plan			7th July 2014

**BH2014/01775**

**287 & 289 Dyke Road Hove**

Alterations to rear parking area including erection of disabled access ramp and new plant room for existing indoor swimming pool.

**Applicant:** Care Management Group

**Officer:** Andrew Huntley 292321

**Approved on 03/09/14 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**

If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

*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.*

**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			03.06.2014
Existing Plan	14/088/01		09.06.2014
Survey Drawing	14/094/01	A	09.06.2014
Proposed Plan & Elevations	14/094/02	A	09.06.2014
Proposed Block Plan	14/088/02	B	09.06.2014

**BH2014/01927**

**163 Woodland Avenue Hove**

Erection of two storey rear/side extension and first floor front/side extension over existing garage with extension to roof and erection of front porch.

**Applicant:** Mr & Mrs Mark Lowrence

**Officer:** Christopher Wright 292097

**Approved on 16/09/14 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 Plan			11 Jun 2014
Block Plan			24 Jun 2014
As Existing	0501-1		11 Jun 2014
Proposed Plans	0501-3		11 Jun 2014
Ground Floor Plan	0501-4		11 Jun 2014
First Floor Plan	0501-5		11 Jun 2014
Roof Plan	0501-6		11 Jun 2014
As Existing North & South Elevations	0501-1A		22 Jul 2014
Proposed Elevations	0501-3B		4 Jul 2014

**BH2014/01960****8 Hove Park Road Hove**

Creation of new rear terrace with steps to garden.

**Applicant:** Mr Gawaine Lewis

**Officer:** Christine Dadswell 292205

**Approved on 28/08/14 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 details of a privacy screen to be installed along the east side of the terrace have been submitted to and approved in writing by the Local Planning Authority. The screen should be 1.8 metres high. The scheme shall be implemented in strict accordance with the approved details and shall thereafter be retained as such.

*Reason: To ensure an appropriate scheme of screening, to protect the residential amenity of adjacent occupiers and to accord with policies QD14 and QD27 of the Brighton & Hove Local Plan.*

**3) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location Plan			26 June 2014
Block Plan			26 June 2014
Existing North East Elevation			01 July 2014
Existing South West Elevation			01 July 2014
Existing and Proposed Rear Elevation			01 July 2014
Existing Plans			01 July 2014
Proposed North East Elevation			01 July 2014
Proposed South West Elevation			01 July 2014
Proposed Plans			01 July 2014

**BH2014/02051****86 Goldstone Villas Hove**

Change of use of basement from workshop (B1) to retail (A1) incorporating bicycle hire business with bicycle storage and maintenance.

**Applicant:** Mr Stephen Bell

**Officer:** Christopher Wright 292097

**Refused on 05/09/14 DELEGATED**

**1) UNI**

The proposal fails to demonstrate that the current employment generating use is genuinely redundant or that the premises are no longer suitable for employment generating uses. As such the proposal is contrary to the requirements of policies EM3 and EM6 of the Brighton & Hove Local Plan.

**BH2014/02138**

### **113 Woodland Avenue Hove**

Erection of single storey front and rear extensions and raising of roof height. (Part retrospective)

**Applicant:** Mr Chris Heasman

**Officer:** Helen Hobbs 293335

**Approved on 11/09/14 DELEGATED**

#### **1) 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.*

#### **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
Pre-existing floor plan and rear elevation	0000		17th July 2014
Existing layout	001		14th July 2014
Existing elevations	002		14th July 2014
Proposed layout	003		14th July 2014
Proposed elevations	004		14th July 2014
Street and block plan	004		26th June 2014

### **BH2014/02163**

#### **25 The Droveaway Hove**

Installation of glass balustrade at second floor level.

**Applicant:** Mr A Standing

**Officer:** Lorenzo Pandolfi 292337

**Refused on 28/08/14 DELEGATED**

#### **1) UNI**

The proposed second floor terrace would result in the use and likely placing of domestic items on the roof of the building which would be harmful to the appearance of the building and the character and appearance of the area, contrary to policy QD14 of the Brighton & Hove Local Plan.

#### **2) UNI2**

The proposed second floor roof terrace would result in the significant loss of amenity for the residents of the adjacent properties by way of direct overlooking and loss of privacy, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

### **BH2014/02288**

#### **The Ridings 27 Tongdean Avenue Hove**

Erection of single storey rear extension with associated alterations to fenestration.

**Applicant:** Mr & Mrs Ian Steel

**Officer:** Lorenzo Pandolfi 292337

**Approved on 04/09/14 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 Plan			08/07/2014
Site Plan	SP1J		08/07/2014
Part Ground Floor Plan of Utility Room as existing	2014-08/1		14/07/2014
Utility Area at Rear Elevation as existing	2014-08/2		14/07/2014
Ground Floor Plan as proposed	2014-08/10		08/07/2014
Elevations as proposed	2014-08/11		08/07/2014
Section A-A	2014-08/12		08/07/2014
Letter			08/07/2014
Site photos			

**BH2014/02350**

**193 Goldstone Crescent Hove**

Erection of conservatory extension to rear.

**Applicant:** Mr & Mrs Wood

**Officer:** Lorenzo Pandolfi 292337

**Approved on 04/09/14 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 Plan			14/07/2014
Block Plan			14/07/2014
Existing Ground Floor Plan			14/07/2014

Proposed base/floor Plan, Existing and Proposed Elevations	14/07/2014		14/07/2014
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**BH2014/02405**

**3 Kelly Road Hove**

Certificate of lawfulness for proposed garden room to rear.

**Applicant:** Ms Caroline King

**Officer:** Benazir Kachchi 294495

**Refused on 17/09/14 DELEGATED**

**BH2014/02487**

**4 Barrowfield Close Hove**

Erection of 4 bedroom detached dwelling house.

**Applicant:** Mr & Mrs J T Platt

**Officer:** Liz Arnold 291709

**Refused on 08/09/14 DELEGATED**

**1) UNI**

The proposed development, by virtue of the excessive depth created by the proposed single storey rear section and positioning closer to the front boundary compared to neighbouring properties results in a development that would be out of keeping with the characteristic built form and positioning of the properties within Barrowfield Close. This contrast, in addition to the design and style of windows, would result in a development that is of detriment to the character and appearance of Barrowfield Close and wider surrounding area, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

**BH2014/02491**

**9 Lullington Avenue Hove**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mr Oliver Gospel

**Officer:** Christine Dadswell 292205

**Approved on 04/09/14 DELEGATED**

**BH2014/02498**

**5 Landseer Road Hove**

Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating rear dormer, front rooflights and associated alterations.

**Applicant:** Mr Alberto Ticus

**Officer:** Robert Hermitage 290480

**Approved on 03/09/14 DELEGATED**

**BH2014/02717**

**Park House Old Shoreham Road Hove**

Non Material Amendment to BH2012/00114 to change from rear access ramp to steps, minor changes to windows in zinc cladding floors and 8no gas biler flues to Shoreham Road elevation.

**Applicant:** Denne Construction

**Officer:** Christopher Wright 292097

**Approved on 05/09/14 DELEGATED**



## **WESTBOURNE**

### **BH2014/01462**

#### **10 Westbourne Place Hove**

Application for Approval of Details Reserved by Condition 16ii of application BH2013/01175.

**Applicant:** Creative Developments

**Officer:** Adrian Smith 290478

**Approved on 03/09/14 DELEGATED**

### **BH2014/01744**

#### **60 Walsingham Road Hove**

Erection of single storey rear extension with associated alterations.

**Applicant:** Ms E Payne & Mr P Spendley

**Officer:** Joanne Doyle 292198

**Approved on 09/09/14 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 with the exception of the folding doors.

*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 Location & Block Plan	1427/01	A	28 May 2014
Existing & Proposed Floor Plans & Elevations	1427/02	A	28 May 2014

### **BH2014/01951**

#### **15 Sackville Gardens Hove**

Creation of new vehicle crossover and driveway with associated front garden and boundary wall alterations.

**Applicant:** Neil Bradstock

**Officer:** Tom Mannings 292322

**Refused on 04/09/14 DELEGATED**

#### **1) UNI**

The application site is within the Sackville Gardens Conservation Area where the retention of front gardens is of significant importance in order to preserve the area's character. The proposal would differentiate the application site from the pattern and character of surrounding development and would harm the street scene in this section of Sackville Gardens. The proposal would fail to preserve or enhance the character or appearance of the Sackville Gardens Conservation Area and is contrary to QD14 and HE6 of the Brighton & Hove Local Plan, and the provisions of Supplementary Planning Document 9, Architectural Features.

**BH2014/02057**

**13 Aymer Road Hove**

Application for Approval of Details Reserved by Conditions 4 and 5 of application BH2014/00534.

**Applicant:** Emma Habba

**Officer:** Christine Dadswell 292205

**Approved on 28/08/14 DELEGATED**

**BH2014/02075**

**15 Mornington Mansions New Church Road Hove**

Replacement of existing aluminium windows with UPVC.

**Applicant:** Miss Jess Grindley

**Officer:** Tom Mannings 292322

**Refused on 01/09/14 DELEGATED**

**1) UNI**

The replacement windows, by virtue of their material, frame profile and thickness, would create a poor contrast with remainder of the building and would represent incongruous and unsightly additions. The proposal would therefore significantly harm the character and appearance of the existing building and wider surrounding area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan, and guidance within Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

**BH2014/02165**

**121D Portland Road Hove**

Replacement of existing garage with enlarged garage and associated alterations.

**Applicant:** Mr Howard Hamilton

**Officer:** Joanne Doyle 292198

**Approved on 04/09/14 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 & Block Plan	M43/01		30 Jun 2014
Existing Ground Floor Plan	M43/02		30 Jun 2014
Existing Front & Rear Elevations	M43/03		30 Jun 2014
Existing Side Elevations	M43/04		30 Jun 2014
Proposed Ground Floor Plan	M43/10		30 Jun 2014
Proposed Front & Rear Elevations	M43/11		30 Jun 2014
Proposed Side Elevations	M43/12		30 Jun 2014

**BH2014/02391**

## **25 Arthur Street Hove**

Prior approval for change of use from offices (B1) to residential (C3) to form 4no self contained flats.

**Applicant:** Mr D C Ajmi

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 09/09/14 DELEGATED**

## **BH2014/02478**

### **14 Princes Crescent Hove**

Replacement of existing wall hanging tiles.

**Applicant:** Mrs Samantha Bailey

**Officer:** Lorenzo Pandolfi 292337

**Approved on 17/09/14 DELEGATED**

#### **1) UNI**

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

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

#### **2) UNI**

Informatives:

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

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

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

#### **3) UNI**

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

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

#### **4) UNI**

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			24/07/2014
Photos			21/07/2014
Technical Brochure			24/07/2014

## **BH2014/02785**

## 6 Portland Road Hove

Non Material Amendment to BH2013/03750 for relocation of side door by approximately 1.5m towards the rear of the east side elevation due to external drainage pipes.

**Applicant:** Lindene GB Promotions

**Officer:** Liz Arnold 291709

**Approved on 04/09/14 DELEGATED**

## WISH

### **BH2013/02043**

#### **Olympic Pavilion St Christopher School Sports Ground Glebe Villas Hove**

Application for variation of condition 14 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to allow refuse to be removed daily by caretakers and bought back to the main school.

**Applicant:** St Christopher's School

**Officer:** Jason Hawkes 292153

**Approved on 01/09/14 DELEGATED**

#### **1) UNI**

Not used

#### **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	8238/01A		31st May 2012
Site Location Plan	8238/02C		9th February 2012
Ground Floor Plan	8238/10C		23rd April 2012
Roof Plan	8238/11A		31st January 2012
Existing Floor Plan	8238/12A		23rd April 2012
Proposed Block Plan	8238/13A		23rd April 2012
Proposed Elevations	8238/15B		23rd April 2012
Existing Elevations	8238/16B		23rd April 2012
Gate Details	8238/20		8th June 2012
Tree Protection Plan	8238/21		8th June 2012

#### **3) UNI**

The structure hereby permitted shall not be used except between the hours of 08.00 and 18.00 on Monday to Friday only.

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

#### **4) UNI**

The door located on the north elevation shall be used for emergency purposes only.

*Reason: To protect neighbouring amenity in accordance with policy QD27 of the Brighton & Hove Local Plan.*

#### **5) UNI**

Noise associated with plant and machinery incorporated into 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 adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.*

**6) UNI**

The development shall be implemented in accordance with the timber certification details approved under application BH2012/01736 on 16/08/2012.

*Reason: To ensure the timber used is from a sustainable source and to comply with policy SU2 of the Brighton & Hove Local Plan.*

**7) UNI**

The cycle parking facilities shown on the approved plans shall be fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

**8) UNI**

The development shall be implemented in accordance with the details of the proposed timber gates approved under application BH2012/01736 on 16/08/2012.

*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 shall be implemented in accordance with the details and samples of materials approved under application BH2012/01736 on 16/08/2012.

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

**10) UNI**

The development shall be implemented in accordance with the on-site archaeological watching brief report approved under application BH2012/01736 on 16/08/2012.

*Reason: In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.*

**11) UNI**

The development shall be implemented in accordance with the tree protection measures approved under application BH2012/01736 on 16/08/2012.

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

**12) UNI**

The development shall be implemented in accordance with the tree pruning works approved under application BH2012/01736 on 16/08/2012.

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

**13) UNI**

The development hereby approved shall be implemented in accordance with the refuse and recycling storage provision which allows the refuse and recycling to be collected daily by the school. These facilities shall thereafter be retained for use at all times.

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

**14) UNI**

The development shall be implemented in accordance with the Waste

Minimisation Statement approved under application BH2012/01736 on 16/08/2012.

*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.*

### **BH2014/01098**

#### **3 Western Esplanade Portslade**

Erection of a part two storey part three storey side and rear extension, single storey front extension and first floor and second floor front extensions with associated alterations including creation of front roof terrace and alterations to fenestration.

**Applicant:** Mr M Irwin & Ms T O'Hara

**Officer:** Christopher Wright 292097

**Approved on 16/09/14 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
Proposed Floor Plans and Sections Ground Floor and First Floor	1940/1		8 Apr 2014
Proposed Floor Plans Second Floor and Roof Plan	1940/2		8 Apr 2014
Ground Floor and First Floor Plans As Existing	1940/3		8 Apr 2014
Second Floor and Roof Plans As Existing	1901/4		8 Apr 2014
Elevations As Existing	1940/5		8 Apr 2014
Elevations As Proposed	1940/6		8 Apr 2014
Location Plan	1940/7		8 Apr 2014
Block Plan As Existing	1940/8		8 Apr 2014
Block Plan As Proposed	1940/9		8 Apr 2014
West Elevation As Proposed	1940/9		8 Apr 2014

### **BH2014/01395**

## **28 Wish Road Hove**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mr Mark Green

**Officer:** Benazir Kachchhi 294495

**Refused on 08/09/14 DELEGATED**

### **1) UNI**

The proposed development would not be permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended, as the extension would extend beyond a rear wall of the original dwellinghouse by more than 3 metres (e).

## **BH2014/02114**

### **21 Derek Avenue Hove**

Erection of single storey rear extension.

**Applicant:** Neil Corin

**Officer:** Joanne Doyle 292198

**Refused on 16/09/14 DELEGATED**

### **1) UNI**

The rear extension, by reason of its scale, footprint, depth and roof form, would result in an over dominant addition which would diminish the original plan form of the dwelling and detract from the appearance of the dwelling. The proposal is thereby contrary to QD14 of the Brighton & Hove Local Plan and the Supplementary Planning document: Design Guide for Extensions and Alterations (SPD12).

## **BH2014/02150**

### **5 Brittany Road Hove**

Erection of a single storey rear/side extension.

**Applicant:** Robin Herbert & Emma Vickers

**Officer:** Tom Mannings 292322

**Refused on 03/09/14 DELEGATED**

### **1) UNI**

The proposed extension, by reason of its height, depth and proximity to the shared boundary, would appear overbearing and result in a loss of light and outlook to the adjoining property, 3 Brittany Road. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

### **2) UNI2**

The proposed extension, by reason of its scale, bulk and massing, would result in an unsympathetic and visually harmful addition to the rear of the property, to the detriment of the character and appearance of the building. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

## **BH2014/02334**

### **23 Amesbury Crescent Hove**

Erection of conservatory to first floor level to the rear.

**Applicant:** Mr Ken Hawthorne

**Officer:** Christine Dadswell 292205

**Refused on 04/09/14 DELEGATED**

### **1) UNI**

The proposed conservatory, by reason of its form, design and detailing, would form a bulky and incongruous addition that would have a negative impact on the character and appearance of the existing building and wider surrounding area. The proposal is therefore contrary to Local Plan 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, by reason of its location at first floor level, would result in increased and harmful overlooking of adjoining properties at 1 St Heliers Avenue and 21 Amesbury Crescent. This would be to the detriment of residential amenity and the proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**BH2014/02371**

**31 Coleman Avenue Hove**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs Kelly

**Officer:** Benazir Kachchhi 294495

**Approved on 12/09/14 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 and block plan			15 July 2014
Existing plans, sections and elevations	1178-01		15 July 2014
Proposed plans, sections and elevations	1178-02		15 July 2014

**BH2014/02409**

**First Floor Flat 47 St Leonards Road Hove**

Installation of rooflights to front and rear elevations.

**Applicant:** Amazing Space (South East) Ltd

**Officer:** Lorenzo Pandolfi 292337

**Approved on 12/09/14 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	AM/01	B	08/09/2014
Existing and Proposed Plans	AM/01	B	08/09/2014
Existing and Proposed Elevations	AM/01	B	08/09/2014



**BH2014/02645**

**42 St Leonards 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 4.5m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Mrs Aideen Smith-Watson

**Officer:** Tom Mannings 292322

**Prior approval not required on 10/09/14 DELEGATED**

**Withdrawn Applications**



**PLANS LIST 8 October 2014****PATCHAM**

**Application No: BH2014/02167**  
**Mill House, Overhill Drive**

Fell 1no Caucasian Wingnut (T1) & 2no Cherries (T2 x 2).

Applicant: Mr A Maysey  
**Approved on 06 Aug 2014**

**Application No: BH2014/02375**  
**145 Vale Avenue, Brighton**

T8 (our reference) 1no. Lime situated to the rear of 145b - remove the superfluous epicormic growth from the base of the tree to a height of approximately 5.0m above ground level; reduce and re-shape the crown by approximately 2.5m (30%) and crown thin by approximately 15%.

Applicant: Mr Robin Cross  
**Approved on 06 Aug 2014**

**Application No: BH2014/02441**  
**40 Windmill View, Brighton**

2no Elms in rear garden - reduce height by 2-3m, front side by 1m and rear side by 2m, lift lower canopy to give client his view back.

Applicant: Mr J Hatch  
**Approved on 06 Aug 2014**

**Application No: BH2014/02442**  
**20A Old London Road, Patcham, Brighton**

2no Sycamore & 1no Ash to the side of 17 Audrey Close - reduce overhang by 3-4m.

Applicant: Mr J Hatch  
**Approved on 06 Aug 2014**

**Application No: BH2014/02640**  
**Mill House, Overhill Drive**

1no Ash (T6) - remove 2no lowest limbs overhanging house.

Applicant: Mr N Jones  
Approved on 06 Aug 2014

### PRESTON PARK

Application No: **BH2014/01899**  
**57 Springfield Road, Brighton**

1no Lime - reduce and re-shape the crown by approx. 60% to a point 1m to 1.5m above the previous pollard points; lift the canopy edge to give a minimum clearance of 4.5m above ground level; remove any basal/epicormic growth to a height of 4m.

Applicant: Mr David Jones  
Approved on 05 Aug 2014

Application No: **BH2014/02484**  
**37 Havelock Road, Brighton**

1no Sycamore - reduce by 2-3m.

Applicant: Mr J Hatch  
Approved on 05 Aug 2014

### REGENCY

Application No: **BH2014/02421**  
**2 Temple Gardens, Brighton**

Fell one Elder. (This tree does not warrant a TPO.)

Applicant: Mr James Powell  
Approved on 05 Aug 2014

Application No: **BH2014/02438**  
**Heather Court, Montpelier Terrace, Brighton**

1no Horse Chestnut - reduce crown on north and south sides by no more than 3 metres.

Applicant: Mr Mark Hearn  
Approved on 05 Aug 2014

**Application No: BH2014/02449**  
**10 Clifton Road, Brighton**

Fell one Cherry to ground level due to wall and footpath damage. (Tree too small to warrant a TPO and unsuitable for location.)

Applicant: Mrs Katty McMurray  
**Approved on 09 Sep 2014**

**Application No: BH2014/02560**  
**2 Montpelier Villas, Brighton**

Fell one Holly. (Location of tree not sustainable.)

Applicant: Ms Angela Stewart  
**Approved on 09 Sep 2014**

**Application No: BH2014/02697**  
**17 Montpelier Crescent, Brighton**

Purple Norway Maple (T1), Magnolia (T2) & 2no Norway Maple (G1) - reduce back to previous points.

Applicant: Carlos Daly  
**Approved on 09 Sep 2014**

**Application No: BH2014/02702**  
**15 Montpelier Villas, Brighton**

Fell one Leylandii. (Tree is dying and no public visibility.)

Applicant: Mr M Napier  
**Approved on 09 Sep 2014**

**Application No: BH2014/02709**  
**2 Montpelier Villas, Brighton**

Elder - reduce in height by 6ft to reduce shading.

Applicant: Ms Angela Stewart  
**Approved on 09 Sep 2014**

**Application No: BH2014/02724**  
**10 Clifton Road, Brighton**

1no Magnolia - trim height by 3ft to stop blowing in wind.

Applicant: Mrs Katty McMurray  
**Approved on 09 Sep 2014**

**Application No: BH2014/02740**  
**27 Belvedere Terrace, Brighton**

1no large Ash to rear of property - remove two large branches which are damaging roof tiles.

Applicant: Mr L Bartlam  
**Approved on 09 Sep 2014**

**Application No: BH2014/02741**  
**Park Royal, Montpelier Road, Brighton**

Sycamore (338 on plan) - reduce height by 2m to bring under roofline and prevent wind damage; Sycamore (339 on plan) - reduce height by 3m to prevent wind damage and reduce overhang to highway; Elm (337 on plan) – reduce height by 3m to prevent wind damage.

Applicant: Mr Ben McWalter  
**Approved on 09 Sep 2014**

**Application No: BH2014/02791**  
**Flat 1, 15 Vernon Terrace, Brighton**

1no Goat Willow - reduce the canopy by up to 2 metres radially back to suitable lateral growth points.

Applicant: James Cox  
**Approved on 15 Sep 2014**

**Application No: BH2014/02813**  
**17 Russell Square, Brighton**

Fell one Sycamore in rear garden. (Tree is not visible to the public, thus has no public amenity value.)

Applicant: Lesley Baker  
**Approved on 15 Sep 2014**

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

**Application No: BH2014/01819**  
**30 Buckingham Place, Brighton**

Purple Plum (T1) - crown reduction, 10m height, 8m wide; Purple Plum (T2) - crown reduction, 4m height, 4m wide.

Applicant: Mr J Orden  
**Approved on 19 Aug 2014**

**Application No: BH2014/01827**  
**30 Buckingham Place, Brighton**

Fell one Ash (T3). (Tree is too small to warrant a TPO.)

Applicant: Mr J Orden  
**Approved on 19 Aug 2014**

**Application No: BH2014/02814**  
**27 Richmond Road, Brighton**

Fell one small Fir to ground level. (Tree has no public visibility, thus has no public amenity value.)

Applicant: Mr J Hatch  
**Approved on 15 Sep 2014**

**Application No: BH2014/02816**  
**49 Frederick Street, Brighton**

Fell one Willow in back garden. (No public visibility, thus has no amenity value.)

Applicant: Mrs C Thomas  
**Approved on 15 Sep 2014**

## **WITHDEAN**

**Application No: BH2014/02246**  
**40 Middle Road, Brighton**

Fell tree located on the SE corner of property - approx 4-5 metres in height, spread 4 metres.

Applicant: Ms Gillian Forrester  
**Approved on 05 Aug 2014**

**Application No: BH2014/02282**  
**40 Middle Road, Brighton**

1no Norway Maple - reduce size of crown by approx. 2m to maintain shape and size appropriate for location.

Applicant: Ms Gillian Forrester  
**Approved on 05 Aug 2014**

**Application No: BH2014/02324**  
**7 Knoyle Road, Brighton**

Fell one Horse Chestnut in rear garden, leaving 4 - 5 ft stump. (Tree is now hazardous.)

Applicant: Mr Phil Brown  
**Approved on 05 Aug 2014**

**Application No: BH2014/02364**  
**Cliveden Court, London Road, Brighton**

Fell one Sycamore.

Applicant: Mr P Else  
**Approved on 15 Sep 2014**

**Application No: BH2014/02419**  
**Surrenden Lodge, Surrenden Road, Brighton**

T3 - Elm - reduce by 3-4m in height and spread at top of crown, from approx. 23m - 20m. To alleviate lever arm stress at slight compression fork at base of main stem. Cobra bracing also to be installed at 12m between main stems.

Applicant: Mr Tom Lean  
**Approved on 05 Aug 2014**

**Application No: BH2014/02463**  
**Rissom Court, 3 Harrington Road, Brighton**

1no Yew - reduce tree by 2m in height and 1m in spread.

Applicant: Mr Mike Nash  
**Approved on 06 Aug 2014**

**Application No: BH2014/02466**  
**14 Bavant Road, Brighton**



1no Sycamore - reduction of the canopy by 3 metres, making the tree 13 metres tall once the work is completed.

Applicant: Mr Stephen Duance  
**Approved on 05 Aug 2014**

**Application No: BH2014/02467**  
**40 Middle Road, Brighton**

Fell one shrub to ground level.

Applicant: Mr Stephen Duance  
**Approved on 05 Aug 2014**

**Application No: BH2014/02468**  
**40 Middle Road, Brighton**

1no Acer - reduce crown by 2 metres, reducing the tree from 6 metres to 4 metres.

Applicant: Mr Stephen Duance  
**Approved on 05 Aug 2014**

**Application No: BH2014/02472**  
**6 Croft Road, Brighton**

1no Taxus baccata (TBL1) - right side 1-1.5m crown reduction; 1no Taxus baccata (TBC2) - remove some lower heavy branches to reduce the impact on the root plate; 1no Taxus baccata (TBR3) - left side crown reduction 1-1.5m back to growth points; Ulmus procera (UPR1) - general crown reduction/thin 2-3m back to growth points.

Applicant: Mr Steve Griffiths  
**Refused on 09 Sep 2014**

**Application No: BH2014/02670**  
**94 Leahurst Court Road, Brighton**

1no Beech - prune clear of property to give up to 3m clearance, lift crown to 5m over road.

Applicant: Ms Jo Rowell  
**Approved on 09 Sep 2014**

**Application No: BH2014/02738**  
**40A & 42 Dyke Road Avenue, Brighton**

3no Elms & 1no Horse Chestnut at No 40A - remove excess epicormic growth back to the property boundary; 1no Laburnum at No 42 - remove 3no stems, leaving two large stems.

Applicant: Mr S Griffiths  
**Approved on 15 Sep 2014**

**Application No: BH2014/02739**  
**42 Dyke Road Avenue, Brighton**

Fell two Apple trees.

Applicant: Mr S Griffiths  
**Approved on 15 Sep 2014**

**Application No: BH2014/03072**  
**Cliveden Court, London Road, Brighton**

Fell one Horse Chestnut.

Applicant: Mr P Else  
**Refused on 15 Sep 2014**

### **EAST BRIGHTON**

**Application No: BH2014/02730**  
**1 School Rise, Brighton**

Huntington Elm - crown lift entire canopy to a height of 6.0m including the removal of basal growth & epicormic growth on main trunk; thin through crown by 10%.

Applicant: Mrs Becky Longden  
**Approved on 09 Sep 2014**

### **HANOVER & ELM GROVE**

**Application No: BH2014/02380**  
**Brighton & Preston Cemetery, Hartington Road**

Weeping Ash - crown lift to 3m to give clearance and access underneath.

Applicant: Mrs Janet Bonwick  
**Approved on 06 Aug 2014**

### **QUEEN'S PARK**

**Application No: BH2014/02465**  
**11 West Drive, Brighton**

Fell one Prunus and one Privet. (Trees are not visible from any public space thus do not warrant a TPO.)

Applicant: Mr Peter Sykes  
**Approved on 05 Aug 2014**

**Application No: BH2014/02696**  
**15 Crescent Place, Brighton**

Elm (T1) - reduce by 2-3m; Holly (T2) - reduce by 2m; Cherry (T3) - reduce by 1-2m; Elm (T4) - reduce by 2-3m; Elm (T5) - reduce by 1-2m; Elms (T6 & T7) - reduce by 1-2m; Sycamore (T8) - reduce by 2-3m; Cherry (T9) – reduce by 1m.

Applicant: Mr J Hatch  
**Approved on 15 Sep 2014**

### **ROTTINGDEAN COASTAL**

**Application No: BH2014/01816**  
**9 Northgate Close, Rottingdean**

1no Evergreen Oak in rear garden - crown reduce right-hand side of tree by 5m.

Applicant: Mr A Taylor  
**Approved on 06 Aug 2014**

**Application No: BH2014/02192**  
**St Wulfran's Church, Greenways, Ovingdean, Brighton**

Fell one Sycamore and one Cherry. (Both trees are considered unworthy of protection by a TPO.)

Applicant: Mr Luke Ellis  
**Approved on 15 Sep 2014**

**Application No: BH2014/02193**  
**St Wulfran's Church, Greenways, Ovingdean, Brighton**

Sycamore (2) - sever surface roots crossing pathway up to church entrance.

Applicant: Mr Luke Ellis  
**Approved on 15 Sep 2014**

**Application No: BH2014/02276**  
**20 Wanderdown Way, Brighton**

Fell one Lawson Cypress.

Applicant: Mr Richard Green  
**Approved on 06 Aug 2014**

**Application No: BH2014/02440**  
**Hill Cottage, Bazehill Road, Rottingdean**

2no Ash - reduce by 2-3m to retain trees at a reasonable size.

Applicant: Mr J Hatch  
**Approved on 06 Aug 2014**

**Application No: BH2014/02443**  
**89 High Street, Rottingdean**

2no Chestnut (T1 & T2) - reduce by 2-3m.

Applicant: Mr J Hatch  
**Approved on 06 Aug 2014**

**Application No: BH2014/02477**  
**Forge House, Vicarage Lane, Rottingdean**

Fell one Cherry. (Structural damage to walls means that it would not warrant a TPO.)

Applicant: Mr P Wiles  
**Approved on 05 Aug 2014**

**Application No: BH2014/02482**  
**Lewes Crescent, Brighton**

Fell one Macrocarpa (T157).

Applicant: Mr Duncan Armstrong  
**Approved on 12 Aug 2014**

**Application No: BH2014/02483**  
**Lewes Crescent, Brighton**

1no Quercus ilex (T156) - reduce by 3m, from approx. 8m to 5m height.

Applicant: Mr Duncan Armstrong  
**Approved on 12 Aug 2014**

**Application No: BH2014/02701**  
**4 Caspian Square, Rottingdean**

Fell one Chestnut to ground level.

Applicant: Mr J Hatch  
**Refused on 15 Sep 2014**

### **BRUNSWICK AND ADELAIDE**

**Application No: BH2014/02319**  
**34 Selborne Road, Hove**

1no Elder in rear garden, left-hand side - reduce to 3 metres from ground level, shaping round accordingly. (Tree does not warrant a TPO.)

Applicant: Ms Darch  
**Approved on 05 Aug 2014**

**Application No: BH2014/02363**  
**Ground Floor Flat, 50 York Road, Brighton**

Pittosporum in rear garden - remove most southerly stem, approx. 200 mm dbh, at ground level, crown lift to approx 2m on No 50 garden side only, hedge trim remainder.

Applicant: Ben McWalter  
**Approved on 05 Aug 2014**

**Application No: BH2014/02790**  
**Ground Floor Flat, 43 Brunswick Road, Hove**

1no Lime - reduce canopy by approx. 30% (2.5m).

Applicant: Mr P Fuller  
**Approved on 15 Sep 2014**

### **CENTRAL HOVE**

**Application No: BH2014/02451**  
**193 Church Road, Hove**

Fell 3no Sycamores (NE corner) to ground level to open up the light into the garden and reduce nuisance to neighbours. (No public visibility, thus no public amenity value.)

Applicant: Mrs Stewart  
**Approved on 15 Sep 2014**

**Application No: BH2014/02737**  
**41 Albany Villas, Hove**

1no Eucalyptus in rear garden - reduce back to previous points approx. 3m from top and reduce remainder to re-shape.

Applicant: Mr Ben McWalter  
**Approved on 15 Sep 2014**

**Application No: BH2014/02788**  
**Copthorne Court, 44 The Drive, Hove**

4no Elms in rear car park, west boundary - reduction to previous pruning points.

Applicant: Mr P Fuller  
**Approved on 15 Sep 2014**

**Application No: BH2014/02823**  
**13B Norton Road, Hove**

1no Sycamore, rear garden, left-hand side - reduce height by approx. 3m and prune in lateral growth by up to 2m, shaping accordingly; 1no Sycamore (multi-stemmed), rear garden, centre - reduce height by approx. 3m and prune in lateral growth by up to 2m, shaping accordingly.

Applicant: Mr G O'Flanagan  
**Approved on 15 Sep 2014**

**Application No: BH2014/02824**  
**13B Norton Road, Hove**

Fell 2no Sycamores (including small self-seeded sapling) (G3) as close to ground level as possible. (Sycamore is unsustainable in this location.)

Applicant: Mr G O'Flanagan  
**Approved on 15 Sep 2014**

**GOLDSMID**

**Application No: BH2014/02453**  
**Basement, 57 Goldstone Villas, Hove**

Fell one Elder to ground level. (Tree not visible to the public.)

Applicant: Mrs Stewart  
**Approved on 09 Sep 2014**

**Application No: BH2014/02469**  
**Flat 1, 58 The Drive, Hove**

Fell 2no Norway Maple & 5no Cupressus. (None of these trees are visible from any public area, thus do not warrant a TPO.)

Applicant: Mr Stephen Duance  
**Approved on 12 Aug 2014**

**Application No: BH2014/02470**  
**Flat 1, 58 The Drive, Hove**

1no Ash - pollard at 5 metres.

Applicant: Mr Stephen Duance  
**Approved on 12 Aug 2014**

**Application No: BH2014/02499**  
**56 Wilbury Road, Hove**

1no Italian Alder - reduce crown height by 2m and radial crown spread by 1m.

Applicant: Ms Jo Rowell  
**Approved on 15 Sep 2014**

**Application No: BH2014/02736**  
**Eaton Garden Mansions, Eaton Gardens, Hove**

1no Sycamore - crown reduction 2.5m from top and reduce remainder to re-shape.

Applicant: Mr Ben McWalter  
**Approved on 15 Sep 2014**  
**NORTH PORTSLADE**

**Application No: BH2014/02366**  
**109 Mile Oak Road, Portslade**

Norway Maple (T2) - reduce crown and thin by 25% as now overshadowed by Fir tree in bridle path, maintain shape and appearance. Sycamore (T3) - lift crown to 12ft. above ground level, to clear bridle path, thin and reduce crown by 30% to allow more light through the canopy and not overshadow the bungalow, retain existing shape and appearance.

Applicant: Mr J Bettinson  
**Approved on 06 Aug 2014**

### **HOVE PARK**

**Application No: BH2014/02527**  
**75A Dyke Road Avenue, Hove**

Blue Atlas Cedar in front driveway of 75A Dyke Road Avenue - laterally prune growth overhanging the driveway of 75B Dyke Road Avenue by approx. 2 metres back to appropriate growth points.

Applicant: Mrs Clare Hill  
**Approved on 15 Sep 2014**

**Application No: BH2014/02602**  
**4 The Droveaway, Hove**

1no Sycamore - reduce crown by the following: height by up to 4m and radial crown spread to north by 2m, to east by 3m, to south by 2m and to west by 1.5m; thin remaining crown by 20%.

Applicant: Mr Andrew Lawson  
**Approved on 09 Sep 2014**

**Application No: BH2014/02734**  
**11 Chalfont Drive, Hove**

1no Lime - reduce canopy by 3m and thin by 30%.

Applicant: Mr Peter Fuller  
**Approved on 15 Sep 2014**

**Application No: BH2014/02789**  
**49 Tongdean Road, Hove**



Walnut (T1) in front garden - reduce length of all branches by up to 1.5 metres ensuring natural shape and balance typical of species is maintained where possible.

Applicant: Mr Edgoose  
**Approved on 15 Sep 2014**

**Application No: BH2014/02811**  
**The British Engineerium, The Droveaway, Hove**

Minimum pruning of lower branches to both Trees G1-5 and T19. As identified in item 7.7 (page 8) of The Tree Protection Scheme produced by Environmental Assessment Services Ltd dated July 2014.

Applicant:  
**Approved on 09 Sep 2014**

## **WESTBOURNE**

**Application No: BH2014/02279**  
**5 Sackville Gardens, Hove**

3no Limes - reduce height by 1 metre and reduce laterals to match. 1no Lime - tidy and re-shape canopy to improve appearance. (Trees 1, 2 & 3 have no public visibility. T4, although has partial visibility, is of such poor crown conformation that it does not warrant a TPO.)

Applicant: Ben McWalter  
**Approved on 12 Aug 2014**

**Application No: BH2014/02418**  
**Carmel House, Westbourne Street, Hove**

Cut back all overhanging vegetation along eastern boundary wall level with the boundary, at suitable growth points or back to point of origin. Reduce group of Sycamores to East of property to height of property - approx. 10m, trees are varying heights.

Applicant: Mrs Melissa Melville  
**Approved on 05 Aug 2014**

**Application No: BH2014/02695**  
**23 New Church Road, Hove**

Fell one Leyland Cypress. (No public visibility.)

Applicant: Ms Lesley Baker

**Approved on 09 Sep 2014**

**Application No: BH2014/02815**  
**75 Pembroke Crescent, Hove**

Group of multi-stemmed Sycamore - reduce by 2-3m.

Applicant: Mr J Hatch  
**Approved on 15 Sep 2014**

**NEW APPEALS RECEIVED****WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2014/01718

60 Cornwall Gardens Brighton

Erection of timber boundary fence to replace existing. (retrospective)

APPEAL LODGED

29/08/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2014/01226

15 The Beeches Brighton

Erection of single storey side extension.

APPEAL LODGED

01/09/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****GOLDSMID**

BH2014/01451

Flat 4 21 Wilbury Villas Hove

Installation of rooflight to front roof slope.

APPEAL LODGED

10/09/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****REGENCY**

BH2013/04306

103 Western Road Brighton

External painted mural to East elevation. (Retrospective)

APPEAL LODGED

16/09/2014

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****NORTH PORTSLADE**

BH2014/01923

39 Graham Avenue Portslade

Certificate of lawfulness for existing loft conversion incorporating side dormers and associated roof alterations.

APPEAL LODGED

15/09/2014

APPLICATION DECISION LEVEL

Delegated

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**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**ROTTINGDEAN COASTAL**

BH2014/02095

31 Beacon Hill Brighton

Creation of roof terrace with glass balustrading and insertion of new dormer to front elevation. Revised fenestration to west elevation.

APPEAL LODGED

17/09/2014

Delegated



**Brighton & Hove  
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**  
8<sup>th</sup> October 2014

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**This is a note of the current position regarding Planning Inquiries and Hearings**

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**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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<b>A – 7 RIGDEN ROAD, HOVE – HOVE PARK</b>	<b>297</b>
Application BH2013/01969 – Appeal against refusal for erection of 1 (one) new dwelling on land to the rear of 7 Rigden Road, Hove BN3 6NP. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>B – 11 ST HELEN’S DRIVE, HOVE – HANGLETON &amp; KNOLL</b>	<b>301</b>
Application BH2014/00413 – Appeal against refusal to grant permission for construction of a single storey side extension to form open plan kitchen dining room. <b>APPEAL DISMISSED</b> (delegated decision)	
<b>C – 22 BEVENDEAN AVENUE, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL</b>	<b>303</b>
Application BH2013/03923 – Appeal against refusal for new 2-bedroom bungalow and parking facilities. <b>APPEAL ALLOWED</b> - (delegated decision)	
<b>D – 4 NEW BARN ROAD, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL</b>	<b>309</b>
Application BH2014/00881 - Appeal against refusal to grant planning permission for construction of an extension to house a dental surgery including a change of use from C3 to D1. <b>APPEAL ALLOWED</b> - (delegated decision)	
<b>E – ALDI STORES LTD. 7 CARLTON TERRACE, PORTSLADE – SOUTH PORTSLADE</b>	<b>313</b>
Application BH2014/01087 - Appeal against refusal to grant planning permission for three non-illuminated aluminium backed advertisements fixed to the existing unit wall. <b>APPEAL ALLOWED</b> - (delegated decision)	
<b>F – 19 BATH STREET, BRIGHTON – ST. PETER’S &amp; NORTH LAINE</b>	<b>315</b>
Application BH2013/03704 - Appeal against refusal to grant planning permission for demolition of the existing dwelling at 19 Bath Street and the construction of a new dwelling. <b>APPEAL ALLOWED</b> - (delegated decision)	







## Appeal Decision

Site visit made on 4 August 2014

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 1 September 2014**

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### **Appeal Ref: APP/Q1445/A/14/2217826**

### **7 Rigden Road, Hove, East Sussex BN3 6NP**

- 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 Kelly Henry against the decision of Brighton & Hove City Council.
  - The application, Ref. BH2013/01969, dated 5 September 2013, was refused by notice dated 30 October 2013.
  - The development proposed is the erection of 1 (one) new dwelling on land to the rear of 7 Rigden Road, Hove BN3 6NP.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) the effect on the living conditions for occupiers of adjoining properties as regards outlook.

### **Reasons**

#### *Character and Appearance*

3. The wording of the first reason for refusal refers to two different considerations: firstly the effect on the 'garden character' of the location in terms of the contrast that an additional building would create; secondly that the design of the proposed house would be overly dominant and incongruous in this location.
  4. The first of these points is tantamount to rejecting the principle of infill development in this locality and for the appellant several arguments have been made to refute this. These include the presumption in favour of sustainable development in the National Planning Policy Framework 2012 ('the Framework'); the absence of a Council planning policy to '*resist inappropriate development of residential gardens*' as advised in paragraph 53 of the Framework, and that residential garden land is acknowledged in the Council's 5 year housing land supply calculations to be an important source of new dwellings. In addition, saved Policies HO4 and QD3 of the Brighton & Hove Local Plan 2005 ('the Local Plan') encourage the full and effective use of
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available land and recognise that residential development will be permitted at higher densities than those typically found.

5. When these factors are taken together and regard is had to the dwelling at 15 Lloyd Close, which was permitted in the rear garden of 11 Shirley Road only two or three properties to the south, I consider that it is less the principle of development and more the adequacy of the appeal site to accommodate the development that applies in this case. This approach is acknowledged in the Officers' report on the present proposal to have been the Council's view with the preceding scheme for the site. The January 2012 refusal refers to '*an inappropriate development in excess of what might reasonably be expected to be achieved on this limited plot site ..... the proposal represents an over-development of the site .....'*
6. In the current proposal, a plot of just under 19m depth would be severed from an existing rear garden about 30m. It seems to me that with maximum distances from the dividing boundary of about 11.9m and 8.6m to the facing elevations of the existing and proposed two storey dwellings respectively, the reason for the previous refusal continues to be relevant.
7. Even allowing for the fact that the density of 'infill' development is by definition always higher than the existing and that there is a policy based encouragement for the full and effective use of available land, the reduction of No.7's garden size by over 60% and the introduction of a two storey building occupying most of the length of its plot, albeit with a staggered footprint, would be in marked and harmful contrast with the adjoining garden land on both sides. I acknowledge that the building would be smaller than that refused in 2012 but much of the resulting advantage is negated by its greater overall length, with a minimum gap of only about a metre from the rear boundary.
8. Furthermore, whilst in itself the proposal would be dominant in its context and detrimental to the character of its surroundings, if permission is granted in this case it would be difficult for the Council to resist similar developments at Nos. 5, 9 and 11. These have a similar rear building line for the main parts of their dwellings and the same plot lengths, and if such development was to occur it would further erode the verdant and open character of the area.
9. Not unreasonably, the appellant has cited the contemporary property at the rear of 11 Shirley Road as setting a template for the appeal scheme and it must be acknowledged that in both cases development is in a rear garden with access to Lloyd Close. However I consider the Council is correct to argue that any further comparison is limited by the different orientation of 11 Shirley Road and its greater rear garden size (15m wide at the mid-point compared to 12m at No. 7 and about 35-37m long compared to approximately 30m). In a situation where the parameters for infill development are tightly constrained, I consider these differences to be critical.
10. On this issue the Council has also criticised the contemporary design of the new property, but bearing in mind the appearance of 15 Lloyd Close permitted under the same Local Plan policies, and indeed the encouragement of different designs in Policy QD1, I can give this factor only limited weight.
11. Overall on this issue, I conclude that the appeal proposal would have a harmful effect on the character and appearance of the area. This would be in conflict

with the key principles for neighbourhoods in Local Plan Policy QD2 and some aspects of the second and third paragraphs of Policy QD3. The proposal would additionally conflict with the general objective of the Framework for sustainable development to make a positive contribution to its surroundings.

*Living Conditions: Outlook*

12. On this issue, because the appeal scheme comprises a two storey building on a modest plot close to the gardens and rear elevations of the host property and No. 9 on the northern side, I consider that it would create an unacceptable degree of enclosure in the outlook from the rear rooms and gardens of those houses. I recognise that both the Council and the occupier of No. 5 consider that this also applies to No. 5. However, as I saw on my visit, No. 5 has a gap between it and No. 7 and also has a wider plot with extensive mature vegetation. In addition the flank of the proposed building would be set about 4m away from the side boundary.
13. Thus whilst there may be some adverse impact on the outlook from No. 5, it is the outlook from Nos. 7 and 9 which I consider would have the greatest effect on the living conditions of adjoining occupiers and be in harmful conflict with Local Plan Policy QD27 and one of the core planning principles of the Framework. I have noted the Council's point about the potential overlooking of the rear garden of No. 5 from the bedroom windows of the proposed dwelling. However with the possibility of partly obscure glazing and / or the screening effect of existing and proposed boundary planting I do not regard this in itself as necessarily being a determinative factor.

**Conclusion**

14. For the reasons stated above, and having taken all other matters raised into account, the appeal is dismissed.

*Martin Andrews*

INSPECTOR





## Appeal Decision

Site visit made on 26 August 2014

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 September 2014

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### Appeal Ref: APP/Q1445/D/14/2220966

#### 11 St Helen's Drive, Hove, East Sussex, BN3 8EA.

- 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 Mckernan against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/00413, dated 7 February 2014, was refused by notice dated 4 April 2014.
  - The development proposed is described as *construction of a single storey side extension to form open plan kitchen dining room.*
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. I consider the main issue to be the effect of the proposed development on the architectural integrity of the host building and thereby the character and appearance of the surrounding area.

### Reasons

3. The property the subject of this appeal, 11 St Helen's Drive, is a two-storey house positioned on the corner of St Helen's Drive and St Helen's Crescent. The house, which is located in a built up suburban area and developed as part of a planned estate with generous gardens, faces onto St Helen's Park a large open green space.
  4. Due to the topography of the area, its corner siting giving it two street frontages and this part of St Helen's Drive being characterised by bungalows, the house appears prominent in the street scene and the wider area.
  5. The appellant proposes a single storey extension to the north façade of the dwelling. It would be set back some distance behind the front of the house and well inside the side boundary. The proposed addition would be faced in brick to match the main house but, in contrast to the parent property, it would have a flat roof with a shallow pitched tiled fascia to both its front and rear elevations.
-

Although it is proposed to retain the boundary wall to St Helen's Crescent, the proposed extension would nevertheless be open to view from the crescent.

6. In principle I do not consider that, subject to its design and having a three-dimensional form that addressed the building's important corner plot location, a single storey extension here, even if it protruded in front of a building line projected from the properties in the crescent, would necessarily cause harm to either the host building or the surrounding area. However, due to the horizontal emphasis of the proposed design, accentuated by the width of the extension that would be greater than that of the main facade of the house, and the shallow roof form proposed, the addition would appear poorly balanced and proportioned when considered in the context of the existing house.
7. The introduction of dummy pitched fascias to either end of the addition, as designed, would, in contrast to the hipped form of the roof to the host building, result in cropped gable ends to the front and rear elevations. The triangular up-stands thus formed to the side elevation would appear as incongruous alien features exacerbated by the limited depth of the tiled fascias. The appellant has suggested that the roof design could be altered so that there was a pitched fascia to all three elevations. While it would be for the Council to consider this change in the first instance, it would not address my concerns about the three dimensional form of the addition.
8. Furthermore, in my judgement, the design has little regard to the proportions of the window openings, the ratio of void to solid or the style of the proposed windows in the context of the existing dwelling. All of these, although minor in themselves, in my opinion further serve to detract from the quality of the design of the extension and thereby its impact on the architectural integrity of the host building, the street scene and the character and appearance of the surrounding area.
9. I therefore conclude in respect of the main issue that the proposed addition, due to its poor design, would cause significant visual harm to the architectural character and appearance of the host building and, by virtue of its prominent location, the street scene and wider surrounding area. The proposal would therefore be contrary to the objectives of saved Policies QD1, QD2 and QD14 of the Brighton and Hove Local Plan 2005 and Brighton and Hove City Council Local Development Framework Supplementary Planning Document spd 12- *Design Guide for Extensions and Alterations* (Adopted 20 June 2013) as they relate to the quality of development and its impact on the character and appearance of the area.

### **Conclusions**

10. For the reasons given above and having regard to all other matters raised, including the lack of objections from third parties identified by the appellant, I conclude that the appeal should be dismissed.

*Philip Willmer*

INSPECTOR



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# Appeal Decision

Site visit made on 26 August 2014

**by Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 September 2014

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**Appeal Ref: APP/Q1445/A/14/2220949**

**22 Bevendean Avenue, Saltdean, Brighton, East Sussex, BN2 8LR.**

- 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 Steven Cardy against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/03923, dated 16 November 2013, was refused by notice dated 17 March 2014.
  - The development proposed is described as new 2-bedroom bungalow and parking facilities.
- 

## Decision

1. The appeal is allowed and planning permission is granted for new 2-bedroom bungalow and parking facilities at 22 Bevendean Avenue, Saltdean, Brighton, East Sussex, BN2 8LR in accordance with the terms of the application, Ref BH2013/03923, dated 16 November 2013, and the plans submitted with it, subject to the following conditions set out in the schedule at the end of this decision letter.

## Main Issues

2. I consider that the main issues in this appeal are:
  - a) the effect of the proposed development on the character and appearance of the area; and,
  - b) the effect of the proposal on the living conditions of neighbouring residential occupiers in terms of the building's potential to appear overbearing and as a result of the general intensification of the use of the site.

## Reasons

### *Character and appearance*

3. The property the subject of this appeal, 22 Bevendean Avenue, is a two-storey detached dwelling. It is located in a built up suburban residential area characterised by an eclectic mix of dwelling types and styles. While the house faces directly on to Bevendean Avenue, the garden is 'L' shaped wrapping around number 27 Linchmere Avenue, being the corner plot, and therefore the house also enjoys a frontage onto Linchmere Avenue.
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4. The appellant proposes subdividing the plot, demolishing the garage and summerhouse, both of which are substantial permanent structures built close to the site's boundaries, and constructing a new detached bungalow between the rear of the host property and the side of 25 Linchmere Avenue, a new infill dwelling. As the proposed bungalow would be set further from the site's south western and north western boundaries than the garage and summerhouse, it would result in a slightly greater sense of openness than currently exists.
5. The plot width facing Linchmere Avenue is relatively narrow due to the position of the boundary to number 27. However, due to the 'L' shaped footprint and three-dimensional form of the proposed bungalow, its alignment with number 25 and having regard to the juxtaposition of neighbouring properties, I do not believe that it would appear cramped when viewed from the street.
6. I acknowledge that the residential curtilages in the adjacent roads are generally more spacious than that to be formed here. However, for the foregoing reasons, I am not persuaded that the proposed dwelling would have an uneasy relationship with the neighbouring sites, appear as an uncharacteristic subdivision of the plot or result in an over-development of the site to the detriment of the character of the area.
7. I therefore conclude in respect of the first main issue that the proposed development would not harm the established character of the surrounding area. It would therefore accord with the objectives of Policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan 2005 (LP) as they relate to the need for new development to, amongst other things, make a positive contribution to the visual quality of the environment.

*Living conditions*

8. The introduction of an additional dwelling would result in some intensification of use. In addition, due to the proximity of neighbouring dwellings to the boundaries of the plot, there is the potential to impact on the visual amenity of those properties.
9. The access to the site would be over the cross-over serving the existing garage to be removed. It would run parallel to the access and garage of 27 Linchmere Avenue with only the ground floor windows overlooking the appeal site serving the existing garage. The windows of the habitable accommodation that overlook the site are set some way back from the common boundary and are at first floor level. I do not consider, therefore, that either the access or new dwelling would impact in any significant way on the living conditions of the occupiers of this property, in terms of either being visually overbearing or by way of increased noise and general disturbance.
10. The new dwelling would be sited back about 1.8 metres from the new boundary to the host property that would be defined by a 2.0 metre high fence. The separation distance between the new flank wall, with no windows or any other openings in it, and the rear of number 22 Bevendean Avenue, that would be in an elevated position in any case, would be some 10.0 metres or so. Accordingly, I do not believe that the new dwelling would impact on the residents of number 22 in terms of being either visually overbearing or by reason of an intensification of residential activity.



11. The rear boundary of the appeal site abuts the access drive and garage located in the south east corner of the garden of number 20. The small rear garden proposed for the new dwelling would be located to its north west side. However, given its relationship to the garden of number 20 and the general built up nature of the area, I am not convinced that the living conditions of the occupiers of number 20 would be harmed by the introduction of a new dwelling here and the likely intensification of activity associated with a modest two-bedroom bungalow.
12. The proposed dwelling would be sited close to the side elevation of number 25 Linchmere Avenue. However, it would be set further away from this elevation than the existing detached garage and summerhouse, both of which are relatively substantial buildings in their own right. I do not believe, therefore, that the new bungalow would appear overbearing or add significantly to the overall existing level of residential activity.
13. I therefore conclude in respect of the second main issue that the proposed development would not cause significant harm to the living conditions of the residential occupiers of the neighbouring dwellings. It would therefore accord with the aims of LP Policy QD27 as it seeks to avoid new development causing a material nuisance and loss of amenity to the proposed, existing and/or adjacent residents.

#### **Other matters**

14. I have noted concerns raised by third parties in respect of parking provision. However, the highway authority has not raised objections in relation to the provision of off-street or street parking. In the circumstances, I am not satisfied that there is justification to support the contention that the proposed development would cause undue detriment to parking provision locally or, thereby, the safety of existing or future road users.
15. I am also aware of issues relating to previous alterations to the house and garden. Whatever the circumstances surrounding these matters they do not fall to be considered within the scope of this appeal.

#### **Conclusions and Conditions**

16. For the reasons given above and while having regard to all other matters raised I conclude that the appeal should succeed and planning permission be granted.
17. In accordance with the Council's suggestions, and to ensure a high quality development that meets the changing needs of households, I have included conditions about building materials, solar panels and a requirement for the new dwelling to achieve the Lifetime Homes standard.
18. To protect living conditions and so the Council can retain control over future alterations and enlargements, I have removed permitted development rights and included conditions about the storage of refuse and recycling materials. To make sure of the provision of available and adequate cycle parking and to reduce the risk of flooding from surface water run off, I have included conditions about cycle storage and the design and drainage of hard surfaces.
19. To warrant that the new dwelling is sustainable and makes efficient use of energy, water and materials, I shall require it to achieve Level 3 of the Code for

Sustainable Homes. For the avoidance of doubt and in the interests of proper planning, I shall also impose a condition requiring the development to be carried out in accordance with the approved plans.

*Philip Willmer*

INSPECTOR

*Schedule of 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: drawings numbered 300712-03A, 04 and 06.
- 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 dwelling 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.
- 4) No development shall take place until details of the proposed solar photovoltaic panels have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until a scheme for the storage of refuse and recycling materials has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and completed prior to the first occupation of the development hereby approved and shall thereafter be retained for such use at all times.
- 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 of the dwellinghouse other than that expressly authorised by this permission shall be constructed or carried out.
- 7) Unless otherwise agreed in writing by the local planning authority, the new dwelling hereby permitted shall be completed to the Lifetime Homes standard prior to first occupation and shall be retained as such thereafter.
- 8) The hard surfaces hereby approved shall be constructed of porous materials and retained thereafter or, alternatively, provision shall be made and retained thereafter to direct run-off surface water from the hard surfaces to a permeable or porous area or surface within the curtilage of the property.
- 9) No development shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby permitted have been submitted to and approved in writing by the local

planning authority. The installation of these facilities shall be completed in accordance with the approved details and made available for use prior to the first occupation of the dwelling and shall be retained for such use at all times.

- 10) The dwelling shall achieve Level 3 of the Code for Sustainable Homes. It shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.





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## Appeal Decision

Site visit made on 26 August 2014

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 September 2014

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**Appeal Ref: APP/Q1445/A/14/2220082**

**4 New Barn Road, Rottingdean, Brighton, East Sussex, BN2 7FN.**

- 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 Marios Kakos against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/00881, dated 19 March 2014, was refused by notice dated 15 May 2014.
  - The development proposed is described as construction of an extension to house a dental surgery including a change of use from C3 to D1.
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### Decision

1. The appeal is allowed and planning permission is granted for construction of an extension to house a dental surgery including a change of use from C3 to D1 at 4 New Barn Road, Rottingdean, Brighton, East Sussex, BN2 7FN in accordance with the terms of the application, Ref BH2014/00881, dated 19 March 2014, and the plans submitted with it, subject to the conditions listed in the schedule at the end of this decision letter.

### Main Issues

2. I consider that there are two main issues in this appeal. The first is the effect of the proposed extension on the character and appearance of the existing dwelling, the street scene and surrounding area by virtue of its design, form and massing. The second is the effect of the proposed extension on the living conditions of the occupiers of the parent property, in relation to the potential impact of the proposed window in the rear elevation of the extension in terms of overlooking and loss of privacy.

### Reasons

#### *Character and appearance*

3. The property the subject of this appeal, 4 New Barn Road, is a semi-detached two-storey house located on the corner of New Barn Road and Falmer Road. The pair of dwellings, angled to reflect their corner location, mirror a similar pair of dwellings on the opposite side of the far entrance to this planned residential estate of semi-detached houses. Number 4, which is of a simple vernacular design, is of brick construction under a plain tile roof. In addition to a now
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rather dilapidated detached garage, the house has previously been extended with a flat roofed single storey porch on its western flank wall.

4. While retaining the existing house for residential purposes, the appellant proposes the demolition of both the garage and porch and the construction of a new single storey extension, which would be occupied as a dental surgery, comprising small reception area, toilet and treatment room. The new extension, the plan of which would be set at an angle to the existing house to reflect the need to both visually turn the corner and relate to the position, relative to the street, of the neighbouring semi-detached pair, would have a simple flat roof.
5. When considered in isolation, the proposed addition appears to relate poorly to the plan layout of the main house. However, in the context of the layout of the estate of dwellings and, more particularly, the relationship of the host property to both its corner location and its neighbour number 6, the plan-form of the proposed extension is entirely rational. Accordingly, given its simple flat roof form and modest fenestration I do not consider, on balance, that it would be either visually intrusive or appear as a bulky addition, unsympathetic to the design of the existing dwelling, as feared by the Council.
6. Furthermore, while it would be visible from within the estate and from the main road, by reason of its simple modest form I do not believe that it would be detrimental to the character and appearance of either the street scene or the wider area.
7. I therefore conclude in respect of the first main issue that the proposed extension would not cause harm to the character or appearance of the host property, the street scene or the wider area. It would therefore accord with the objectives of Policies QD2 and QD14 of the Brighton and Hove Local Plan 2005 (LP) and Brighton and Hove City Council Local Development Framework Supplementary Planning Document spd12- *Design Guide for Extensions and Alterations* (Adopted 20 June 2013) as they relate to, amongst other things, the quality of development and the need for new development to take account of local characteristics.

#### *Living conditions*

8. The design proposes a window located in the north wall of the treatment room. It would overlook the garden retained for use by the occupiers of the host dwelling and, accordingly, it would have the potential to result in overlooking and thereby a loss of privacy.
9. If the proposed window were both obscure glazed and fixed shut it would overcome any overlooking or loss of privacy. This is a matter that could be addressed by condition if I were minded to allow the appeal.
10. However, as this would be the only window in the surgery such a condition might result in oppressive working conditions for the future occupiers. In my experience, due to the need for privacy, the detailed close work undertaken by dentists and the recent increase in the use of camera and computer technology, surgery windows are often in any case screened in one way or another. Further, as the proposed rooflight would provide natural light and, if required, ventilation, I do not consider that if the window in the rear wall were obscure

glazed and fixed shut that the amenity of either the dentist or their patients would be so compromised as to cause harm.

11. The window, even if obscure glazed and fixed shut, might nevertheless lead to the perception by the occupiers of the house that they were being overlooked. However, as the window looks away from and not into the area of private garden immediately adjacent to the house I do not consider that the window here, if conditioned as proposed, would result in such an un-neighbourly form of development as to cause harm to residential living conditions.
12. I therefore conclude in respect of the second main issue that the proposed development would not cause harm to either the amenity of the users of the surgery or the residential living conditions of neighbouring residential occupiers. It would therefore comply with the objectives of LP Policy QD27 in these respects.

### **Other matters**

13. I have noted the concern expressed by the occupier of number 2 New Barn Road concerning the possible impact of the proposed use of the building as a dental surgery on her living conditions. However, the Council has not raised objections in relation to the suitability of the building for its intended use in terms of the impact on neighbouring residential occupiers, including the occupier of number 2, other than where such concerns could be adequately addressed by conditions. In the circumstances, I am not satisfied that there is justification to support the contention that the proposed development would cause undue detriment to this neighbour's living conditions.

### **Conclusions and Conditions**

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed and planning permission be granted.
15. To ensure a high quality development, I have included a condition about building materials, although I have modified the wording from that suggested by the Council, to require samples to be submitted and approved. Furthermore, to protect neighbours' living conditions, I shall require the proposed window in the north elevation to be fixed shut and obscure glazed, opening times of the surgery for patients to be restricted, the proposed noise mitigation measures to be completed in full. Finally, I shall condition the future use of the building to be restricted to a dental surgery only and to be used only in association with the existing dwelling. However, I consider that it would be reasonable to modify the wording proposed by the Council to allow for a locum, in certain circumstances, to use the surgery. As an area for car parking has not been defined on the plans, I will require proposals to be approved and thereafter the area to be retained for vehicle parking. To ensure the provision of available and adequate cycle parking I have included a condition about cycle storage.
16. For the avoidance of doubt and in the interests of proper planning, I shall also impose a condition requiring the development to be carried out in accordance with the approved plans.

*Philip Willmer* INSPECTOR

*Schedule of 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: drawings numbered: mb/01 version3, 02 version 3, 03 version 3, 04 version 3/Newbarn Road, mb/05 and 06/Newbarn Road and drawings jj/02, 05 and 07/Newbarn Road.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension 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.
- 4) Before the first occupation of the extension hereby permitted the window in the north elevation shall be fitted with obscured glass and be made non-opening, unless the parts of the window which can be opened are more than 1.7 metres above floor level of the room in which the window is installed, and shall be permanently retained in that condition.
- 5) No development shall take place until a plan showing an area for proposed vehicle parking has been submitted to and approved in writing by the Council. The area identified shall not be used other than for the parking of private motor vehicles and motorcycles belonging to the occupants of, and visitors to, the development hereby approved.
- 6) No development shall take place until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby permitted have been submitted to and approved in writing by the local planning authority. The installation of these facilities shall be completed in accordance with the approved details and made available for use prior to the development hereby permitted being first brought into use and shall be retained for use at all times.
- 7) The use hereby permitted shall not be open to patients outside the following times: 09.00 and 18.00 hours on Mondays to Fridays and 09.00 to 13.00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.
- 8) The development hereby permitted shall not be occupied until all of the mitigation measures included within the noise assessment submitted on the 10 April 2014 have been implemented in full and shall thereafter be retained as such.
- 9) The premises shall be used as a dental surgery only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 10) The use hereby permitted shall be carried out only by the occupiers of 4 New Barn Road, or a locum employed by them to cover holidays and/or sick leave only.



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## Appeal Decision

Site visit made on 5 September 2014

by **Ray Wright** BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 September 2014

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### **Appeal Ref: APP/Q1445/H/14/2223123**

### **Aldi Stores Ltd, 7 Carlton Terrace, Portslade, Brighton BN41 1XF**

- 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 Aldi Stores Limited - Chelmsford against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/01087, dated 4 April 2014, was refused by notice dated 6 June 2014.
  - The advertisements proposed are 'three non-illuminated aluminium backed advertisements fixed to the existing unit wall.'
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### **Decision**

1. The appeal is allowed, and express consent for the display of three non-illuminated aluminium backed advertisements fixed to the existing unit wall, as applied for, is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

### **Main Issue**

2. The main issue in this case is the effect of the proposed signage on the character and appearance of the area.

### **Reasons**

3. The appeal site consists of a ground floor supermarket with flats above. It has an associated car park to the north and is located within the district shopping centre at Portslade. It is adjoined by other retail and commercial premises.
4. The appeal relates to three linked signs, consisting of aluminium backed screen printed graphics, to illustrate products sold at the store. The signs would be located on the northern wall of the building along a pedestrian walkway from the car park to the main store entrance. The advertisements would each be 2.254 metres high with widths between 5.165 metres and 4.815 metres.
5. The Council have drawn attention to the Policy QD12 of the Brighton and Hove Local Plan 2005 (LP) and associated 'advertisements spd 07' (SPD). I have taken these into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of material factors. In my determination of the appeal the Council's LP policy and SPD have not therefore, by themselves, been decisive.

6. The proposed signs would be visible from the main road frontage, but only at an oblique angle. Views would be further restricted by the supporting columns to the upper floor of the building and associated canopy at the entrance to the store. At the time of the site visit, this covered area was also being used for trolley storage and the open display of goods which further restricted views towards the area where the display is proposed. Other premises on the frontage have advertisement displays typical and commensurate with such a retail and commercial frontage. In this context the proposed advertisements would have very limited impact from the main shopping frontage or wider area. The display would mainly be seen from within the stores car park and, at an angle, from the upper floors of immediately adjoining properties. However, from these properties, the car park, itself, would remain the most imposing feature in view.
7. I accept that the overall advertisement display proposed, due to the overall area of the signage involved, would be relatively substantial. However, the ground floor of the building, on this northern side, has a plain frontage with no window display. It is currently articulated by blank, rendered, brick infill panels with high level glazing above separated by projecting brick piers. The advertisements would cover three of these panels including a central area which incorporates fire exit doors where they would face the busy car park area. The signage would be suitably framed under the windows and by the piers of the building, in an area where, with an alternative internal layout, to my mind, a shop window would not be inappropriate.
8. In the circumstances the advertisements would not look out of place, prominent or be visually intrusive in the positions proposed.
9. With other trade signs principally located on the main road frontage, the advertisement display proposed would represent a stand-alone feature and would be sufficiently distant from other signage so as not to compete with it or result in advertisement clutter.
10. I have considered this case on its individual planning merits and the decision should not be taken as indicating that similar displays would necessarily be acceptable in another location or in other circumstances.
11. However, I conclude that the advertisement display, as proposed in this case, would not be materially harmful to the overall character and appearance of the area.

### **Conclusion**

12. For the reasons given above, I conclude that the appeal should be allowed.

*Ray Wright*

INSPECTOR



## Appeal Decision

Site visit made on 26 August 2014

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 September 2014

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**Appeal Ref: APP/Q1445/A/14/2220704**

**19 Bath Street, Brighton, East Sussex, BN1 3TB.**

- 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 Jonathan Le Roy against the decision of Brighton and Hove City Council.
  - The application Ref BH2013/03704, dated 28 October 2013, was refused by notice dated 24 December 2013.
  - The development proposed is described as the demolition of the existing dwelling at 19 Bath Street and the construction of a new dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling at 19 Bath Street and the construction of a new dwelling at 19 Bath Street, Brighton, East Sussex, BN1 3TB in accordance with the terms of the application, Ref BH2013/03704, dated 28 October 2013, and the plans submitted with it, subject to the conditions set out in the schedule at the end of this decision letter.

### Main Issues

2. I consider the main issues in this case to be:
  - a) whether the appeal proposal would preserve or enhance the character or appearance of the West Hill Conservation Area; and,
  - b) the effect of the proposed development on the living conditions of the occupiers of 19a Bath Street in terms of its potential to have an enclosing or overbearing impact.

### Reasons

#### *Character and appearance*

3. The property the subject of this appeal, 19 Bath Street, is a two-storey end of terrace building in residential occupation, located on rising ground in the West Hill Conservation Area. Due to the topography of the area, number 19 is set into the bank resulting in the first floor being at rear garden level.
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4. The immediately adjoining property, number 19a, is a former commercial vehicle garage now converted and, by the addition of a mansard roof, extended into a three-storey dwelling. However, the original fuel pumps have been retained. The neighbouring property to the south west, number 20, separated by a flight of access steps to number 19, is the end of a short terrace of two storey traditional red brick houses the ridge line of which is comparable to that of number 19a as extended.
5. In contrast to the buildings either side, due to its flat roof, overall width, symmetrical fenestration, garage doors at street level, height and overall horizontal emphasis, number 19 appears more modern than and subservient to its neighbours.
6. The appellant proposes the demolition of the existing property and the construction of a new three bedroom dwelling over three floors, retaining access to a garage at street level.
7. The new dwelling, linked to number 20 by an entrance lobby and stair tower, would be of a contemporary design. While the line of the parapet to the tower would be maintained, this element would be narrow and set back from the front of the building with a lower roof. In my judgement, therefore, the tower as designed would fulfil the same aesthetic function as the present gap by providing a clear distinction between the contrasting architectural styles.
8. The parapet line of number 19a would be maintained across the street elevation of the building. However, it is proposed that the roof would have a lower ridge line and be set forward of the new mansard to number 19a. Accordingly, while the roof may be marginally more prominent than the roof of 19a, it would serve to act as a full stop to the roof of the terrace, which ends at number 19. Further, it would reinforce the distinction of architectural styles between 19 and 20. Due to the stair tower being set back and having a lower roof, I do not consider that the proposed second floor would cause harm to the setting of the neighbouring buildings.
9. It is proposed to replace the existing pair of single garage doors with a new double width garage door at street level. A garage door here, like the four fully glazed doors and retained petrol pumps to the front of number 19a, may well appear to some people as an uncharacteristic feature in this stretch of Bath Street. However, equally they serve to reinforce the character and former use of the buildings and therefore I consider, despite being uncharacteristic, the retention of a garage door opening, like the glazed doors and petrol pumps at 19a, serves to better reveal the intrinsic historic character of the conservation area. However, given the sensitive nature of the site, if I were minded to allow the appeal the detailed design, materials and finishes of this element, along with the front door that is shown designed to match, would need to be conditioned to ensure that they are acceptable.
10. The design of the street elevation would have a strong horizontal emphasis by reason of the new wide single garage door, box bay at first floor level and the strip glazing to the second floor window. Accordingly, the building would to some extent appear visually bulky as asserted by the Council. However, it would reflect the existing building that due to its width, flat roof, fenestration pattern and change of materials at street level, equally has a more

contemporary horizontal feel. Accordingly, while the building would have a simple uncluttered appearance, I do not believe that in this context it would necessarily appear clumsy or overly dominant as suggested by the Council.

11. The proposed replacement dwelling would project further to the rear of the property than the existing property. At ground floor level it would line through with the rear of number 19a and project in front of the rear wall of 19a as extended at first and second floor level. Nevertheless, I am not persuaded that due to its stepped flat roof design in the context of the additions to the rear of numbers 19a and 20 and the topography of the site with the ground floor being set into the bank, that the rear of the building would appear either unnecessarily bulky or thereby too prominent in the conservation area.
12. I conclude in respect of the first main issue that the proposed replacement dwelling would serve to preserve the character and appearance of the conservation area. It would therefore accord with the objectives of Policies QD1, QD2 and HE6 of the Brighton and Hove Local Plan 2005 (LP) as they relate to, amongst other things, the quality of development and the preservation or enhancement of the character or appearance of conservation areas.

#### *Living conditions*

13. As identified above the rear of the new dwelling would project in front of the rear of 19a and line through with the rear of 20 at first and second floor level.
14. As the proposed dwelling is located north east of number 20, I concur with the Council that the proposal would not impact on the living conditions of this neighbouring occupier in terms of dominance, overlooking or loss of privacy.
15. I understand the Council's view to be that although located to the north east of number 19, the proposed development would not result in either a loss of daylight or sunlight from the habitable room served by the rear facing French doors to number 19a. From the evidence before me, and from what I have seen and read, I have no reason to disagree.
16. The rear of the new dwelling would project some 5.5 metres beyond the mansard roof of 19a. As the dormer in the rear slope of the mansard serves a bathroom, the new dwelling would not cause any significant harm in terms of impact upon outlook from that window.
17. The overall projection of the dwelling beyond the roofline of 19a would be about 5.5 metres and some 2.0 metres in front of the rear wall of 19a at both first and second floor level. Having regard to the existing boundary walls, the limited projection in front of the rear wall of 19a and this generally high density urban location, I do not consider that the proposed replacement dwelling would appear overbearing or be so overly enclosing as to cause significant harm to the living conditions of the residential occupiers of number 19a.
18. I conclude in respect of the second main issue that the proposal would not cause harm to the living conditions of neighbouring residential occupiers and thereby would comply with the aims of LP Policy QD27 in this respect.

## **Conclusions and Conditions**

19. For the reasons given above and while having regard to all other matters raised, I conclude that the appeal should succeed and planning permission be granted.
20. In accordance with the Council's suggestions, and to ensure a high quality development that meets the changing needs of households, I have included conditions about building materials and a requirement for the new dwelling to achieve the Lifetime Homes standard. As the garage and matching front door would be prominent features I shall also condition their detailed design and finish.
21. To protect living conditions and so the Council can retain control over future alterations and enlargements, I have removed permitted development rights and included conditions requiring the first and second floor windows in the south west elevation to be obscure glazed and non-opening and for the storage of refuse and recycling materials. To make sure of the provision of available and adequate cycle parking I have included a condition about cycle storage. To safeguard the health of future residents and occupiers of the site, I shall require a land contamination study to be undertaken along with any necessary remedial works and/or other measures.
22. To warrant that the new dwelling is sustainable and makes efficient use of energy, water and materials I shall require it to achieve Level 3 of the Code for Sustainable Homes. For the avoidance of doubt and in the interests of proper planning, I shall also impose a condition requiring the development to be carried out in accordance with the approved plans.

*Philip Willmer*

INSPECTOR

### *Schedule of 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: drawings numbered 268-01 Rev PI, 02 Rev PI, 03 Rev PI, 04 Rev PI, 21 Rev PI, 22 Rev PI, 24 Rev PI, 100 Rev PI, 101 Rev PI, 102 Rev PI and 103 Rev PI.
- 3) The development hereby permitted shall not be commenced until larger scale detailed plans and drawings showing in elevation the proposed garage and front doors at a scale of 1:20 together with a specification of the materials from which they would be made together with the finish and colour to be applied, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 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.

- 5) 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, alteration of the dwellinghouse or provision within the curtilage of the dwellinghouse 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.
- 6) Before the first occupation of the dwelling hereby permitted the first and second floor windows in the south west side elevation shall be fitted with obscured glass and be non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above floor level of the room in which the windows are installed, and shall be permanently retained in that condition.
- 7) 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.
- 8) 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.
- 9) The new dwelling hereby permitted shall be constructed to the Lifetime Homes standard prior to its first occupation and shall be retained as such thereafter.
- 10) The dwelling shall achieve Level 3 of the Code for Sustainable Homes. It shall not be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 11)(i) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority:
  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;  
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. Any 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).