





Brighton & Hove
City Council

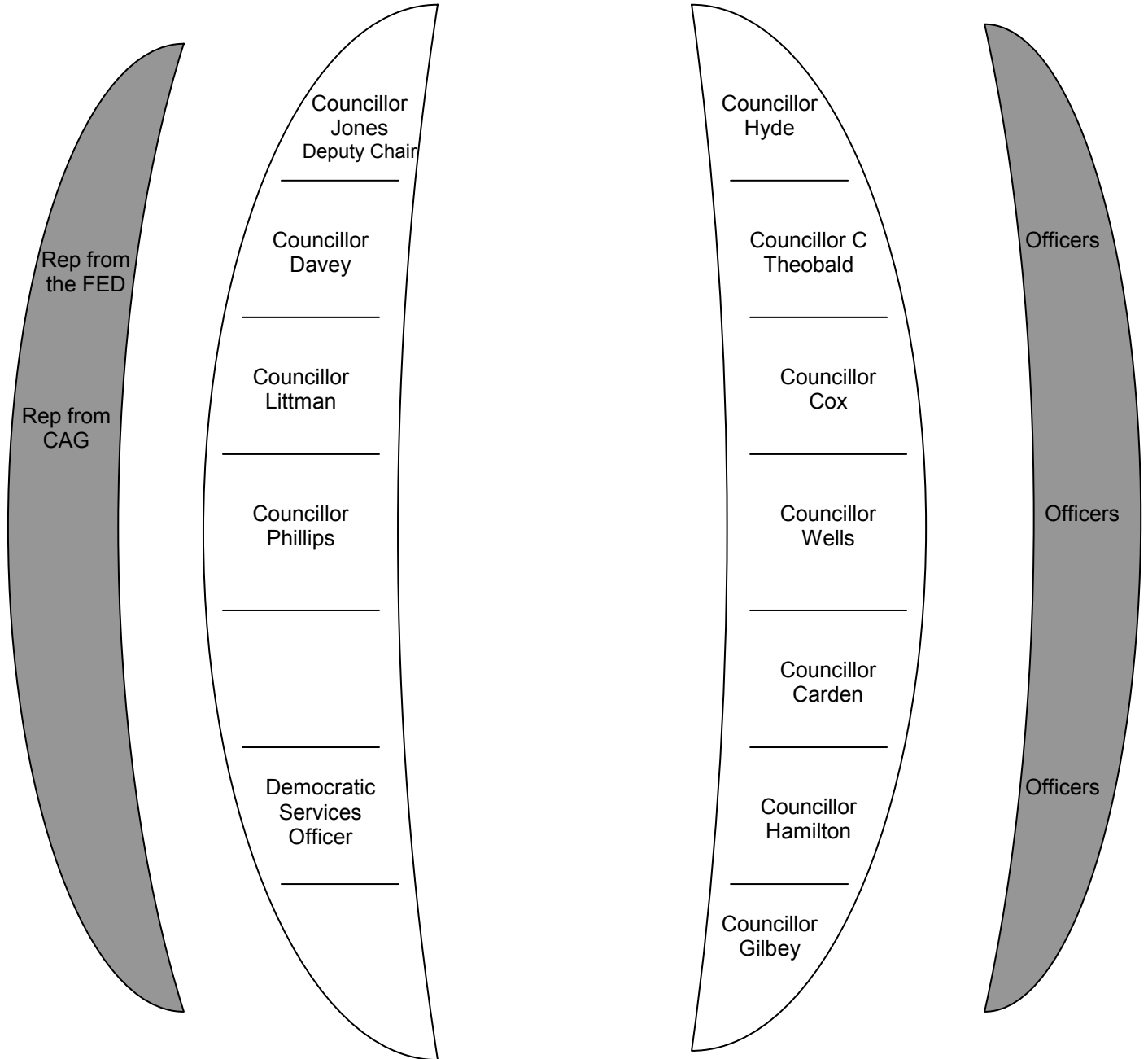
Planning Committee

Title:	Planning Committee
Date:	10 December 2014
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	Councillors: Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, Phillips, C Theobald and Wells Co-opted Members: Jim Gowans (Conservation Advisory Group)
Contact:	Ross Keatley Acting Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk

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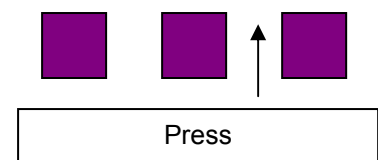
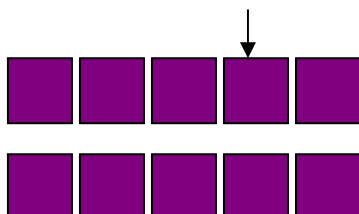
Democratic Services: Planning Committee

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

Page

110 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 'aeroplane mode'.

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111 MINUTES OF THE PREVIOUS MEETING

1 - 16

Minutes of the meeting held on 19 November 2014 (copy attached).

112 CHAIR'S COMMUNICATIONS

113 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 3 December 2014.

114 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

115 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 BH2014/01637 - Land at 54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road, Brighton - Full Planning 17 - 68

Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (180 cluster bedrooms, 19 studios and 6 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4 storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hollingdean & Stanmer

B BH2014/03387 - 18 Wellington Road, Brighton - Removal or Variation of Conditions 69 - 84

Application for variation of conditions 28 and 29 of application BH2011/03796 (Application to extend time limit for implementation of previous approval BH2008/03248) to allow for changes to the wording of both conditions. Condition 28 to read as follows - "No development other than foundation earth

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works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan. Condition 29 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Hanover & Elm Grove

C BH2014/02176 - Varndean College, Surrenden Road, Brighton - Full Planning 85 - 96

Retention of existing temporary classrooms for a further period of five years. (Retrospective)

RECOMMENDATION – GRANT

Ward Affected: Withdean

MINOR APPLICATIONS

D BH2014/02179 - 61-62 Western Road, Brighton - Full Planning 97 - 122

Change of use of part of basement, first, second and third floors from retail (A1) to 20 bedroom house in multiple occupation (Sui Generis) including ancillary staff accommodation, alterations to fenestration, installation of air conditioning units, creation of plant room to roof, creation of new entrance onto Stone Street and associated works.

Ward Affected: Regency

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- E BH2014/03113 - 2 Baywood Gardens, Brighton - Full Planning** **123 - 132**
- Demolition of garage and erection of 1no. three bedroom, detached dwelling.
RECOMMENDATION – REFUSE
Ward Affected: Woodingdean
- F BH2014/03396 - Land Rear of 5-11 Cromwell Street, Brighton - Full Planning** **133 - 150**
- Demolition of existing garages and erection of 2no dwellings accessed from Cromwell Road.
RECOMMENDATION – REFUSE
Ward Affected: Hanover & Elm Grove
- G BH2013/04327 - 74 & 76 Greenways, Brighton - Full Planning** **151 - 174**
- Demolition of existing dwellings and erection of 2 x four bedroomed dwellings and 2 x three bedroomed dwellings.
RECOMMENDATION – GRANT
Ward Affected: Rottingdean Coastal
- H BH2014/03405 - 26 Falmer Gardens, Brighton - Householder Planning Consent** **175 - 184**
- Roof alterations including hip to barn end roof extensions, dormers and rooflights to front and rear elevations.
RECOMMENDATION – REFUSE
Ward Affected: Woodingdean

116 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

- 117 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** **185 - 186**
- (copy attached).
- 118 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** **187 - 292**

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(copy attached)

119 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE **293 - 296**

(copy attached).

120 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES **297 - 298**

(copy attached).

121 APPEAL DECISIONS **299 - 338**

(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>

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PLANNING COMMITTEE

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

Date of Publication - Tuesday, 2 December 2014

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 19 NOVEMBER 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Bowden, Cox, Davey, Gilbey, Phillips, Robins, C Theobald and Wells

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Jeanette Walsh (Head of Development Control); Nicola Hurley (Area Planning Manager); Kathryn Boggiano (Major Projects Officer); Adrian Smith (Senior Planning Officer); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

PART ONE**98 PROCEDURAL BUSINESS****98a Declarations of substitutes**

98.1 Councillor Bowden was present in substitution for Councillor Littman, and Councillor Robins was present in substitution for Councillor Hamilton.

98b Declarations of interests

98.2 Councillor Cox declared an instance of lobbying in respect of Application B – BH2014/02412 – 168 Old Shoreham Road, Hove. He explained that the listed objector, Mr Hughes, had attended his Ward surgery; however, Councillor Cox explained that his Ward colleague, Councillor Cobb, had provided the advice. He also confirmed that he remained of a neutral mind and would remain present during the discussion and vote on the application.

98.3 Councillor Davey declared a personal interest in respect of Application B – BH2014/02412 – 168 Old Shoreham Road, Hove. He explained that he knew the agent personally and as such would withdraw from the meeting during the consideration and vote on the application.

98c Exclusion of the press and public

98.4 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

98d Use of mobile phones and tablets

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

99 MINUTES OF THE PREVIOUS MEETING

99.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 29 October 2014 as a correct record.

100 CHAIR'S COMMUNICATIONS

100.1 The Chair noted the 7 January 2015 meeting had been cancelled.

101 PUBLIC QUESTIONS

101.1 There were none.

102 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

102.1 There were no additional requests for site visits in matters listed on the agenda.

103 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2014/02417 - Robert Lodge, Manor Place, Brighton - Council Development - Construction of two new 3 storey blocks of flats consisting of 8no one bed flats, 1no one bed wheelchair accessible flat and lift in the Southern block and 4no one bed flats and 2no two bed flats in the Northern block together with associated works including solar panels on the roofs of both blocks and the re-routing of the public footpath within the site.

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

(2) The Senior Planning Officer, Adrian Smith, introduced the report and gave a presentation by reference to photographs, plans, and elevational drawings. Robert Lodge comprised purpose built flats on either side of the site with public gardens in the

centre; there had also been a pre-fabricated office to the south of the site that had now been demolished. The application sought permission for two new 3-storey buildings to create 15 new units for social rent. The new northern block would be located on currently undeveloped land, and would be the same height as the western buildings of Robert Lodge – the proposed brick work of both blocks would match Rugby Place. The proposed southern building would be on the site of the former housing office, and there would be six parking bays, and the southern elevation would be largely rendered.

- (3) The plans also included the diversion of the public footway around the western side of the southern building. The application was for 15 units for social rent, and the buildings broadly complimented the existing ones on the site and were considered an improvement to the previous arrangement with the housing office. The application had been the subject of daylight and sunlight studies, and the greatest impact had been identified on the northeast and southeast corner. The room in the existing unit that would be most impacted had a secondary aspect, and the impact was considered acceptable. The six parking spaces would be for use by residents only, and any additional demand on the nearby network was not considered significant. The application was recommended to be minded to grant subject to conditions and the signing of the S106 agreement.

Public Speaker(s) and Questions

- (4) Councillor Morgan spoke in opposition to the application in his capacity as one of the Local Ward Councillors. He stated that the depth of feeling in relation to the application was clear due to the number of objections that had been received. The residents did not support the construction of the northern block as it took away too much outside space and they felt the southern block should be reduced. Lighting and design needed to be taken into account to help reduce the risk of anti-social behaviour – should the Committee be minded to grant the application residents asked that the construction be limited to Mondays to Fridays to reduce disruption, and it should be conditioned that construction vehicles not use Rugby Place. There was already heavy congestion in the nearby streets, and it was requested that the Committee refer the application back for consideration to take on board these views. Whilst there was a need for new housing in the city the schemes had to be appropriate when they were infilling Council land.
- (5) Lucy Skelton spoke in opposition to the scheme in her capacity as a local resident, and stated that she and her family had lived in Rugby Place for the last 10 years. She was speaking on behalf of residents, but wished to note that there was general support for the Council's position to build more housing. The proposed northern block would be built on much loved open space and close to living rooms and windows. The southern block would be 3-storey – replacing the previous single-storey building. The design was inappropriate and did not compliment Rugby Place; the residents of Rugby Place were also concerned about the loss of privacy, and asked that the block be reduced by 1-storey. It was also felt that there was no justification for having a south facing balcony, and it would make more sense to turn the balconies round to give a view over the garden – this would not create a loss of light. Residents were also seeking assurances that Rugby Place would not be used by construction vehicles, and that works would be limited to Mondays to Fridays. In summary the Committee were requested to refuse the application, and residents would welcome the opportunity for a better design to come forward.

- (6) Sam Smith spoke in support of the application on behalf of the applicant [the Council]; he stated that this was one of the first schemes to come forward as part of the Council's New Homes for Neighbourhoods initiative – which aimed to bring forward 500 new homes on Council owned land. The use of sites like this would be fundamental to the initiative, and the scheme was one of the few that was 100% affordable rented housing. The application had been the subject of consultation, and changes had been made in response to residents' views to include: a reduction in the size of the southern block and footprint; the introduction of planting into the scheme and on-site parking. There was also a commitment to work closely with the Robert Lodge Residents.
- (7) Councillor Phillips asked about the rationale for the south facing balconies and Mr Smith explained that in order to move the balconies to the north the living rooms would also have to be moved creating much darker flats to the detriment of the living space.

Question(s) for Officers

- (8) In response to Councillor Hyde it was confirmed that a construction management plan was submitted with the application, and the delivery point was conditioned within the recommendations – as well as the hours of construction and the storage of materials.
- (9) In response to Councillor C. Theobald the height difference between the southern block and the buildings on Rugby Place was clarified, and the location of the bin and cycle storage was also confirmed. Officers went on to clarify that the narrowest distance between the existing buildings and the new ones would be 5.5 metres.
- (10) Councillor Robins asked question about the car parking spaces and the Principal Transport Officer, Steven Shaw, explained that there were six, and the likely potential overspill was not a reason for refusal. Consideration had been given to data at Ward level and this had been narrowed down to the location – rather than look at the city as a whole. It was also noted that the development was for 1 and 2 bedroom flats as such it was considered there would be less demand for parking, and the area was also served very well by public transport.
- (11) In response to queries from Councillor Gilbey it was clarified that the new location of the footpath would not allow for any direct views into the windows of properties. In terms of the loss of light to the most affected property it was clarified that the light would fall just short of the recommended threshold, but there was a secondary window to help reduce excessive enclosure.
- (12) In response to Councillor C. Theobald it was confirmed that it was proposed that 2 of the 6 parking bays would be for disabled use as there was one wheelchair accessible unit, and to allow for visitors.
- (13) In response to Councillor Davey it was confirmed that the footprint of the proposed southern building would be smaller than that of the demolished housing office, and the northern building site would cover 8% of the total communal garden space.

Debate and Decision Making Process

- (14) Councillor Hyde stated that the site visit had been very useful, and the majority of her concerns related to the most affected flat in terms of the loss of light. She felt the design was good, and it would not be appropriate for it to try and replicate the Victorian style of property in Rugby Place, but there would be some attempts to tie this in with the brickwork. She favoured the provision of balconies, and noted that as they did not overhang the properties they overlooked would be afforded greater privacy, and from the site visit she was of the view that there would actually be no overlooking. She welcomed the proposal from the applicant for 500 new homes on land owned by the Council, and felt this was the appropriate way forward. She welcomed the improved facilities on the green space at the site, and she agreed the parking was adequate given the location and type of accommodation. Councillor Hyde went on to note that amendments had been made during the life of the application, and she would support the Officer recommendation as she was not of the view that the potential harm warranted refusal.
- (15) Councillor Wells noted that the city was desperate for new affordable homes, and the proposed blocks would fit in well with the rest of the site. The Officers had worked well with residents to bring forward an appropriate scheme. He agreed that the gains outweighed the potential harm, and noted that parking would not be an issue in this location.
- (16) Councillor C. Theobald stated that she supported increasing the city's housing stock, but she was concerned about the northern block - particularly the close proximity of the pathway. She felt the scheme would be better if it had formed two separate applications.
- (17) Councillor Davey stated that he heard the resident's concerns and the points made by Councillor Morgan, but he felt that the applicant had worked to address these and the proposals were modest in scale – for these reasons he would support the Officer recommendation.
- (18) Councillor Gilbey stated that she was less concerned about the balconies, but felt that residents should be restricted from using them to dry laundry. She felt that the new blocks would be too close to existing housing, and noted that the secondary window of the most affected property looked out onto a bank. Whilst she acknowledged the need for new housing in the city she felt that a better scheme could come forward on this site.
- (19) Councillor Robins stated that the Committee were broadly in support of new housing at this location, but there were concerned about the southern block – in response it was clarified that the Committee could only consider the scheme before them in its entirety.
- (20) Councillor Cox stated that there was need for more social housing in the city, and the Committee had a responsibility to show leadership and support this scheme.
- (21) The Chair stated that his concerns had been addressed at the site visit, and he felt secure about the future amenity at the site. He stated that he would be voting in

support of the Officers recommendation, and it was important that the Committee support appropriate housing schemes in the city.

(22) A vote was taken and the Officer recommendation that permission be minded to grant was approved by the 11 Members present with 8 in support and 3 against.

103.1 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to be **MINDED TO GRANT** planning permission subject to the S106 agreement and the conditions and informatives set out in the report.

Note: Councillor Jones was not present at the meeting.

B BH2014/02412 - 168 Old Shoreham Road, Hove - Full Planning - Part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with associated external alterations to create 1no one bedroom flat (Part Retrospective).

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

(2) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. There was already permission in place for a change of use that had been granted earlier in the year. The main considerations related to the principle of the change of use; the design; the impact on the characteristics of the area; the standard of the accommodation; sustainability and transport matters. It was explained that the site had been the subject of two previous applications – the first being refused and the second receiving approval. Policy sought to protect the employment space, but there had been no serious interest in the premises since July 2012, and it was considered that the office space was redundant. The proposed extensions were well designed and had been reduced in size to an acceptable width. It was not considered that there would be any harm to neighbouring amenity, and the standard of accommodation was acceptable.

Public Speaker(s) and Questions

(3) Mr Colin Hughes spoke in objection to the scheme in his capacity as a local resident. He stated that he had recently been refused permission to his property next door for 'tilt and turn' windows that he had sought for emergency access. He felt the addition of the building would significantly impact on his home, and noted that the applicant was not of residence in the area and he was of the view the scheme was for profit making purposes. There would be three flats in the property when the works had been completed, and no 'right to light' study had been undertaken despite his requests. The scheme included patio doors over the roof terrace, and it would also seriously impact on the amount of sunlight in his neighbouring garden. In summary he added that the original form of the building should be left intact.

(4) In response to Councillor Cox the objector confirmed the proposed location of the 'tilt and turn' windows on his property.

- (5) Mr David Chetwin spoke in support of the application in his capacity as the agent. He stated that the scheme only requested modest changes, and gave assurance that the flat roof would not be used a terrace as it would have a roof light and no balustrading would be installed. It was not his view that there would be issues with daylight and sunlight, and every effort had been made to reduce the impact of the extension. The design was highly sustainable; in line with policy and would provide new homes.

Questions for Officers

- (6) In response to Councillor C. Theobald it was confirmed daylight and sunlight studies were not normally requested on schemes of his size – the Officer recommendation also reflected the view that there would be no impact.
- (7) In response to Councillor Cox it was clarified that the scheme at the neighbouring property had been refused due to concerns with the detailing of the windows at the front of the property, and not simply for the ‘tilt and turn’ window at the rear. Any new change to the neighbouring property would have to form the subject of a new application, but similar changes within the street would be a material consideration. In response to further queries from Councillor Robins it was explained that the neighbour’s refused application had also been dismissed at appeal.
- (8) It was confirmed for Councillor C. Theobald that there was already a proposed condition to restrict the use of the flat roof as a terrace, and future permitted development rights had been removed.

Debate and Decision Making Process

- (9) Councillor Cox stated that he had some unease in relation to this application, and he understood the objector’s reservations – the Chair added that enforcement action could be taken if the conditions were not complied with.
- (10) A vote was then taken by the 10 Members present and the Officer recommendation that permission be granted was carried on a vote of 6 in support; 3 against and 1 abstention.

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

Note: Councillor Jones was not present at the meeting. Councillor Davey was not present during the consideration and vote on the application; see minute 98.3.

C BH2014/03227 - 4 Barrowfield Close, Hove - Full Planning - Erection of 1no four bedroom detached dwelling (C3).

- (1) A vote was taken by the 11 Members present at the meeting and the Officer recommendation that permission be granted was carried on a vote of 10 in support with 1 abstention.

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

Note: Councillor Jones was not present at the meeting.

D BH2014/02503 - 75 - 105 Kings Road Arches, Brighton - Full Planning - Demolition of arches and erection of new arches with new brick façade with timber doors. Replacement railings to upper esplanade level. Change of use from storage to mixed uses comprising retail (A1), café (A3), storage (B8) and beach huts. (Part retrospective).

(2) A presentation was given by the Senior Planning Officer, Kathryn Boggiano, with reference to photographs, plans and elevational drawings, and attention as also drawn to the amended Condition 6 that had been laid round for the Committee. The site comprised 31 Victorian arches to the east of the i360 development – the associated railings were listed and subject to a separate application that had to be determined by the Secretary of State. The arches had been redeveloped due to them being structurally unsound. The scheme proposed 33 new arches all of equal size and depth – there would also be greater detailing and the brick column would extend to the floor. Each arch would have bespoke wooden doors, and there would be stones installed to hide the guttering. It was noted that the brick façade to the front of the subway needed to be finalised, but it could not currently be surveyed due to the works to the i360.

(3) The scheme proposed to use 19 of the arches as beach huts; there would be storage units each using 3 arches, and some flexible use units that could be cafés or retail units. The letters of objection had mostly referred to the commercial use and the suitability in this area, but Officers considered that the impact of this additional commercial would be very minimal and fell below the threshold for retail assessment. The railing detail would be exact replicas, but the posts had been raised to meet building regulations. This change had in turn created issues with the space at the bottom of the railing, and to overcome this a concrete curb would be installed and this would be similar to the historic raising of the railings that had been lost as the pavement had been raised over the years. To conclude the scheme was high quality and recommended for approval subject to the conditions in the report.

Questions for Officers

(4) In response to Councillor C. Theobald it was explained that the materials of the new railings would match the old and the life expectancy was 125 years.

(5) It was clarified for Councillor Hyde that the concrete block below the railing would not be visible from below as the coping would hide this from view.

(6) It was confirmed for Councillor Wells that the works did not constitute refurbishment works.

(7) It was explained to Councillor Bowden that the proposed uses had been led by the Seafront Team.

- (8) In the response to the Chair it was explained that the linking parts at the ends of the scheme would have a consistent approach.

Debate and Decision Making Process

- (9) Councillor Cox stated he was pleased to see the height of railings changed to make them safer.
- (10) Mr Gowans noted that the CAG welcomed the scheme.
- (11) Councillor Bowden welcomed the additional beach huts and the attention to detail in the works.
- (12) Councillor Wells welcomed the works, and noted that they would be an improvement.
- (13) Councillor Carden welcomed the scheme.
- (14) Councillor C. Theobald welcomed the additional commercial units.
- (15) Councillor Davey congratulated the Structural Engineer that had worked on the scheme, and welcomed the attention to detail.
- (16) A vote was taken by the 10 Members present at the meeting and the Officer recommendation that permission be granted was unanimously carried.

- 103.4 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** planning permission subject to conditions and informatives, and the amended Condition 6 set out below:

Condition 6

Notwithstanding the submitted plan, within six months of the date of this permission, details of brick façade to the subway area to the west of arch number 76 Kings Road arches to be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the development being first occupied.

Reason: In order to ensure a satisfactory appearance to the brick façade of the arches and to comply with policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan.

Note: Councillor Jones was not present at the meeting, and Councillor Robins had left the meeting at this point.

- E BH2014/03103 - 88 Waldegrave Road, Brighton - Householder Planning Consent -** Replacement of existing timber sash windows with UPVC sash windows to the front elevation.

- (1) The Area Planning Manager gave a presentation by reference to photographs, plans and elevational drawings. The site was located in the Preston Park Conservation Area

where there were restrictions to changes at the front of properties, and much of the road had retained the original sash windows. The application sought to replace the windows with UPVC windows, and the main considerations related to the appearance of the windows and the impact on both the host building and the wider conservation area. Whilst there were examples of UPVC windows in the street these had no planning history, and the timber sash windows should be protected. Policy stated that within conservation areas such applications were likely to be refused. Attention was also drawn to a recent refusal of a similar scheme on Clifton Street by the Committee earlier in the year which had also been upheld at appeal.

Public Speaker(s) and Questions

- (2) Mr Martin Szczerbicki spoke in support of the scheme in his capacity as the agent. He stated that the applicant was extremely respectful of planning policy, and the proposed UPVC windows would be indistinguishable from sash windows – as such they were in compliance with the NPPF as the authority would need to prove they would cause material harm. It was felt that the strictness of the policy should only be applied to listed buildings and was disproportionate for buildings in conservation areas. The UPVC windows would reduce energy bills and maintenance costs for the occupiers, and the Committee were invited to approve the application.
- (3) In response to Councillor Davey the speaker confirmed that the works had not yet been undertaken.
- (4) In response to some of the points raised by the speaker the Area Planning Manager clarified that the authority had evidence to show that the thermal quality of timber framed windows was as good as UPVC windows. The guidance was not applying that which would be used for listed properties, but policy for conservations areas. The Heritage Team had also considered the proposed windows and noted that the top and meeting railings were set further forward which had the visual effect of increasing the depth of the meeting rails. The use of different materials also had a different light reflecting quality and gave a different finish.

Debate and Decision Making Process

- (5) Councillor Davey noted the decision of the Committee and the appeal at Clifton Street.
- (6) A vote was taken by the 11 Members present at the meeting and the Officer recommendation that permission be refused was carried on a vote of 9 in support with 2 abstentions.

103.5 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** permission for the reasons set out below:

- i. The replacement windows to the front elevation, by virtue of their material and detailing, represents a harmful alteration that fails to preserve the character or appearance of the building or wider Preston Park Conservation Area. The proposal is thereby contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and

Supplementary Planning Document 9 Architectural Features, and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

Informatives

- ii. 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.

Note: Councillor Jones was not present at the meeting.

F BH2014/02826 - 24 Hythe Road, Brighton - Full Planning - Erection of 3no four bedroom dwellings, conversion of stable block to four bedroom dwelling and enlargement of garden to existing dwelling.

- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager, Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevations drawings. The application site related to a former car repair garage and associated workshop; the site abutted the Preston Park Conservation Area, and also included a 2-storey historic stable block. Planning permission had been refused for a similar scheme earlier in the year, and the details of this were highlighted to the Committee. Planning permission was now sought for the demolition of all the structures on the site, and the retention of the 2-storey stable block. There had been changes during the life of the application to amend the roof windows at the rear of the properties and the changes were highlighted to the Committee.
- (3) The main considerations related to the change of use; the historic setting of the conservation area; the impact on amenity; the standard of the accommodation and transport matters. Whilst no marketing evidence had been produced to justify the change of use a structural survey had evidenced that the buildings were in an extremely poor condition and dangerous in places – they were considered to be beyond financial viability. The current light industrial use was also considered harmful given the wider residential area, and there were an adequate number of other B1 use units in the area. The current appearance of the buildings was considered harmful, and they formed a gap in the street scene that was uncharacteristic of the wider area.
- (4) The application also retained the original stable block, and this would have features to reflect those in the wider street scene, and would relate positively to the area. The stable block pre-dated the majority of the houses in the area, and the Heritage Office had indicated that the retention of it was favourable. The separation distances would also be similar to those in the wider area; it was acknowledged that residents had benefited from the units being unused from some time, but it was noted that the new use was all residential. The scheme was considered acceptable in terms of sustainability and transport, and for the reasons outlined in the report it was recommended for refusal.

Public Speaker(s) and Questions

- (5) Sarah Bussey spoke in objection to the application in her capacity as a local resident. She stated that she was speaking on behalf of the 20 residents that had objected to the scheme, and noted that she had a petition of 77 signatures with her. The scheme would be overdevelopment of the site, and lead to a loss of amenity creating a significant impact on residents. The addition of the new four bedroom properties would create more noise, and existing buildings would be overlooked. There were already significant parking pressures in the area, and use of cars was greater in more “affluent” areas such as Fiveways. The credibility of the letters of support was also questioned, and it was noted that 5 of the 20 objectors were those with properties immediately adjacent to the stable block. It was felt that some of the previous reasons for refusal still applied, and the increased noise and pressure on parking were reiterated.
- (6) In response to Councillor Robins it was explained by the objector that there would be increased noise as the site was currently vacant.
- (7) Councillor Kennedy spoke in objection to the scheme in her capacity as one of the Local Ward Councillors. She stated that the petition highlighted by the resident speaking was evidence to the strength of feeling in the area. Residents were not fundamentally opposed to the development of the front of the site, but the proposals for the stable block were not acceptable, and it would have been preferable if the application had been considered in two parts separately. Residents were concerned about the use of the stable block, and the impact of this aspect of the scheme should be enough to warrant refusal. The impact on parking and traffic were highlighted, and the validity of the letters of support was again queried.
- (8) Councillor Kennedy responded to Councillor Cox that an alternate use for the stable block was a matter for the applicant to put forward.
- (9) Mr Starley spoke in support of the application in his capacity as the applicant, and explained that he was also a resident and his father had been born on the street. He had worked very closely with his architect on the design, and the scheme had developed in response to consultation with local residents. The stable block was a heritage asset, and its conversion would assist in maintaining it, and the wider scheme would return much of the plot to garden. Mr Starley stated that he was aware of the parking issues in the area, but noted that the stable block had its own disabled parking bay – there would also be additional parking created through the removal of the drop kerbs for the repair garage. He hoped the Committee could approve the plans before them to improve the area.
- (10) In response to Councillor Davey it was explained by Mr Starley that residents’ concerns should be alleviated as the principle garden for the stable block would be located to the side – rather than at the rear.

Questions for Officers

- (11) In response to Councillor Davey it was confirmed that the stable block was being converted, and would not be enlarged.

- (12) In response to Councillor Wells it was confirmed that the repair garage could revert to its permitted use, but the buildings were in a very poor state of repair.
- (13) It was confirmed for Councillor Gilbey that the height of the stable block would not be changing.

Debate and Decision Making Process

- (14) Councillor Wells stated that he welcomed the improvements, and he did not see any issues with the changes to the stable block. He stated he would support the Officer recommendation.
- (15) Councillor Hyde stated that the scheme had improved during the life of the application, and she felt that the design was appropriate. She stated the current structure was an “eyesore”, and the proposals would be an improvement for the street. The loss of the B1 use was acceptable, and the stable block was already on the site and the works had been designed to minimise overlooking. In terms of amenity Councillor Hyde stated that this would not be significantly different from that currently as the properties were residential – she added that parking would also be gained through the removal of the drop kerbs. For these reasons she would support the Officer recommendation in the report.
- (16) Councillor Gilbey stated that she agreed with Councillor Hyde in relation to overlooking, and added that the addition of the garden space would improve the area.
- (17) Councillor C. Theobald stated that the buildings were currently derelict and ugly, and this scheme would be a welcome improvement; she would support the Officer recommendation.
- (18) The Chair stated that he had been struck by the tight urban grain on the site visit, and the site was an exception in the area. He felt that the scheme reflected policy and he would support the Officers recommendation.
- (19) A vote was then taken and the Officer recommendation that permission be approved was carried unanimously by the 11 Members present at the meeting.

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

Note: Councillor Jones was not present at the meeting.

G BH2014/03008 - 6 The Spinney, Hove - Householder Planning Consent - Remodelling of existing chalet bungalow to create a two storey 5no bedroom house with associated alterations including erection of first floor extensions to sides and rear and creation of rear terrace.

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

- (2) Councillor C. Theobald noted the scheme would improve the property.
- (3) A vote was taken by the 10 Members present at the meeting and the Officer recommendation that permission be granted was unanimously carried.

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

Note: Councillor Jones was not present at the meeting, and Councillor Robins had left the meeting at this point.

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

104.1 There were no further requests for site visits.

105 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

106.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]

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

107 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

108 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

109 APPEAL DECISIONS

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

The meeting concluded at 5.00pm

Signed

Chair

Dated this

day of

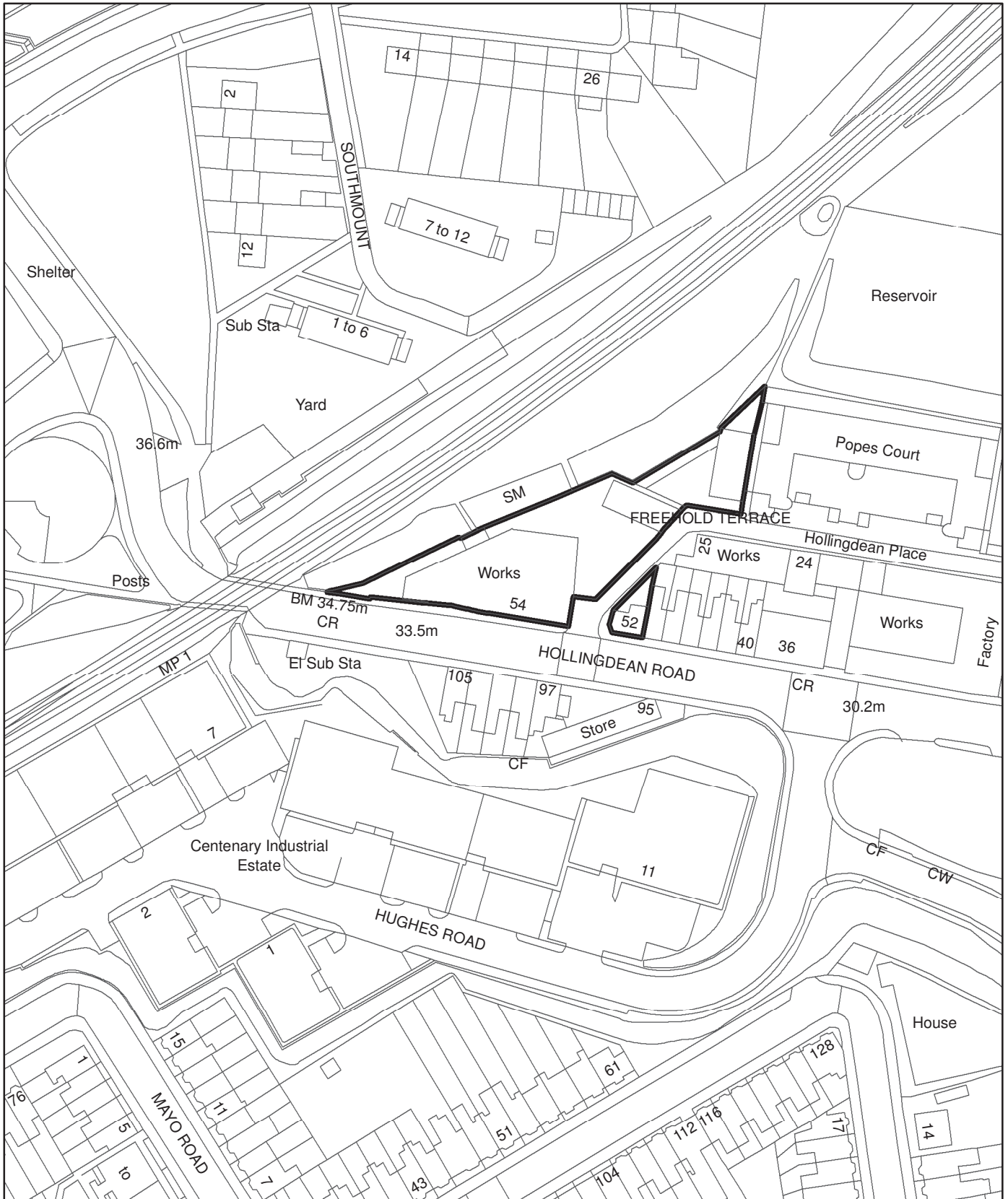
ITEM A

Land at 54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road, Brighton

**BH2014/01637
Full planning**

10 DECEMBER 2014

BH2014/01637 54 Hollingdean Road & 46 Freehold Terrace & 52 Hollingdean Road, Brighton



Scale : 1:1,250

<u>No:</u>	BH2014/01637	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road, Brighton		
<u>Proposal:</u>	Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (180 cluster bedrooms, 19 studios and 6 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4 storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen.		
<u>Officer:</u>	Mick Anson Tel 292354	<u>Valid Date:</u>	12 June 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 September 2014
<u>Listed Building Grade:</u>			
<u>Agent:</u>	DMH Stallard, Gainsborough House, Pegler Way, Crawley RH11 7FZ		
<u>Applicant:</u>	Hollingdean Road (No 1) LLP, c/o DMH Stallard, Gainsborough House, Pegler Way, Crawley RH11 7FZ		

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 main site is irregularly shaped and has a total site area of 0.16 hectares and comprises 3 different properties. The site gently rises to the rear (north) so that the difference in site levels from front to back is on average 1.5m. 54 Hollingdean Road is currently occupied by a digital printing company called 'One Digital' and comprises a single storey flat roofed main building (Building A on the existing submitted plans) which has been extended fronting Hollingdean Road and a 2 storey building at the rear which flanks Freehold Terrace (Building B). Freehold Terrace is a very narrow road which runs along the east side of the site and then turns sharply eastwards. The site boundary comprises a 3 – 3.5 metre high brick and flint wall onto Hollingdean Road and a brick wall of the same height along the perimeter fronting Freehold Terrace.

- 2.2 No. 52 Hollingdean Road is a two storey Victorian end of terrace property adjacent to Freehold Terrace. The former shop unit was occupied as a florist but the shop floor has not been used by the owners since they bought the site. The unit is used mainly to provide a street presence for the business with advertisements in the windows. Part of the ground floor and the first floor provides residential accommodation which has been self contained vertically. It is occupied by students. None of these works to self contain the residential accommodation appear to have been authorised according to the planning history. The only planning record is to a ground floor rear extension to provide a bathroom which has been implemented.
- 2.3 No 46 Freehold Terrace (Building C) is a derelict 3 storey brick built industrial building which is accessed at the bend in the Freehold Terrace highway. The building has been vandalised and was until recently occupied by squatters. The building is adjacent to the west flank of Popes Court which is a part 3 and part 4 storey flatted development which fronts Freehold Terrace.
- 2.4 The west flank of Popes Court does not have any windows directly facing the site except towards the rear which is set back from the boundary with No. 54. These existing windows face onto the boundary wall or open space at the rear of No. 54 and the woodland beyond.
- 2.5 Adjacent to No. 52 Hollingdean Road is the remaining terrace of 2 storey dwellings Nos 50-40 (even) which have small rear gardens. To the rear of dwellings on Hollingdean Road on the south side of Freehold Terrace are some 2 storey industrial buildings currently occupied by an electrical company. The western flank of this building is opposite Building B.
- 2.6 The northern boundary of the site at the rear is enclosed by the steep embankment above which the Brighton to Lewes railway line runs. The line crosses Hollingdean Road on a bridge which almost abuts the western corner of the site. The top of the railway bridge parapet is 9 metres above ground level. The embankment features a heavily wooded belt of mature trees, mainly sycamores, which provide a backdrop for the site when viewed to the west. Some younger and smaller sycamore trees have self seeded on top of the boundary wall and are growing into the site.
- 2.7 Opposite Building A on Hollingdean Road is a small terrace of 5 x 2 storey dwellings (Nos. 97-105). Adjacent to the west of these dwellings and abutting the railway bridge is an open yard used for second hand car sales. To the rear of Hollingdean Road is the Centenary Industrial Estate which comprises large metallic clad industrial warehouse buildings which overlook Hollingdean Road.
- 2.8 On the east side of Hughes Road is a recently constructed 5 storey block of flats ('Diamond Court') at 49-57 Hollingdean Road. The north side of Hollingdean Road east of the application site comprises two groups of three storey terraced houses from different eras with a two storey industrial building in between which is still occupied.

- 2.9 To the west of the railway bridge and embankment is the Municipal Waste Transfer Station, another large metallic clad building which can be seen from elevated viewpoints in the neighbourhood. To the North West is an uncovered stonemason's yard which abuts the railway embankment and further west some low rise blocks of flats on Southmont, accessed from Davey Drive.

3 RELEVANT HISTORY

52 Hollingdean Road

BN.74/599 Single storey rear extension to form bathroom Grant 09.07.74

54 Hollingdean Road

BN.75/1062 Erection of offices to existing print works. Grant 29.07.75

BN.73/2957 Erection of office block and printing works. Grant 09.10.73

46 Freehold Terrace

BH2012/03557 Demolition of existing buildings and erection of a four storey building with office space (B1) on ground and lower ground floors and 21 rooms of student accommodation (sui generis) above, with solar panels to roof and associated landscaping. Grant 03.05.2013

BH2012/01789 Demolition of existing buildings and erection of a four storey building with office space (B1) on ground and lower ground floors and a total of 8no residential units above, with solar panels to roof and associated landscaping. Grant 08.01.13

BH2011/03218 Demolition of existing buildings and erection of 2no. three storey buildings with a total of 9no two bedroom residential units with solar panels to roof and associated landscaping. Refused 19.01.12

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of buildings A and B on Nos. 54 Hollingdean Road currently occupied by a digital printing firm and the derelict No. 46 Freehold Terrace (Building C). No. 52 Hollingdean Road would be converted into a reception office and laundrette for the student accommodation. In place of the print buildings, the proposed development would comprise 205 student units in a building of 3, 4, 5 and 6 storeys. Within the total of 205 bedrooms would be 19 studios and 6 accessible rooms. On No. 46 Freehold Terrace the proposal is to erect a four storey block of affordable residential units.

54 Hollingdean Road (student accommodation)

- 4.2 The front of the development would face south onto Hollingdean Road and would comprise a three storey element which would be set back 1.9m from the back edge of the footway which denotes the site boundary to enable a generous landscaping scheme to be planted. The ground, first and second floors of the frontage building would each provide 2 clusters of bedrooms. All of these rooms facing onto Hollingdean Road would have oriel windows to prevent direct overlooking into residential dwellings opposite. The separating distance across the road would be 15.2 metres. The western end of the terrace closest to the railway embankment would be splayed back away from the frontage. At lower

ground level under the eastern end of these units would be a large refuse store with a bin lift up to ground level at the corner of Freehold Terrace.

- 4.3 The remainder of the student development would back onto the railway embankment and would face south east. It would be set back from Freehold Terrace at the south east corner of the site by 9.7 metres but at the corner of Freehold Terrace adjoining Building B, it would be 0.7m behind the site boundary. The building would have a central projecting angled element which would abut the boundary on Freehold Terrace for 4.5m. This projecting element would be the ground floor entrance and would provide two studio units per floor above. The proposed student block would be built up to the current boundary between Buildings B and C at the corner of Freehold Terrace but its east facing flank would be angled to face directly onto the existing west flank of the current Building C.
- 4.4 At the rear basement level of the main building, there would be a student common room with an external landscaped area backing onto the embankment. At the eastern end of the building at basement level would be a large underground cycle store for 200 cycles. There would be ramped access for the cycles from the ground floor and lift access to the student common room from above.
- 4.5 At third floor level, the south western end of the building would feature a curved glazed corner providing a shared kitchen diner which would project forward above the floors below to within a metre of the site boundary. A more solid adjacent element would be adjacent providing two bedrooms. The majority of the south frontage would be set back 2.9 metres from the site boundary onto Hollingdean Road and at the eastern end of the frontage buildings there would be a landscaped garden area of approximately 40 square metres to the corner of Freehold Terrace. The remainder of the third floor would duplicate the three levels below.
- 4.6 At the fourth floor, the south western end would be cut back 7.5 metres and a green roof and landscaped garden area provided abutting the railway embankment. The remainder of this level would be similar in layout to the floor below.
- 4.7 At the fifth floor, the south west corner would be cut back a further 4 metres to provide a green roof and the south east facing corner would be cut back 1.5 m to provide small landscaped garden of approximately 30 sq m. At the north eastern end of the block, there would be a cut back of between 4.5 – 6 metres away from the proposed affordable flats to provide a green roof level with the pitched roof of the affordable block. The highest part of the rear elevation of the student block would be 16.5m in height above existing ground levels whilst the height of the front elevation onto Hollingdean Road would be 9 metres above back edge of pavement level. Therefore this development would not constitute a tall building as defined in SPG15 Tall Buildings.
- 4.8 At flat roof level, the student block would feature a green roof together with a row of photovoltaic solar panels along the spine of the roof.

- 4.9 The elevations of the three storey frontage element would be clad in white and light grey coloured Trespa whilst the upper elevations would be in a variety of 'woodland' colours (greens, browns etc) which would pick up on the woodland backdrop but also provide a contrast to the three storey element. The eastern end of the main part of the building steps down to meet the height of the block of affordable flats but its flat roof would also be set back from the pitched roof profile of the flats. At the south western end, the elevations step down gradually to meet the height of the railway bridge. The fourth floor shared kitchen which has a glazed elevational treatment would be 3.3 metres above the parapet of the bridge and would be supported on columns.

46 Freehold Terrace (Affordable housing)

- 4.10 The block of flats would be sited generally on the footprint of the existing derelict Building C but would be wider at the rear. There would be a separating distance of 0.6 metres between the east flank of the student block and the residential block, but neither flank walls would have any windows. Due to the site levels, there would be ramped access down one metre to the entrance lobby of the flats as well as external stairs for means of escape. Adjacent to the basement lobby, would be an indoor cycle store for 17 cycles and an enclosed refuse area at the rear. The east flank of the proposed building would be 1 metre from the boundary with Popes Court and 3 metres from its flank wall.
- 4.11 The ground to third floors would each have 2 flats as a one bedroom and a two bedroom unit. The one bedroom flats would have lounge/kitchen/diners whilst the 2 bed flats would have separate kitchens. Living rooms would face south and bedrooms would be at the rear facing the embankment. The proposed 2 bed flats facing Popes Court would each have a single kitchen window per floor facing onto the blank west flank wall of Popes Court at 3 metres distance.
- 4.12 The front wall of the proposed block would project forward of Popes Court adjacent by 3 metres just as the current building does. The rear wall would not project beyond the rear elevation of Popes Court where the two buildings are adjacent although Popes Court does extend further to the rear at 6 metres from the boundary and has habitable rooms with windows on its west flank facing the proposed flats.
- 4.13 The front elevation of the block of flats is similar in profile to the adjacent Popes Court and is a modern design with a shallow gabled front pitched roof. The roof slopes would not meet to form a ridge as a feature of the design. The flats would have large pane windows from floor level with Juliette balconies. The eaves of the roof would align with the eaves of the larger block at Popes Court at 12 metres above pavement level and 14.5m to the highest point of the roof. The rear elevation being wider than the front would have a longer west sloping roof. The proposed materials are 'Trespa' cladding in a mix of shades of white and grey with slim anodised aluminium window frames.
- 4.14 The front boundary treatment would provide an open aspect into the site by removing the existing high boundary walls which surround the site. The front

elevations of the student building are broken up by a series of changes in levels as described and the projecting central element.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Seventeen (17)** letters of representation have been received from (1; 2; 6; 9; 13; 18; 23; 26 Popes Court, Freehold Terrace, 20; 28 Freehold Terrace; 46 Hollingdean Road (2 letters); 3; 4 Popes Folly; 10; 20 Diamond Court, 49-57 Hollingdean Road;) objecting to the application for the following reasons:

- Overcrowding
- Noise and disruption late at night;
- Zero parking policy is impractical;
- Parking in Freehold Terrace is limited already.
- Additional rubbish on streets
- Overlooking, noise and loss of privacy from roof gardens.
- Structural surveyor needs to check all of the houses before demolition commences.
- Parking and access already poor. Cars parked illegally on double yellow lines and pavements cause difficulty manoeuvring and prevent pedestrians walking on pavements. Problems for emergency services and refuse collection access is already a problem
- Fly tipping already experienced at the beginning and end of terms.
- Overdevelopment and loss of privacy
- Overshadowing
- Access for residents during construction works.
- Insufficient space for carers to pick up residents
- Pavement not wide enough for wheelchairs
- Popes Court flats have disabled occupants who suffer from illegal parking on disabled parking spaces
- Inadequate street lighting.
- Increased traffic congestion; Freehold Terrace already used as a rat run
- Objection to 6 storeys of development.
- Noise and dust during construction causing additional health problems for those with breathing difficulties
- Construction lorries will cause congestion and could impede emergency vehicles.
- Social housing would be more acceptable. Enough student units built already
- No parking provision; will lead to more disputes
- Security concern opening up access beside flat (Popes Court)
- Buildings not suitable or in keeping with the area.
- Loss of trees; how many will be replaced?

5.2 One letter has been received from **134 Springfield Road** near London Road Station concerned about potential damage to two 1920's/30's period lamp columns. Would wish to see them relocated to near the station where previous

examples have been removed in the past and replaced with modern lamp columns.

5.3 Following re-consultation **seven (7)** letters of representation have been received from **11, Southmont; Flat 9, Popes Court; 28 Freehold Terrace; 42, 46; Flat 10 Diamond Court, 49-57 Hollingdean Road; 4, Popes Folly, Freehold Terrace** objecting to the application for the following reasons:

- Inadequate refuse collection service already
- Residential area will suffer noise and disturbance from students housing;
- Students make the most mess and have no regard for sanitation
- No infrastructure to support another 250 people
- Student housing should be built out of town near the University.
- Area cannot cope with the amount of traffic
- Not appropriate area for students with families and disabled people nearby
- 8 affordable units not enough
- Parking and deliveries will be impossible
- Loss of trees for a plant room
- Public park behind Popes Folly will not be safe for children
- Changes will not make a difference to previous concerns
- More drunk students
- Parking cannot be policed as well as students arriving and departing with their belongings.
- University should buy up all of the cottages adjacent to the site instead of building large developments.
- Affordable homes would cause loss of privacy and light to Popes Court.
- Illegal parking and lack of pavements make pedestrian access difficult already.
- Area suffers from recent resident parking schemes nearby.
- Refuse lorries and emergency vehicles cannot gain access.
- Fly tipping is a current problem and will become worse.
- No objection to affordable housing block or change of use of No.52 to a management suite.
- Development should be refused and a more appropriate scale of development applied for as on neighbouring sites. The set back of storey heights is not sufficient.
- Student housing should have 24 hour security and not be reliant on student wardens.

5.4 **Brighton & Hove Economic Partnership:**

Support The economic case for more student accommodation has already been recognised in the City Plan. The Partnership would urge approval of this application on the following grounds:

- It will contribute to ensuring that Brighton remains an attractive location for students although not enough to meet demand.
- The student accommodation provision would help to free up family housing.
- The location being somewhat isolated from high density residential neighbourhoods is ideal for student housing.

- The location is within walking distance of the University of Brighton and sustainable transport routes to the University of Sussex but also close to the City Centre.

East Sussex Fire and Rescue:

- 5.5 No comment as far as access is concerned however fire hydrant provision should be shown on the plans.

Environment Agency:

- 5.6 Comment. Consider that planning permission could be granted to the proposed development as submitted if planning conditions are included. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and would object to the application. Conditions requested relate to contaminated land risk assessment, verification of remediation strategy, discovery of contamination, Sustainable Urban Drainage System infiltration, piling, surface water drainage.

Network Rail:

- 5.7 Comment As the application site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends that the developer contacts its Asset Protection South East team prior to any works commencing on site and signs up to an Asset Protection Agreement with us. The development must ensure that any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary.

Southern Water:

- 5.8 No objections.
There is inadequate capacity in the network to service the development. Request condition and informative that the developer contact Southern Water to enter into a formal agreement to provide the necessary infrastructure. Request an informative that formal request to connect to water supply is required. Request that where a SUDS scheme is to be implemented, the drainage details shall specify the responsibilities for implementation, a timetable for implementation and a management and maintenance plan.

Sussex Police

- 5.9 Comment. Disappointed that there is no mention in the Design and Access statement that crime prevention measures would be incorporated into the design. Security is mentioned in the Student Management Plan. Recommend that management liaise closely with the Neighbourhood Policing Team as well as seeking dialogue with the local community. Appropriate safe pedestrian routes should be marked and traffic calming measures considered. Recommend a controlled lockable gate pedestrian gate at North East entry point to the development is vulnerable. Lobbies should have dawn until dusk lighting. Recommend CCTV. Secure by design cycle storage is recommended.

- 5.10 In order to effectively provide the current level of policing to the increased population, developer contributions towards the provision of policing infrastructure will be required. Sussex Police is therefore seeking a financial contribution towards the provision, maintenance and operation of Sussex Police infrastructure in the policing of the Brighton area.

UK Power Networks:

- 5.11 No objections to the proposed works.

University of Brighton:

- 5.12 Confirm the University's support for the student accommodation at the proposed development at Hollingdean Road. In accordance with policy CP21, it is our intention to enter into a formal agreement with the applicant to obtain sole occupancy of the student accommodation for University of Brighton students. The beds will be meeting a requirement that has already been identified based upon student number projections and our current and planned estate. It is our preference that that our students reside in purpose built and managed accommodation rather than HMO's as it is easier to manage.

Internal:

- 5.13 **Arboriculture Officer:** No objection.

Subject to a suitable condition being attached to any planning consent granted requiring an Arboricultural Method Statement there are no objections. It is not necessary to remove any trees to facilitate the development, however, there are several self-sown sycamores, now becoming quite large trees that are growing out of the flint retaining wall. The Arboriculture Section would recommend that these trees are removed in the interests of sound arboricultural management.

- 5.14 **Ecology:** Support

The Crespin Way Site of Nature Conservation Importance (SNCI) lies approximately 345m north east from the site. Given the nature, scale and location of the proposed development, it is considered unlikely that there would be significant impacts on that SNCI or any other sites designated for their nature conservation interest. The site has minimal biodiversity interest. There was no evidence of bat roosting and the site offers minimal opportunities for foraging. However the broad leafed woodland adjacent to the North West boundary of the site would provide such opportunities. To minimise the impact of lighting on bats, a sensitive lighting scheme should be required to be submitted for approval by condition.

- 5.15 Two trees are identified for potential removal at the south west end and should be checked for the presence of protected species. All demolition works should be carried out outside of the breeding season. No mitigation works are required for the development itself. The recommendations for enhancement opportunities identified in the Extended Phase 1 Habitat Survey should be supported. The proposal to incorporate roof gardens designed for biodiversity and amenity and chalk grassland green roofs is strongly supported.

5.16 **Economic Development:** No objections

The Senior Economic Development Officer has no adverse economic development comments to make in respect of the application subject to further information around the unviability of the provision of some employment space in the scheme.

5.17 The site is not best suited for modern business practises due to its location and layout. The site comprises of a number of small buildings with extensions which have suffered from a decline in condition and the applicant states that the buildings are beyond the point of further upgrade without total redevelopment.

5.18 The existing owners are wishing to dispose of the site to facilitate their relocation to a newer modern premises within the city to meet their business needs which is welcomed and fully supported as this will safeguard the business and the jobs within the business.

5.19 If approved, the Senior Economic Development Officer requests a contribution through a S106 agreement for the payment of 13,500 towards the Local Employment Scheme in accordance with the Developer Contributions Interim Guidance and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction phases.

Environmental Health:

5.20 Comment No objections on grounds of air quality. Retention of no 52, Hollingdean Road as part of the development for laundry and office does keep the street enclosed to some extent as before. The proposal is likely to be marginally better for air quality due to:

- New buildings set back from the kerb with front-garden space between living quarters and traffic emissions
- Removal of wall parallel with Hollingdean Road
- Slightly less traffic from the site

5.21 Whilst it might be hopeful to assume tree planting will absorb and reduce NO₂ this will certainly help the visual environment and foliage can provide additional surface area for the deposition of particles.

Gaps between trees, buildings and roofs increase likelihood of the channelling of fresher air and avoid creation of an enclosed street environment where traffic emissions can become concentrated.

5.22 Based on the limited information presented suggest that both noise and land quality/potential contamination are issues which need to be carefully considered. Reports should be carried out and presented prior to implementation stage demonstrating that these have been examined.

5.23 The site is immediately adjacent the railway and indeed a busy highway. As such I would expect to see a robust acoustic report which details a longitudinal survey and collates background noise levels. From these I would expect to see an assessment of current best practise, references to appropriate British Standards to ascertain what degree of protection is necessary for the end users. As

students, one should consider a higher degree of protection as they may only have their room in which to study, see table 5 in BS8233. With any recommended enhanced glazing may also be a requirement for a more elaborate ventilation system and prior to implementation I would expect to read some commitment as to how the applicant was proposing to tackle this. The report must consider both road and rail aspects and the design to reflect these. I would also expect to see an assessment of any adjacent noisy commercial units.

- 5.24 Given the mixed commercial/student units, I would also expect to see some consideration of sound insulation in excess of part E of the building regulations to protect the students. This might relate also to certain uses, ie site layout.
- 5.25 The applicant should be aware that the site is thought to have localised contamination as a result of its past uses. Historic mapping suggests a gas works with what appears to be a number of gas holders from 1875, 1898 and 1910 accordingly. On the 1930's mapping this seems to have disappeared and later references relate to a builders yard. More current uses suggest printing works. As such I would expect to see a professional report with a robust desk top survey at the very minimum which identifies a conceptual site model and any plausible pollutant linkages which need to be further investigated. Any proposed investigations should have references to National current guidance in respect of managing potentially contaminated land and be targeted and proportionate in their approach. I would also expect to see references to appropriate technical documentation such as the Environment Agency's assessment model of types of contaminants. Given the sensitivity of the aquifer below, and the past uses, I would strongly recommend that early engagement is had with the Environment Agency planning liaison team.

Revised comments

- 5.26 Recommend approval, subject to conditions to deal with noise, potential land contamination and lighting.
- 5.27 However, such further works must as a minimum include the following works:
1. Further consideration of the former printers use in quantifying the conceptual site model
 2. The Site Investigation must reflect the intended end uses and have reference to accurate plans including areas of soft landscaping, basements and any residential uses potentially with garden/amenity areas.
 3. A full and robust gas risk assessment in line with Construction Industry Research and Information Association (CIRIA 665) standards.
 4. Rationale as to why such works have been chosen over others.
 5. Any new report must include an options appraisal prior to arriving at a remediation decision or suggestion.
 6. Radon, whilst referenced in the desk study did not seem to make any appearance in the further site investigation. Given the basement uses include common rooms; it is critical that a degree of investigation takes place to adequately assess the risks posed from radon.

- 5.28 A discovery strategy is also necessary, especially given the sites past uses to deal with any accidental or unexpected findings during the construction period. Again, this may be applied via a condition.
- 5.29 A study with two monitoring positions has characterised the site and deemed that a degree of intervention is necessary to protect the end users of the site. These are summarised in Table 7 of the report which is replicated below. Discussion with the report authors identifies that these mitigation measures are applicable at all storeys.
- 5.30 *“7.7.3.2 Design criteria for external noise- For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments”*
- 5.31 This is closely linked with the World Health Organisation Guidelines on community noise dated 1999 which suggests that moderate annoyance for outdoor living spaces begins at 50dbLAeq, 16 hour with serious annoyance at 55dB, LAeq, 16 hour. Whilst the levels indicate that such spaces might not offer tranquil living, it should be recognised that the site is in fact located between a main road and a railway line.
- 5.32 Similarly, there are a number of uses which can often conflict with normal living. In particular, with the basement uses, I note that lifts, refuse areas, a plant room and a common room are all located below bedroom units and as such will require an enhanced level of sound proofing to ensure that the end residents are sufficiently protected against noise. Whilst I recognise that part E of the building regs exists, such mixed uses will require a level of protection above and beyond this and may be secured via a condition.
- 5.33 Such a site will inevitably have construction site noise, deliveries etc and for this reason it is strongly recommended that a Construction Environment Management Plan (CEMP) is either secured via a section 106 or alternatively, secured through a condition.
- 5.34 I also note the student management plan written by CRM dated November 2013. Whilst a lot of reference is made to controlling on site noise and kerbing anti-social behaviour, little reference is made to impact on other adjacent uses such as housing, flats etc. I would strongly recommend that the document is revised making it tailored to the specific site and noise escape and control of open areas.
- 5.35 I was unable to find any evidence of a lighting plan throughout the documentation. Such a plan is necessary to ensure that any new lighting does not adversely impact existing residents or newly introduced residents. As such a lighting condition is necessary is ensure that both horizontal and vertical luminance is appropriately considered and importantly, that it is considered in line with Institution of Lighting Professionals (ILP) "Guidance Notes for the Reduction of Obtrusive Light" (2011). I feel that the site falls into zone E3 for appropriate further measurements to be made against.

5.36 Housing Strategy: Support.

Welcome the scheme as it will help to assist to achieve our aims of mixed, balanced and sustainable communities to deliver high quality affordable housing for local people in housing need. We note the developer is offering 8 units of affordable housing which is an increased provision against the previously proposed use of mixed commercial/residential use. At least 10% of the affordable should be fully wheelchair accessible. All units should be managed by a Registered Provider of affordable housing. The tenure split should be 55% rented and 45% intermediate housing. All new schemes should be built to meet or exceed the Homes and Communities Agency's current Design and Quality Standards and Code for Sustainable Homes Level 4 as well as meeting Secure by Design principles. The preferred affordable mix would be 30% one bed units; 45% two bed units and 25% three bed units.

5.37 Planning Policy: Comment

The loss of the existing industrial buildings at 54 Hollingdean Road and 46 Freehold Terrace is considered to be acceptable under the criteria in Local Plan EM3 and City Plan Policy CP3. Although the shortage of student housing in the city is acknowledged, these policies require that consideration should first be given to alternative industrial/business uses, followed by affordable housing, when a site has been demonstrated to be genuinely redundant. Both sites are identified in the SHLAA as being suitable for new housing development, with the indicative 18 dwellings for 52-54 Hollingdean Road implying a mixed-used employment and residential redevelopment of this part of the site. It is considered that, should genuine redundancy of the site for employment uses be demonstrated, then the location and nature of the site means that, in this instance, student housing provision could be acceptable rather than general housing. However, insufficient evidence has been submitted to demonstrate that an element of employment floorspace could not be retained as part of a mixed use scheme. Evidence is also required of which educational establishment would use the student accommodation.

Revised comment

5.38 Further marketing information has been submitted by the applicant to support the application. This provides further evidence that the existing buildings are unsuitable for modern employment needs for the reasons already set out above. A viability assessment has been submitted which examines the possibility of re-providing 422m² of commercial accommodation on the site. This concludes that such a scheme would have a negative land value and would therefore be unviable. However, it only examines the viability of 422m² of commercial floorspace, rather than assessing a scheme than incorporates full replacement of the 1,086m² that would be lost.

5.39 A letter from Brighton University has been submitted to support the application which confirms that the University will enter into a formal agreement with the developer for sole occupation of the development by the University's students, in doing so meeting an identified requirement based on student number projections. This is considered satisfactory to meet criteria 6 of part (i) of Policy CP21.

- 5.40 The policy supports proposals which improve further and higher education provision in the Lewes Road area as part of the development strategy for the area. Furthermore, the particular characteristics of this site, being adjacent to a railway embankment and an awkward road layout, are considered to make the site more suitable for short term residential accommodation.
- 5.41 It is a finely balanced judgement, but taking all issues discussed above into account, the provision of student housing rather than general housing is considered to be acceptable in this instance.
- 5.42 Further viability information would be welcomed in order to demonstrate full compliance with Local Plan Policy EM3 and City Plan Policy CP3

Final Comment:

- 5.43 The viability assessment that has now been submitted by the applicant, appraises a hypothetical new build B1 office of 1,620m² plus 15 car parking spaces on the site at No.54 Hollingdean Road (excluding No. 46 Freehold Terrace), and also a smaller scheme of 1,080 m². The appraisals have both been independently considered by the District Valuer, who has confirmed that the appraisals are based on reasonable assumptions, and concur with the applicant's conclusions that neither scheme would be a viable proposition. It has therefore been satisfactorily demonstrated that the provision of modern replacement employment floorspace on the site would not be viable.
- 5.44 **Planning Projects (Public Art): Comment.**
To make sure the requirements of Policy QD6 are met at implementation stage, it is recommended that an 'artistic component' schedule be included in the section 106 agreement as follows:
- 5.45 The Developer covenants with the Council to pay the Council the sum of £29,700 on Commencement of Development as a contribution to the Council's Public Art Scheme Or:
- 5.46 The Developer covenants with the Council to install on the Property an Artistic Component to the value of £29,700 including installation costs prior to first occupation of the development in accordance with the Council's Public Art Policy.

Sustainability: Comment

- 5.47 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials.
- 5.48 Under supplementary planning document SPD08 major new built development on previously developed land is expected to achieve BREEAM 'excellent' and 60% in energy and water sections, and Code for Sustainable Homes (CSH) Level 4.
- 5.49 The applicant has submitted a Code for Sustainable Homes (CfSH) pre-assessment report showing how Level 4 could be achieved for the residential scheme.

- 5.50 A BREEAM 'Multi Residential Pre-assessment report has also been submitted showing how an 'excellent' standard could be achieved. The targeted scoring indicates that the energy section can score 59.35% and the water section 66%. These largely meet the recommended scores expected of major development, though the energy section is short by 0.75%. It is recommended that if approval is granted the development be conditioned to the recommended standards and the applicant should be encouraged to achieve the extra 0.75% in the energy section.
- 5.51 There is very little sustainability information to support this application. The Design and Access Statement does not refer to sustainability. The sustainability checklist which was completed online and submitted responds 'no' to several of the questions asking whether certain measures will be installed across the different categories, though this contradicts information in the Code and BREEAM pre-assessment report. For example, water efficiency scores reasonably well under BREEAM and CSH but no measures are referred to in responses given in the sustainability checklist. This indicates that whilst appropriate pre-assessments have been undertaken, the conclusions have not been incorporated across the design and planning team which is disappointing.
- 5.52 If the targeted credits in the BREEAM and CSH pre-assessments are achieved, the scheme will address sustainability policy in all its aspects. Many positive measures are referred to; the achievement of these overall standards meets recommended standards set out in SPD08 and addresses Local Plan Policy SU2.
- 5.53 Positive aspects of the scheme include: BREEAM 'excellent'; Code for Sustainable Homes Level 4; communal gas CHP; renewable energy generation: photovoltaic panels; 25% reduction in CO2 emissions; green infrastructure enhancements including tree planting, shrub landscaping and green roof using local seed mix; efficient fabric; energy efficient white good; efficient lighting; sustainable materials; achievement of Lifetime Homes criteria; use of Considerate Constructors Scheme; waste management plan diverting 70% of non-demolition waste is diverted from landfill (student halls under BREEAM) and 85% (residential under CSH); provision of communal composting for use of student halls and residential scheme; water efficiency measures.
- 5.54 Approval is recommended with the following suggested conditions:
- BREEAM Multi Residential 'excellent' with 60% in energy and water
 - Code for Sustainable Homes Level 4 for the residential scheme

Revised comment:

- 5.55 Recommend approval.
A BREEAM 'Multi Residential Pre-assessment report has also been submitted showing how an 'excellent' standard could be achieved. The targeted scoring indicates that the energy section can score 78% and the water section 66%.
- 5.56 These targeted standards meet the recommended scores expected of major development.
- 5.57 Whilst there is little sustainability information submitted to support this application, the overarching policy standards have been addressed.

- 5.58 Approval is recommended with the following suggested conditions:
- BREEAM Multi Residential 'excellent' with 60% in energy and water
 - Code for Sustainable Homes Level 4 for the residential scheme

Sustainable Transport: Comment.

- 5.59 Several substantial issues arise from this application and further work is required for it to be acceptable.
- 5.60 Car parking amounts- No general parking is proposed. As SPG4 general parking standards are maxima this is acceptable provided that there is appropriate provision for sustainable modes and no displaced parking is likely to arise.
- 5.61 The TA states that car ownership will be discouraged by means including the student's tenancy agreements and that there is ample spare parking in the area. However the Council's legal advice is that tenancy agreements cannot be relied on to prevent residents from using cars. Also, local knowledge and public representations do not support the view that spare parking is available locally. The applicants have not submitted parking surveys to establish the facts. The site is outside the CPZ which means that the remedy of preventing residents from buying permits is not available. It therefore seems likely displaced parking will occur and policy TR2 is not met by the application as it stands.
- 5.62 The applicants propose to provide two disabled spaces for the student accommodation. SPG4 does not set any standard for student accommodation but if the use was standard housing or HMO's the requirement would be for 20 spaces. The affordable housing requires an additional space. The proposed provision does not provide for the 6 accessible units or for ambulant disabled residents, visitors or the affordable housing units and is therefore clearly inadequate. The compensations for on-site provision identified in policy TR18 do not apply here e.g. because there are no local off street car parks or shopmobility schemes, and the only way forward other than a substantial redesign would be to seek provision on street. The application does not meet TR18 as it stands.
- 5.63 The minimum requirement from SPG4 is for 68 cycle spaces for the student accommodation and 3 for the affordable housing. The student accommodation plans show 200 cycle parking spaces in the basement but these are very tightly packed and unusable in practice. Revised plans should be required by condition showing at least the minimum provision to an acceptable standard.
- 5.64 Sustainable modes and contributions- The TA appropriately points out that the application site is at an accessible location which is currently being further enhanced by the Local Sustainable Transport Fund (LSTF) measures, and also commits to the preparation of a travel plan. However little positive action to provide for the travel demand created or maximise the use of sustainable modes as required by policy TR1 is proposed. The applicants have acceptably estimated the likely net person trip generations using TRICS and accurately applied the Council's approved contributions methodology to these estimates and this suggests that a contribution of £139,950 would be required. Although it is accepted that the site is accessible there are defects in local transport

infrastructure, the demand for which would be increased by the development, and a contribution would be appropriate to resolve these. Without this the application does not meet policy TR1.

- 5.65 Travel plan- The applicants have submitted a framework travel plan and the final version of this should be subject to approval by condition.
- 5.66 Start and end of term- This includes consideration of the process for managing student movements to and from the site at the start and end of terms. This does require some further work particularly in the light of the site constraints and a more detailed submission on this should be required by condition to avoid local congestion at these times. The additional measures required include the provision of information on routes to the site to new students, more exact arrival timing slots, and desirably the use of an off site holding car park.
- 5.67 Expected traffic impact and highway works- The applicants have demonstrated acceptably that the amount of extra car traffic generated will not give rise to safety or congestion concerns. They have offered to carry out minor improvements around the site entrance including the provision of a footway from Hollingdean Rd. north side from the west of the site and a TRO to create one way working along the full length of Freehold Terrace. This is positive and should be accepted. A more comprehensive minor scheme involving the provision of a 'table top' surface at the western end of Freehold Terrace around the site entrance would have additional benefits but the absence of this does not constitute a reason for refusal. The highway works should be included in a S278 agreement which should be required by a clause in the S106 agreement. The S278 agreement should include provision for the applicants to prepare the material required (e.g. plans) to enable the advertising of the TRO required.
- 5.68 Do not determine pending further work to comply with policies TR1, TR2 and TR18.
- 5.69 Any consent should be accompanied by-
A S106 agreement which would include an appropriate financial contribution and a clause requiring the applicants to enter into a S278 agreement. S278 would include requirement that the applicants prepare Traffic Regulation Order (TRO) material.
- 5.70 Conditions requiring (1) Revised cycle parking arrangements (2) Deletion or redesign of the parking bay for the management suite (3) Travel plan (4) Revised arrangements for the start and end of term.
- 5.71 Addendum to initial comments No objections.
The application is acceptable subject to the enhancements to the S106 agreement described in the main comment. The plans have been revised to exclude the unsatisfactory parking bay for the management suite described in the main comment.
- 5.72 There are clearly issues regarding disabled and displaced parking with this application. However it is noted that car ownership will be lower for students than

for the general population and it will also be discouraged by the parking problems locally revealed by the survey.

- 5.73 The parking problems also suggest that students who want to use cars would choose to live elsewhere if possible. Government guidance indicates that applications should only be refused if they will cause severe problems and this is not clearly the case here. Although this is a marginal judgement there is no evidence that severe problems would arise and on balance the application is considered acceptable particularly as the applicants have taken all the steps which could be reasonably required to minimise the problems.
- 5.74 Approve with the conditions specified in the main comment and the S106 requirement amended to specify (1) A transport contribution of £139,950 (2) A requirement for the applicants to carry out the local transport study referred to in the comments above. (3) An arrangement to offset the cost of approved works arising from the local transport study against the overall transport contribution above.

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
TR4	Travel Plans
TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
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
QD6	Public Art
QD7	Design – Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD25	External lighting
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO8	Retaining housing
HO13	Accessible housing and lifetime homes
EM3	Retaining the best sites for industry
HE6	Development within or affecting the setting of conservation areas.

Supplementary Planning Guidance:

SPGBH4	Parking Standards
SPGBH9	A guide for Residential Developers on the provision of recreational space
SPGBH15	Tall Buildings

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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DA3	Lewes Road
CP3	Employment Land
CP20	Affordable Housing
CP21	Student Accommodation

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan

WMP 3d Minimising and managing waste during construction, demolition and excavation.

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to planning policy for employment sites, new student accommodation, design, amenity, transport, sustainability, ecology and landscaping.

Planning Policy:

8.2 The application site is included within the DA3 Lewes Road Area policy of the City Plan however it does not have a specific policy allocation for employment, housing or student housing. Part of the site (No. 54 Hollingdean Road) is identified in the Strategic Housing Land Availability Assessment (SHLAA) as having potential for housing possibly 18 units. The figure of 18 is a suggested figure based on a high density of 150 dwellings per hectare and its size. In this case, No 54 by itself is 0.12 of a hectare in size. The number of units suggested in the SHLAA sites is indicative and does not take account of the characteristics of the site such as, in this instance, its irregular shape, the enclosure by a very high embankment and restricted access.

8.3 The strategy for the DA3 policy area is to improve further and higher education provision in the area, facilitate sustainable transport infrastructure, secure improvements to the townscape and public realm, deliver inter-connected green infrastructure and biodiversity improvements, improve air quality and deliver developments set out in the policy. It is considered that the proposals would achieve all of these objectives as follows;

8.3 There are proposals in the policy DA3 area for further education provision but as part of providing additional academic facilities there would be a need to enhance the quantity and range of residential provision for students. Policy DA3 proposes 1300 student rooms in the area by 2030; 750 are specifically identified at the Preston Barracks site on the Lewes Road. City Plan Policy CP21 identifies the East Slope at University of Sussex for redevelopment to provide an unspecified net increase above the existing 592 student units. A recent outline application to provide student units which included 2000 units (a net increase of 1408 units) on the East Slope was refused last July under ref: BH2013/04337. A relatively small development to provide 39 student units is currently under construction at Nos. 112-113 Lewes Road (BH2010/01824) which pre-dated the 2013 Submission City Plan. An application for to develop 138 student units was refused at Richmond House, D'Aubigny Road (BH2013/02838) and dismissed on appeal earlier this year. A current application at 119 Lewes Road (BH2014/03300) for a development of 65 self contained studio units intended for students is currently under consideration.

- 8.4 The proposal could provide for sustainable transport measures by providing over 200 cycle spaces subject to a detailed layout. A transport contribution could also be secured towards local sustainable transport measures. The development could improve the townscape by the regeneration of this unsightly group of buildings and could enhance this busy but unattractive corridor. The proposal includes green roof space and renewable energy provision and could improve the air quality in the area by setting the front elevation back from the road frontage and planting trees to reduce the canyon effect for vehicle emissions in particular.

Employment

- 8.5 Policy EM3 of the adopted Local Plan and CP3 of the City Plan are particularly pertinent to this proposal. Policy CP3 section 5 states that unallocated sites in B1 use will not be released to other uses unless the site or premises can be demonstrated to be both redundant and incapable of meeting the needs of modern employment. Where release is permitted the preference would be for alternative employment generating uses or affordable housing that would comply with policy CP20 Affordable Housing.
- 8.6 The whole site currently accommodates 1080 sq metres of industrial floorspace. There is an extant planning permission (BH2012/03557) granted on 8th January 2013 in respect of No.46 Freehold Terrace to redevelop it to provide 254 sq metres B1 floorspace with 8 market flats above. This building is entirely derelict and is evidently redundant. The current proposal would provide 8 affordable housing units for rent to be secured by condition. The other two buildings on No 54 Hollingdean Road comprise a total of 740 sq metres of B1 floorspace.
- 8.7 The criteria for the test of redundancy in policy CP3 para 4.39 includes:
- location
 - quality of buildings
 - site or floor layout
 - accessibility
 - proximity to sustainable transport routes and trunk routes
 - other uses in the neighbourhood
 - cost of demolition/refurbishment against its future value for employment uses
 - the length of time it has been vacant, documented evidence of marketing.

Following a site inspection it was clear that the buildings were not fit for purpose and the various additions over the years has resulted in a very tight and inefficient layout. The various extensions have resulted in uneven floors and parts of the building leak water. The occupiers, One Digital, currently operate from 2 separate buildings on the site. Access into the site is narrow and awkward from Hollingdean Road adjacent to which is the very narrow Freehold Terrace. Large vehicles currently make between 2-6 deliveries a day to the site with difficulty and as witnessed by officers have to reverse into the site from Hollingdean Road. A letter submitted from One Digital has confirmed the above and goes on to state that they have spent money trying to refurbish the

buildings but they still are very costly to run due to heat loss, for example. The company have stated their commitment to staying in Brighton & Hove.

- 8.8 The site does have space on site for 10 parking spaces. In its favour the site is close to trunk routes and sustainable routes however delivery routes to the site require the use of the Vogue Gyratory or from the west navigating under the railway bridge a few metres from the site. One Digital leases the site from its parent company 'Carmichaels' and the redevelopment of this site would enable One Digital to relocate to modern premises. They have identified premises at the Woodingdean Industrial Estate which they would wish to move into in the next few weeks. All 22 of its staff would be retained.
- 8.9 The applicants have submitted marketing information as well as a commercial report which seeks to address the employment policy criteria. There has been some interest in the site including from developers; a national retailer; a car lease firm; a packaging and distribution firm; a research lab and an electrical supplies company. The analysis indicates as stated above that poor access and the poor state of the premises which require significant investment are amongst the reasons for not attracting new occupiers. The marketing evidence submitted indicates that the site is not attractive to new occupiers in its present state. In the present circumstances, the current occupiers could not afford to leave unless the site could be redeveloped to help fund the move. Moving into more modern premises would mean a rise in rent.
- 8.10 The applicants have submitted a viability report which sets out what the cost of refurbishing the current buildings for B1 b) or c) light industrial or high tech floorspace on site would be. In the applicant's opinion, the site would not be suitable for re-use as B1a) offices due to the site's out of centre location which would not achieve a sufficient rental to make redevelopment viable. The report demonstrated that the lower rentals achieved for modern light industrial buildings that could physically be provided on the site with good access and servicing facilities would not be viable given the costs required to refurbish the buildings sufficiently in order to successfully re-occupy them for employment use. It would also not enable the current occupiers planned relocation and nor could they remain on site during redevelopment of the buildings. The occupiers 'One Digital' have provided details of their proposed new premises on Woodingdean Industrial Estate and a potential moving in date. The Planning Policy team have therefore accepted that the existing buildings are redundant and could not be re-occupied economically.
- 8.11 The adopted Local Plan policy EM3 g) has very similar criteria to City Plan policy CP3 section 5 in that the suitability of the site for modern industrial purposes will be assessed by the cost of demolition or refurbishment set against its future value for employment uses. A further viability assessment has been submitted by the applicants which seeks to meet this strand of policy as requested by the Planning Policy team. The report sets out the costs and returns of demolition and redevelopment of a modern B1 business unit on site that would replace the existing floorspace (1080 sq m) and was referred to the District Valuer. The assessment also considered the viability of redeveloping the site to provide replacement plus 50% business floorspace over 3 floors with

parking and servicing. The District Valuer has reported back that in both scenarios the land would have a negative land value and such schemes would make a loss. By providing more business floorspace on site than existing, the losses would be greater since adding a third floor which adds to the costs but would not increase the rental returns per square metre. The Planning Policy team are now satisfied that the applicants have submitted evidence that they have explored the re-use of the site for B1 purposes and found it to be unviable. In respect of the Richmond House appeal the evidence did not adequately demonstrate that retaining an employment use on the premises or on the site had been adequately explored and there had been found to be evidence of interest in the site by a prospective business employer.

- 8.12 Policy CP3 does not require existing *unallocated* employment sites to demonstrate whether the site could be redeveloped as a mixed use site for employment and residential use whilst retaining a proportion of B1 business. As explained in the next section of this report, the potential of sites for housing in the SHLAA did not assume the retention of employment floorspace in a mixed scheme.
- 8.13 At a very early stage of the pre-application process, the applicants did illustrate a scheme which retained 421 square metres of B1 floorspace with car parking and service and delivery space. However, the site is an awkward triangular shaped site located up against a steep embankment which creates difficulties in achieving a satisfactory layout. The business requirements for a modern unit resulted in an early proposal for a 9 storey development with 8 floors of student units above the B1 space in one building built hard up against the embankment in order to still provide servicing and parking for the B1 floorspace. This was considered to be unacceptable by officers due to its height and scale and was not pursued.
- 8.14 The awkward shape and small size of the site would still not have overcome some of the access and circulation issues for deliveries, servicing and parking that are a feature of modern light industrial premises that modern firms require. Any living accommodation above would have had very limited outlook to the north at lower floor levels and opportunities for amenity space for residents, for example, would have been very restricted. The applicants were then advised at pre-application stage that social housing might be an acceptable alternative to mitigate the loss of B1 floorspace if the criteria in policy EM3 g) could be met.
- 8.15 The proposals to provide 8 affordable flats at No. 46 are welcomed instead of the approved private housing scheme. The applicants have stated that the units would all be for rent and not shared ownership and would be made available to a Registered Social Landlord. The affordable units can be secured by planning condition in compliance with Policy CP20 but the type of tenure cannot be conditioned. Whilst the approved scheme in respect of No.46 retained some B1 floorspace, this proposal would provide affordable housing.
- 8.16 An important material planning consideration in addition to policy CP3 is that this application would greatly assist an existing local firm that currently employs highly skilled employees in the production of printed material using digital

technology but who need suitable modern premises to be found generally on the City's modern industrial estates. The proposed development would enable the firm to finance a move to such premises. The firm's commitment to Brighton & Hove is welcome and this is an important mitigating factor to be balanced against the conformity with one strand of policy in respect of not providing employment space on the site. In the circumstances, it is considered that these material considerations would justify an exception to part of policy CP3 part 5 which states a preference for alternative employment generators or affordable housing instead of B1 use, notwithstanding there would be 8 affordable units provided in the scheme.

Student accommodation

- 8.17 City Policy CP21 encourages the provision of purpose built student accommodation provided that:
1. There would be no unacceptable impact on residential amenity such as increased noise and disturbance
 2. High density developments will be encouraged in locations where they are compatible with the existing townscape
 3. Sites are located along sustainable corridors where accommodation is easily accessible to the universities
 4. Proposals should demonstrate that they will not lead to unacceptable increases in on-street parking
 5. Proposal should be safe and secure for the occupants
 6. Schemes should have the support of one of the City's two Universities or other existing establishments
 7. Permanent purpose built student accommodation will not be supported on sites with either an extant planning permission for residential development or sites identified as potential housing sites (i.e. in the SHLAA).
- 8.18 Amenity issues will be discussed later in the report as will the impacts on townscape in the design section. The site is considered to be close to a sustainable transport corridor being the A27 which is a 2 minute walk away. Some of the University of Brighton teaching sites would be within walking distance of the proposed student accommodation. Issues around on-street parking will be addressed in the Transport section. The site would be very secure for the occupants. There would be only one point of entry into the building and two entrances into the site itself which are both from the road frontages. The management suite and laundry would also provide an opportunity for formal and casual surveillance of entries into the site. The railway embankment at the rear would provide obvious security against unauthorised entry or threats to personal safety. Notwithstanding the concerns of Sussex Police, the design would contribute to the reduction of crime and improved safety in this location. Some of the other physical measures suggested by the Police could be secured by condition.
- 8.19 The University of Brighton has lent its support to the proposals and has stated in writing its willingness to enter into an exclusive agreement with the applicants to supply accommodation for its students here subject to planning permission being secured. Due to the type of accommodation proposed, the University have said it is likely that it would be better suited to its undergraduates.

- 8.20 The one area of potential policy conflict is in respect of criteria 7 of policy CP21 that the student accommodation is proposed on a part of the site (No. 54) that is identified as having potential for residential development in the SHLAA. The background to the SHLAA has been discussed in para 8.1 above. Other environmental factors discussed below were not assessed either. The demand for on street parking would also be likely to be greater in a residential scheme than a student development in this location outside of a Controlled Parking Zone where the potential for overspill parking is increased.
- 8.21 The location of the site fronts a heavily trafficked main road and backs onto the railway embankment. It is close to the Centenary Industrial Estate and a supermarket service road as well as the Council Waste depot where numerous Heavy Goods Vehicle trips are made which contribute to the poor air quality. The vicinity of the site in a location where background noise levels are relatively high would mitigate residents concerns about noise and disturbance associated with student accommodation. The limited pedestrian and access routes to the site would also be naturally channelled away from most residential areas which would also mitigate these concerns. The format of student accommodation with smaller rooms around communal areas, allows the building to be more flexibly designed to be accommodated into an awkwardly shaped site such as this one. This has been demonstrated by the proposed design which has a number of articulations in responding to the site constraints.
- 8.22 The Planning Policy team have stated that student accommodation could be considered as an alternative to employment or residential uses subject to and having taken account of, the criteria and other material considerations above and have therefore accepted that on balance that student accommodation could be acceptable on this site in this instance. It is therefore considered that given that the development does meet many of the objectives set out in Policy CP21, these other material considerations set out above could justify an exception to Policy CP21 being made.
- 8.23 In terms of developer financial contributions related to the living occupation, the applicants have offered the full contributions towards open space and recreation arising from this development which would be £266,486. Under the employment umbrella, the applicants have also offered the full contribution of £13,500 towards the Local Employment Scheme as well as agreement to the 20% local employment scheme for construction.

Design:

Affordable block

- 8.24 The design and appearance of the affordable housing block is of a similar character to the adjacent block in Popes Court. The scale and height of the block which is 4 storeys above a basement is appropriate to the general scale of development along Freehold Terrace which is a mix of three and four storey blocks. There is sufficient visual interest in the elevations provided by the roof arrangement, the balconies and the cladding to be acceptable. The proposed

colours would be various shades of light browns and greys and would provide a variety of colour in this location.

- 8.25 The Trespa cladding proposed would provide a very smooth surface but it is durable and can be easily cleaned. It is notable that some of the more recent developments in this road which have a smooth concrete or rendered finish to the upper floors are beginning to discolour. The proposed colours are indicative but would provide a welcome variation of colour in this location to the current dull palette applied to more modern developments along this corridor. The proposed colours would provide a mix of subtle shades green, brown, grey and white or cream which would blend well together and with the natural background by picking up seasonal colours. The building would only be prominently visible from the western entrance into Freehold Terrace whilst the top floor would be obliquely seen in the streetscene from the eastern end beyond Popes Court but would blend in with the townscape here. The building would make efficient use of the site but retains a separation from the woodland behind and thus it is considered that the proposal would comply with policies QD1, QD2 and QD3 of the adopted Local Plan.

Student Block

- 8.26 Policy QD1 states that in areas of drab and uninteresting character the planning authority will expect the opportunity to be taken to introduce new buildings and areas of distinction. The Hollingdean Road corridor and the area around the Lewes Road and Vogue Gyrotory is the type of area that policy QD1 refers to. More recent residential and commercial developments in the last 10 years have done little to enhance the quality or character of the area. The applicants were encouraged not to follow more recent developments at pre-application stage and to avoid the more recent trend to use grey cladding. Whilst there are elements of grey on the affordable block, the new student buildings intend to relate to the backdrop of the trees and the railway bridge featuring shades of green and brown as well as some white and grey tones. Bearing in mind the background colour would change across the seasons, the proposed colour scheme would seek to provide a mix the colours but also provide some vitality to the townscape in contrast to the predominance of dark grey of the Centenary Industrial Estate, the Waste site and other recent developments. The poor quality townscape in this location is diminished further by the poor air quality which results in the elevations of buildings appearing grimy with deposits. This approach to providing a lighter appearance to the building and the variety in colour is welcomed.
- 8.27 The applicants were also encouraged at pre-application stage to provide a focal point for the development which is proposed by the glazed communal facilities at fourth floor level. The Hollingdean Road frontage of the scheme at 3 storeys would respect the scale of the terraces of houses both historic and modern which are 2 and 3 storey and is acceptable. A feature of the 3 storey element of the development is the set back from the site boundary as requested by officers in order to be able to plant more substantial trees which would soften this harsh urban streetscene and would help to improve air quality where road traffic has a detrimental impact. This element of the development would thus comply with design policies QD1 and QD2 as well as QD15 (Landscape Design) and would

contribute to the streetscene and would enhance the experience for pedestrians on this busy thoroughfare.

- 8.28 The scale of the proposed building would rise where set back from the main road frontage so that in longer views it would form the backdrop to the Hollingdean Road streetscene. The south western end of the development would be sufficiently set back from the road frontage and would retain a respectful distance from the railway bridge so that it would not intrude into its presence. The railway bridge is the only architectural feature of interest in the streetscene when viewed to the west with the exception of the former water pumping station closer to the Vogue Gyrotory.
- 8.29 The scale of the building as it rises to fourth, fifth and sixth floor levels would be significant but the impact of its scale would only be apparent from shorter range. Following pre-application discussions, the scale of the development was significantly reduced in order to avoid any intrusion into views from the western side of the railway bridge and the backdrop of the Roundhill Conservation Area. The proposal would not have any impact on the setting of any conservation area thus compliant with policy HE3 of the Local Plan. The railway embankment provides a semi natural screen for the development from the west.
- 8.30 The elevations would be broken up by the series of set backs from Hollingdean Road as well as the central projecting feature and more set backs at the eastern end. The creation of two architectural treatments for the three storey frontage terrace of student units and the main student block also helps to break up the bulk of the development into separate elements. Another design approach for the affordable flats would add a distinctly different design to visually draw distinction between the student units and the flats whilst retaining some shared elements such as the materials.
- 8.31 Viewed from the eastern end of Hollingdean Road the upper levels of the development would be visible above the dwellings on Hollingdean Road and the industrial units on Freehold Terrace. In mid distance views, the 5 storey 'Diamond Court' dominates the roofscape in a discordant manner. In proximity to Hughes Road, the proposed development would become apparent but would be set back from the current One Digital building line which is visible now, thus the proposed frontage would be a discreet element in the streetscene. This would contrast with the very dominant tall metallic industrial sheds of the Hughes Industrial Estate which currently dominate the streetscene from their elevated position overlooking this location. Other potential viewpoints of the development from Bear Road are obscured by a large development of flats, The Bear PH, the Kingdom Hall and the former Pumping Station. It is considered therefore that the proposed design has taken account of longer views in the streetscene and from elevated views in the vicinity and would conform with policy QD4 of the Local Plan and would be acceptable.
- 8.32 The full impact of the tallest elements of the proposal would be seen either from the entrance to Freehold Terrace or from Freehold Terrace looking west. From Hollingdean Road, the 3 storey frontage would obscure the proposed upper floors. Within Freehold Terrace, the streetscene is currently dominated by

Building B and the derelict Building C and some modern housing. Parts of the fifth and sixth floor levels would be seen in these views particularly the projecting element would be prominent from Hollingdean Road in context with the industrial buildings opposite. The development would have most impact here but the location currently has no redeeming qualities except for glimpses of the tree belt in the background and given the modelling of the building and the distinctive elevations, it is considered to be acceptable and would comply with policy QD2 of the Local Plan.

- 8.33 Account has also been taken of the existing 3 – 3.5 metre boundary walls which impose on the streetscene at pedestrian level. The walls are not in a good state of repair and have no aesthetic qualities. The proposal would open up the site which would mitigate some of the impacts that may be felt at close quarters by pedestrians. The opening up of the site in this narrow street would comply with policy QD5 by providing a more attractive thoroughfare which would also provide a sense of security for pedestrians thus conforming to policy QD7.

Secure by design

- 8.34 The proposed site would present a more open frontage to the streetscene but the buildings would have secure entry points. It is considered that there would be benefits from installing secure gates or doors at the sides of the buildings and between the two buildings to prevent access to the rear except from within the building. This would be conditioned.
- 8.35 There are benefits for designing out crime by not surrounding the site with high fences or walls as any intruders could be seen approaching the building either by the occupants or from the public realm by neighbours and passers by. The management suite is also well sited adjacent to the Freehold Terrace entry point for casual observation of the site which would not be possible if a high boundary treatment was applied. A high boundary treatment would also counter the benefits for future air quality described elsewhere in this report. Both buildings would have multiple windows at the rear to enable casual surveillance of those parts of the site hidden from public view. The railway embankment would also provide an imposing physical barrier to deter potential intruders from accessing the site from the rear.
- 8.36 There have been concerns raised by objectors that the out of hours site security would be covered by student welfare officers. This is referred to in the Student Management Plan. It is not considered that this would be appropriate especially given the neighbour concerns about noise and disturbance and that regular full time security should be provided. The applicants have now agreed in writing to provide professional 24 hour security on site which has been incorporated into the draft Student Management Plan to be agreed as a condition of any consent.

Landscaping:

- 8.37 The proposal would provide landscaping along the Hollingdean Road frontage set back behind the site boundary as referred to in this report. In addition, there would be opportunities for landscaping in front of the main building entrance and there are areas of rooftops in the student block where roof gardens are proposed at third, fourth and fifth floor levels where landscaping is proposed.

This would help to soften and break up the elevations and would enhance the streetscene. By including space within the development proposal for a good landscaping scheme the overall landscape scheme is considered to be acceptable in principle and would comply with policy QD15. The Arboriculture Officer has no objections to the proposals and has recommended that some of the self seeded growth on top of or within the boundary walls at the rear should be removed as well as overhanging branches. The existing trees on the embankment to the rear of the site are all on land in the ownership of Network Rail who have not objected to the proposal but it would seek a buffer strip so that maintenance of the proposed buildings can be achieved without access to Network Rail land. The proposal would allow this.

Impact on Amenity:

- 8.38 One of the main potential impacts on amenity arising from the proposals could be on the existing flats in Popes Court adjacent to the proposed affordable flats. The footprint of the front and rear of the affordable block would be aligned with the existing building so there would be no additional impact on outlook or daylighting. Following amendments to the submitted proposals, some small balconies at the rear of the proposed flats have been removed from the scheme. They could have given rise to privacy concerns for flats at the rear of Popes Court which have side west facing windows facing the proposed development. The upper floors of the student block would have an easterly outlook but the distance and the 90 degree angle of view would not impact on the privacy of windows which face north and south. There are therefore no issues of outlook, privacy or daylight for Popes Court occupiers that could be substantiated notwithstanding that there have been some objections raised. The nearest properties to the site on the south side of Freehold Terrace are in industrial use and would not be affected by loss of daylight or outlook.
- 8.39 The other properties that could be affected are the rear elevations of dwellings on the north side of Hollingdean Road and the front elevations of dwellings on the south side of Hollingdean Road which face the site. In the case of the latter, there are no privacy concerns. The three storey student block would be 15 metres away and would have oriel windows whilst the closest window of the upper floors of the student blocks would be 20 metres away and would not directly overlook the dwellings but face south east. Any outlook from the top floors would be obstructed by the proposed 3 storey student units.
- 8.40 The other potential privacy issue would be from the studios in the central projecting bay to the back of properties on Hollingdean Road. Each studio would have a south east facing window. The left hand window (viewed from the dwellings) faces directly onto the rear of No. 52 Hollingdean which is part of the development site. There would be no residential occupation of No. 52. The left hand window would have an angled view towards the dwellings and does not afford any direct views into windows. The nearest (bedroom) window of No. 50, the nearest dwelling, would be 9.5m away. The main rear elevations of this dwelling would be 16.5m away.
- 8.41 The student units have three outdoor roof terraces. At third floor roof level, the landscaped roof area would be set back 3 metres from the building line and

thus the nearest windows on the opposite side of Hollingdean Road (Nos. 97-105) would be 18 metres away. It is not considered that there would be any demonstrable loss of privacy as a result but a condition could be recommended to request details of the layout of the landscaped garden and parapet heights to minimise any possibility of privacy concerns.

- 8.42 The fourth floor level roof garden is also at the south western end of the building but is predominantly set back to the rear of the building so that only a very small area would be as close to neighbouring dwellings as the third floor.
- 8.43 The fifth floor roof garden would be at the south western end of the building and would have direct views across to the car sales yard opposite and more oblique angled views to the same residential properties from 18 metres away at least. It is considered therefore that in this urban context of tight urban densities with terraced dwellings built close to each other, that the roof gardens would be acceptable and that any loss of privacy would be negligible. It is notable that there have been no objections from the occupants potentially affected at Nos. 97-105 Hollingdean Road.
- 8.44 Neighbours have raised concerns about the potential for noise and disturbance from the student occupation. The submitted student management plan sets out how the intended management company are board members of the Code for Standards for privately owned/managed student accommodation blocks. The Accreditation Network UK (ANUK) has been established with the backing of The Department for Communities and Local Government (DCLG) to ensure high standards. This scheme would be registered with ANUK. The applicants have agreed to provide professional 24 hour security employed to ensure that nuisance to neighbours for example is minimised and for response to emergency situations. From the correspondence received, noise and disturbance is a serious concern for residents. Given the isolated nature of the site with no through routes, it would be easier to link any noise nuisance to the occupants if it were to take place and be acted upon provided that there is late night security on duty.
- 8.45 The Environmental Health Officer has commented that the student management plan refers to controlling onsite noise and kerbing anti-social behaviour but little reference is made to impact on other adjacent uses such as housing and flats. It is strongly recommended that the document is revised making it tailored to the specific site and noise escape and control of open areas. It is considered that noise from amenity areas of the proposed development can be controlled or mitigated by controlling the hours of use of external amenity areas. The hours of use of the roof terraces which are considered to be permissible no later than 10pm can be controlled by incorporation into the Student Management Plan. The student management plan can be revised as a condition of any consent before occupation and made subject of an annual review for the first five years of occupation. The applicants have offered to liaise with local residents and it is considered that this could be formalised so that local resident reps, student reps and management of the student units should meet on a regular basis to discuss issues and find mutually acceptable solutions to any problems that arise. The applicants have agreed to

attend residents' liaison meetings every two months for at least a year after occupation with the frequency to be reviewed thereafter.

- 8.46 The applicants have assessed the potential impacts on daylight and sunlight to adjoining properties in accordance with the Building Research Establishment (BRE) Guidelines. With reference to the sunlight levels to existing properties, the rear of dwellings opposite the site at Nos 48 and 50 Hollingdean Road have north facing windows which are more than 90 degrees away from the south and so loss of sunlight would not be an issue. The same would apply to the front windows at Nos 97 – 105 Hollingdean Road on the south side of the road where the windows face more than 90 degrees to the south.
- 8.47 In respect of the daylight levels before and after to front windows in Nos. 97-105, the existing windows facing onto Hollingdean Road enjoy generous levels of daylight measured by Vertical Sky Component (VSC) of above 33% where 27% would meet the BRE Guidelines after which a reduction in daylight might be noticed. Following the proposed development, the daylight levels to windows on the front elevation would drop to between 21 and 23% VSC. This would still provide an acceptable level of daylight. The biggest impact would be on the western most dwelling (No.105) but as the front lounge and bedroom above are served by side windows as well, the daylight levels would be acceptable.
- 8.48 Average Daylight Factor (ADF) measures the proportion of the floor area where the sky would be visible and takes account of the relative window size and room floor area. All of the rooms affected would still achieve the minimum ADF levels for bedrooms and lounge areas. Dwellings in the middle of the terrace would have the larger reductions with the ground floor of No. 103 being the largest at 30% or 0.7 times its former value. BRE guidelines suggest that 0.8 times its former value would be acceptable before the difference would be noticed by the occupier. It is considered that in this urban context, these resultant daylight levels would be acceptable and would not result in demonstrable harm to daylight in those dwellings opposite. None of the occupants have objected to the proposals on these or any other grounds.
- 8.49 The other two dwellings potentially affected are Nos. 48 and 50 Hollingdean Road, the rear elevations of which face onto the development site. The ground floor windows in the outrigger at the rear of No 50 do not serve habitable rooms. Only one window would be significantly affected but is one of two which serves this very small room. The back room in the main house already has very low VSC level of 9.65% and would lose 10% of this daylight. The back room in the outrigger at first floor level is served by two windows but the north facing window would be affected significantly but not the east facing window. In terms of the ADF levels for these rooms, the two north facing rooms in the main part of the building currently have very low ADF levels below 1.0 which is acceptable for a bedroom would still retain 0.8 times their previous values. The other window serving a habitable room would still retain an acceptable ADF value and would still be more than 0.8 times its former value.
- 8.50 No. 48 has two habitable rooms at ground floor and the same above. The ground floor windows have low existing VSC levels already significantly below

27% but would lose more than 20%. The same would apply to the first floor windows. The first floor windows would still achieve a satisfactory ADF level in excess of 1.0 but the two ground floor windows would fall below. One of the ground floor windows serves a kitchen.

- 8.51 It is considered that on balance the majority of windows in the neighbouring properties tested would not suffer unacceptable losses and therefore those windows most affected would not be affected to such an extent that the whole development would become unacceptable. On balance the benefits of the development would outweigh concerns about the loss of daylight in a handful of cases. The proposals would therefore on balance comply with policy QD27 in respect of impact on daylighting and sunlight.
- 8.52 It is apparent that the location of the site is likely to expose new residents to elevated levels of noise from both road traffic and that of the railway line which passes adjacent the site in a South West-North East direction. A study with two monitoring positions has characterised the site and deemed that a degree of intervention is necessary to protect the end users of the site which would be applicable at all storeys.
- 8.53 After submission, the applicants carried out a noise assessment within amenity areas as requested. Three specific amenity areas were identified on the 3rd floor, the 4th floor and the 5th floor which have a noise exposure as ranging from 52-56dB LAeq, 16 hour. BS8233:2014 states that for traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments.
- 8.54 World Health Organisation Guidelines on community noise dated 1999 suggests that moderate annoyance for outdoor living spaces begins at 50dbLAeq, 16 hour with serious annoyance at 55dB, LAeq, 16 hour. Whilst the levels indicate that such spaces might not offer tranquil living, it should be recognised that the site is in fact located next to a main road and a railway line in a high density urban setting which it is accepted could not provide tranquil living.
- 8.55 The applicants have submitted further information based upon their monitoring related to the noise impacts on potential end users. A table of requirements in order to mitigate potential impacts from road and rail noise has been submitted which the Environmental Health Officer is satisfied with and has requested a condition to ensure that the measures which relate to windows and trickle ventilation are implemented.
- 8.56 Similarly, there are a number of uses which can often conflict with normal living. In particular, with the basement uses, it is noted that lifts, refuse areas, a plant room and a common room are all located below bedroom units and as such will require an enhanced level of sound proofing to ensure that the new occupiers are sufficiently protected against noise. Whilst it is recognised that part E of the Building Regulations exists, such mixed uses will require a level of protection above and beyond this and may be secured via a condition.

- 8.57 Such a site will inevitably have construction site noise, deliveries etc and for this reason it is strongly recommended that a Construction Environment Management Plan (CEMP) is secured through a S106 Agreement.
- 8.58 There are no details of a lighting plan to ensure that no adverse impacts result on the general amenity and on the amenity of adjoining residents. The Environmental Health Officer has requested a suitably worded condition which would ensure that the Institute of Lighting Engineers Guidance on reducing obtrusive lighting would be adhered to.
- 8.59 A resident living near London Road Station on Springfield Road raised an issue about the protection of an existing historic cast iron lighting column dating from the 1930's which is on the highway directly in front of the site. A group of residents near London Road have been hoping that an opportunity may arise to relocate the lamp column to replace some that were removed in the past. This has been followed up and the applicants indicated that they might be prepared to fund the relocation. However, the Council's Street Lighting team are unable to respond to many such requests as there are issues around which districts should get preference over others. In this case neither the existing site nor the proposed site is in a conservation area. There are also risks associated with trying to remove a column without it fracturing due to its age and brittleness and whether it could be safely installed in a new location. The better option appears to be to leave lamp columns in situ where the nearby residents can appreciate its historic character and design whilst they still function.

Sustainable Transport:

- 8.60 The proposed site is close to a sustainable transport corridor being the Lewes Road which provides excellent bus services to the Faculties of both Universities. The University of Brighton's Mithras House and Watts Building are within easy walking distance and the other buildings including the main campus at Falmer are on direct bus routes. The new 50U bus service which goes to the Universities of Sussex and Brighton would pass directly by the site.
- 8.61 The proposal does not include any standard parking spaces for the affordable units. Parking standards are stated as a maximum and their provision is not a requirement under SPG4 standards except there is a requirement to provide one disabled bay for the flats.
- 8.62 The general parking standards for HMO's outside a Controlled Parking Zone, which this is, would be 1 per 2 units. These standards are stated as a maximum so there would be no requirement for on site parking. This standard is not considered appropriate for student parking due to economic and practical circumstances. The vast majority would not need a car due to their close proximity to Faculty facilities, shops and services and very good public transport services and the cost implications of keeping a car. The applicants have submitted some car usage evidence for students which suggests that 26% of student households in the City have access to a car which includes those who share a house and are given lifts but do not own a car. In areas like this where there are considerable parking restrictions and excellent public transport; car ownership would be a less attractive option to the occupiers. The Planning

Authority has not sought on site parking for student accommodation on any other recently approved development proposals.

- 8.63 There would be two disabled parking bays for the proposed student units provided. There are no parking standards for student units in SPG4 but if student flats are to be likened to Houses in Multiple Occupation (HMO) in character then 20 disabled bays would be required at a ratio of 1 in 10. The applicants have sought guidance from the University to find out what proportion of students require disabled parking bays in general but also what the University's strategy is for accommodating disabled students in relation to their Faculty and the University's accommodation stock. The University have responded that it is rare that disabled students require a parking space but if they do, they can be accommodated in purpose built accommodation where a parking bay is available. The University of Brighton have provided evidence that only 0.4 % of their registered disabled students who live in student halls require a parking space which is actually 7 students in total.
- 8.64 Whilst the scheme provides 6 accessible rooms, this could mean that less than 2 students would require a disabled parking space. The applicants however submitted a draft plan which proposes how 6 on street disabled bays could be parked near the site. The on street spaces would also be available to the any person with the appropriate parking permits. At this stage these proposals are the basis for discussion with the Highway Authority before the necessary Traffic Regulation Order was advertised but the applicant's proposals are welcome.
- 8.65 The proposed parking bay behind the management suite at No. 52 Hollingdean Road was considered to be substandard by the Transport Officer and has been removed from the scheme.
- 8.66 Concerns from residents and the Transport Officer have raised the issue of potential overspill parking from students and residents as well as congestion and parking on street. The applicants have therefore carried out an on street parking survey within 200m or a two minute walk from the site. Surveys were carried out on successive midweek nights 30th September/1st October between 00.00 – 01.00 hours and at 09.00 – 12.00 on 30th September when on-street parking would be at a peak. The results revealed that on street parking spaces at night were at 97% capacity whilst the morning capacity was at 78%. There are different considerations for how this information could be taken into account. One interpretation is that the on street parking is at capacity and therefore a development which would result in further pressure would be unacceptable. This could have implications for future development in the vicinity. A more pragmatic interpretation is that students in particular would be less likely to bring cars into this urban area since there would be very few on street spaces to leave them and they would not need a car to get about. This is the viewpoint of the applicants. The applicants have quoted the results of the 2012 National Travel Survey by the Department for Transport which showed that students are amongst the biggest users of public transport making an average of 170 trips per person, per year. The Transport Officer has accepted the findings of the survey and the interpretation.

- 8.67 The applicants have agreed to provide the full commuted sustainable transport contribution applicable towards improving sustainable transport in the area which would be £139,950. Part of this could be spent on providing additional on street disabled parking bays. There have been concerns raised by existing neighbours about the lack of facilities for parking for existing residents with mobility difficulties. This could address those concerns as well. Better enforcement of existing parking restrictions by the City Council would help and clearer signing and road markings of existing restrictions can be made by the Council. Many of the residents concerns centre around dangerous and illegal parking in Freehold Terrace and better enforcement would help this. The existing occupiers of the site have parking on site for employees as well receiving regular deliveries including using large lorries. The change in occupation would reduce the number of trips to the site by employees and there would be no need for as many large delivery vehicles which are required to make dangerous manoeuvres in and out of the site. Students would be prevented from bringing a car onto the site or in the vicinity. This will feature in the student management plan which sets out the restrictions on student parking. It is considered that the applicants have sought to satisfy policy TR1 of the adopted Local Plan.
- 8.68 The Transport Officer has put forward a series of sustainable transport measures which could be implemented within the vicinity using the transport contribution:
- 1) The provision of additional on-street parking and alterations to parking to increase disabled and residents' provision if necessary by reducing commuter parking
 - (2) An improvement scheme for the Hollingdean Rd./ Freehold Terrace junction which would include a 'table top' or similar feature at the application site access and improves provision for pedestrians and cyclists
 - (3) Environmental improvements on the remainder of Freehold Terrace
 - (4) A new bus stop in Hollingdean Road near to the site and the provision of a real time information display within the development
 - (5) Improvements to footways in the south of the Hollingdean area or
 - (6) Completion of local sustainable transport works in the Lewes Road corridor near the application site.
- 8.69 The provision of more than the required cycle parking provision in a secure location would also contribute to encouraging future occupants of both the student and flat units to use sustainable transport. The location of the site in relation to University Faculty buildings and sustainable transport routes would comply with paragraph 34 of the NPPF.
- 8.70 The applicants have submitted a Student Management Plan which includes details for managing arrivals and departures at the beginning and end of terms. The management company that would be used are experienced in student accommodation. The applicants would be required to provide a Travel Plan which from their experience would provide travel and transport information in advance for students and include a travel pack for occupants. Information on

secure cycle parking would be included. On arrival days, students would be asked in advance to notify the management of an arrival time and date. Staff would be available to help with dropping off and luggage. Luggage can be unloaded and held in secure facilities near the reception whilst vehicles are moved off the site. Meet and greet events would be held in conjunction with community Police and Fire Service personnel to explain the facilities, the area and good neighbour relations and acceptable behaviours. Moving out would be similar in procedure but would be less concentrated over time.

- 8.71 The applicants would enter into a S106 agreement to provide a commuted sum towards sustainable transport as well entering into a S278 agreement and in turn produce design proposals under the Traffic Regulation Orders (TRO) to provide off site local measures for improving and enhancing traffic management, the public realm and pedestrian safety in proximity to the site.
- 8.72 It is considered therefore that with suitable measures in place, concerns over parking and traffic management could be addressed and mitigated.

Sustainability:

- 8.73 The proposal would meet all of the requirements in Policy SU2 and SPD 08 as set out in the Sustainability Adviser's comments above thus demonstrating a high standard of efficiency in the use of energy, water and materials. The guidance in SPD 08 is that developments should achieve Code for Sustainable Homes Level 4 and that the scheme should achieve 60% in energy and water within an overall BREEAM Excellent rating. The energy section has been revised in the light of the Sustainability Adviser's comments so that 60% in energy could be achieved. The list of positive aspects of the scheme are set out in the Adviser's comments are repeated above in Section 5. Whilst the proposed number of cycle spaces for the student units is to be confirmed subject to a satisfactory layout and design, it is likely given the floor area that the spaces will comfortably exceed the required number of 68 which is a further positive aspect.

Ecology/Nature Conservation:

- 8.74 The County Ecologist has confirmed that it is unlikely that there would be significant impacts on any Site of Nature Conservation Importance (SNCI) or any other sites designated for their nature conservation interest. The site has minimal biodiversity interest as can easily be seen from an initial inspection.
- 8.75 The main opportunities for wildlife exist in the broad leaf woodland around the back of the site. The Ecologist has requested conditions preventing demolition works outside of the nesting season and checking for nests before the two trees marked for felling are cut down. To minimise the impact of lighting on bats, a sensitive lighting scheme would be required to be submitted for approval by condition.
- 8.76 The Ecologist does not require mitigation works for the development itself but conditions requiring enhancement works should be added however it should be taken into account that as the existing mature trees around the site are in the ownership of Network Rail, the applicant cannot control whether certain enhancement works could be implemented so a condition cannot be imposed.

The proposed tree planting and green roofs will however enhance opportunities for biodiversity and this should be conditioned. The proposals are satisfactory and would meet the requirements of policy QD17 of the adopted Local Plan and SPD11.

Waste Management:

- 8.77 A Site Waste Management Plan Progress report has been received since submission of the application. At this stage it includes targets for the re-use and recycling of waste. Sections of waste data need to be completed as any construction progresses. The document would need to be updated in more detail and become a working document as the construction process take place and this could be conditioned.

Other Considerations:

Land contamination:

- 8.78 Contamination reports have been submitted and reviewed by the Environmental Health Officer. A desk study and a phase 2 intrusive site investigation have been carried out. Further works are needed since the report authors did not necessarily have sight of the proposed final build. The Environmental Health Officer considers that clearly further work is needed to sufficiently characterise the site with a view to ensuring that end residents are protected and that no new pathways are created, as the land is known to have had a number of uses, all with the potential to have caused localised contamination. The most concerning is the former gas works from 1875 to 1910 inclusive as such uses often had a number of contaminants as by-products. It was noted also within the phase 2 survey that one of the boreholes never managed to prove the depth of the made ground which is cause for concern. In acknowledging that further works are necessary, the further investigations can be managed via a condition. The specifications for what should be included in the works are set out in Section 5 under the Environmental Health Officer's final comments.

Air quality

- 8.79 It has been reported previously in related sections of this report that the Air Quality Officer within Environmental Health does not have any concerns about the impact of the development on air quality and indeed that the proposed development is likely to result in a marginal improvement due to the new buildings being set back from the site boundary with amenity space between living quarters and traffic emissions, the removal of the wall parallel with Hollingdean Road and slightly less traffic emerging from the site. It is considered that whilst the tree planting may not absorb and reduce Nitrogen Dioxide (NO₂) significantly but it would certainly enhance the visual environment and foliage can provide additional surface area for the deposition of particles. Gaps between trees, buildings and roofs can also increase the likelihood of funnelling of fresher air and can help to avoid the creation of an enclosed street environment where traffic emissions can become concentrated.

9 CONCLUSION

- 9.1 The proposed development has taken account of the character and scale of existing development in the local area and has responded to the variety of heights and densities of neighbouring development in the streetscene. The 3 storey units on the site frontage would be set back to respect the scale of the terraces of houses fronting Hollingdean Road. The heights of the proposed building at the rear would rise towards the middle of the site where the impacts on the streetscene and wider viewpoints would be minimised and hence would also be acceptable. The design of the building which features a variety of heights and is considered to display a welcome degree of articulation would provide visual interest to the elevations and streetscene and would be acceptable in design terms. The proposal would thus comply with policies QD1; QD2; QD3 and QD4 in this respect.
- 9.2 The materials and suggested colour scheme would add vitality to the general streetscene and local townscape which is uninspiring at present. The area is not in a conservation area and there are no buildings of architectural or design interest nearby whose setting could be harmed thus the development would enable a more distinctive building to be introduced into an area of very limited architectural character. The colour scheme has been toned down from earlier iterations and would provide a more subtle palette of colours which would be more coordinated but would still meet policy QD2 by introducing a building of distinction in this location.
- 9.3 The City Plan DA3 policy area is identified as a suitable location for student accommodation and it is close to sustainable transport provision and the location of the site in a mixed use area would help to minimise any potential noise and disturbance and thus complies with the majority of criteria in policy CP21. The proposal has the written support of the University of Brighton who intend to sign an exclusive agreement for its students to occupy the student accommodation. The provision of 2 disabled bays for student accommodation is considered to be acceptable as it has been confirmed that only a small minority of the University's registered disabled students actually have need of a car. Concerns about other overspill car parking can be addressed by the Travel Plan and the Student Management Plan but the survey results indicate that since there are few opportunities for on street parking, it is considered unlikely that students would bring a car into the area or would need a car given the site's proximity to sustainable travel routes and is within easy walking distance of some of the Faculty buildings. The survey evidence submitted about student access to a vehicle in the City would seem to support this view. In conjunction with the requirements for the applicants to fund sustainable transport measures within the S106 contribution sought, it is considered that the proposal would meet policy TR1 and other Transport policies.
- 9.4 From the correspondence received, noise and disturbance resulting from student occupation is a serious concern for residents. Given the isolated nature of the site with no through routes, external noise nuisance linked to the occupants would be mitigated and if it were to occur on site can be acted upon by the 24 hour security. The hours of use of the roof terraces would be

controlled by condition and incorporated into the Student Management Plan. The requirement for regular liaison with residents and on site management would enable residents concerns to be directly addressed than from private student dwellings. It is considered that in this respect these measures would mitigate the residents concerns and proposals would be compliant with QD27.

- 9.5 The other potential amenity impacts relate to the loss of daylight and concerns about privacy mainly due to the central projecting element of the student block. Some windows on the back of Hollingdean Road properties would have resultant daylight levels below those recommended BRE guidelines but not significantly below and on balance it is considered that the overall benefits of the scheme would outweigh these concerns. The physical impact of the projecting element on the rear of these dwellings would be mitigated by its narrow frontage onto Freehold Terrace (8.5 metres) and the loss of the existing large buildings on site. The removal of the existing boundary wall would also open up the site more and mean that the streetscene would feel less enclosed. There are other benefits to the scheme such as the redevelopment of this unattractive and partly derelict site, the introduction of more trees on the street frontage, the potential improvement of air quality and the enhancement of the streetscene. The development would also meet all of the Council's Sustainable development policies and guidance under Local Plan policy SU2 and SPD 08.
- 9.6 The applicants have submitted a viability assessment which demonstrates that replacing the current obsolete light industrial units with modern business units would not be viable under the two scenarios tested. This has been verified by the District Valuer and therefore whilst some of the requirements of adopted Local Plan Policy EM3 and City Plan policy CP3 would not be met by providing mainly student housing, the proposals are considered to be acceptable on balance as an exception to policy. It is considered therefore that whilst the proposal does not meet all of the Council's employment policies, this exception would be justified by enabling a local firm to move to modern premises in the City and to retain its entire staffing levels.
- 9.7 The proposed development of student accommodation on site is considered to be acceptable in this instance as an exception to policy CP21 as an alternative to residential on a site which has potential for housing under the Strategic Housing Assessment. There would though be 8 affordable residential units provided however on No. 46 Freehold Terrace. This is a finely balanced recommendation but it is considered that there are more benefits arising from the proposals than there would be harm caused to the policy objectives of retaining employment land and that on this site, the acknowledged need for purpose built student housing can be permitted instead of the alternative need for general housing.

10 EQUALITIES

- 10.1 All parts of both proposed buildings will be accessible by all users and visitors and there are 6 accessible rooms proposed within the student accommodation. The affordable flats proposed will conform to Lifetime Homes standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- Construction Training and Employment Strategy including 20% of demolition and construction jobs for the development sourced from Brighton & Hove.
- Public Art Contribution on site £29,700
- Sustainable Transport Contribution £139,950
- Open Space, Sport and Recreation Contribution £266,486
- Local Employment Scheme Contribution £13,500
- Prior to commencement of the demolition phase, a Construction Environmental Management Plan (CEMP) to be submitted to and approved in writing by the LPA. The CEMP shall require the developer to facilitate a monthly meeting during demolition and construction for adjacent residents/occupiers, unless an alternative schedule is agreed in writing with the Director.
- Considerate Constructors Scheme
- Prior to commencement of development, the need to enter into a S278 Highways Agreement (under Highways Act 1980) for the highway works required. Requirement for the highway works to be fully implemented prior to first occupation of the building.
- Requirement to fund all necessary Traffic Regulation Orders.
- Prior to commencement of development, the applicant must have entered into a contract for sole occupancy of the student accommodation with a higher education provider.
- A restriction on the occupation of the student accommodation to only those attending full time academic courses at one the City's two Universities or other existing educational establishments within Brighton & Hove.
- Student Accommodation Management Plan to be submitted and agreed prior to first occupation, to include details of student management, the written agreement of both the Higher Education establishment and the Student Management Company to the management principles, attendance by the same at Local Action Team meetings, number and type of staff, 24 hour security arrangements, move in move out strategy, location of a smoking area and hours, monitoring and management of all the amenity areas (usage no later than 10pm). The Plan shall be subject to annual review for the first 5 years following agreement.
- Travel Plan

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
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Site Location Plan	DMHS/2528 41.3/1		19.05.14
Site Plan	13-1388/02	B	26.09.14
Topographical Survey	13-0201		19.05.14
Existing Plans	13-1388/20	B	13.10.14
Existing Site Elevations	13-1388 P20-1		19.05.14
Existing Plans and Elevations	13-1388-41	C	13.10.14
Lower Ground Floor Layout	13-1388/03		19.05.14
Ground Floor Layout	13-1388/04	B	26.09.14
First and Second Floor Layout	13-1388/05	B	26.09.14
Level Three Layout	13-1388/06	B	26.09.14
Level Four Layout	13-1388/07	B	26.09.14
Level Five Layout	13-1388/08	B	26.09.14
Roof Level Layout	13-1388/09	B	26.09.14
Street Elevations (B&W)	13-1388/10	D	26.09.14
Street Elevations (Colour)	13-1388/10	D	26.09.14
Elevations - Rear Elevation with Embankment (B&W)	13-1388/11	D	26.09.14
Elevations - Rear Elevation with Embankment (Colour)	13-1388/11	D	26.09.14
Proposed Plans No.52	13-1388/21	B	26.09.14
Sections A-A and C-C	13-1388/12	C	26.09.14
Sections B-B and D-D	13-1388/13	C	26.09.14
Affordable Elevations	13-1388/40	D	26.09.14
Elevations - Rear Elevation without Embankment (B&W)	13-1388/43	D	26.09.14
Elevations - Rear Elevation without Embankment (Colour)	13-1388/43	D	26.09.14
Street Elevations (Key)	13-1388/44	A	26.09.14

11.3 Pre-Commencement Conditions:

- 3) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001;
and, unless otherwise agreed in writing by the Local Planning Authority,
 - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme

shall include the nomination of a competent person to oversee the implementation of the works.

(ii) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:

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

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

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

4) Prior to the commencement of development details of the proposed means of foul and surface water sewerage disposal shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

5) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

6) 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 including external gates and doorways and access points to the back of the buildings hereby approved. The boundary treatments shall be provided in accordance with the approved details before the building is occupied.

Reason: To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to enhance site security and to comply with policies QD1, QD7, QD15 and QD27 of the Brighton & Hove Local Plan.

7) 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) The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.

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

9) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4 for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

10) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until 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.

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

Reason: To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.

12) No development shall commence until a scheme for the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

13) The glazing conditions and ventilation requirements shall be implemented in accordance with table 7 of the applicants Applied Acoustic design report dated 3rd October 2013 reference 13448/001/mb-Rev A and will apply to all storeys of the development hereby approved.

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

14) No development shall commence until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

15) No development shall commence until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

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

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

17) No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for [eg crossover, pilings] has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.

Reason: To ensure 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.

18) 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 follow the applicant's submitted recommendations in the "Extended Phase 1 Habitat Survey" and 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.

19) 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.

20) 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.

21) No development shall take place until details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall also take account of the recommendations in the applicant's submission "Extended Phase 1 Habitat Survey" and accord with the standards described in Annex 6 of SPD 11. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties, to increase the biodiversity of the site and to mitigate any impact from the development hereby approved and to comply with Policies QD17, QD25 and QD27 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation.

22) The Residential Development shall not commence until a scheme for the details of the provision of the 8 Affordable Housing units hereby approved 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:

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- i. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the student housing;
- ii. the arrangements for the transfer of the affordable housing to an affordable housing provider;
- iii. the arrangements to ensure that the affordable housing remains as affordable housing for both first and subsequent occupiers of the affordable housing;

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 policies EM3 of the Brighton & Hove Local Plan and CP3 of the City Plan.

23) The affordable housing units hereby approved shall be completed and be ready for occupation prior to completion of the student units hereby approved.

Reason: To ensure the provision and retention of an appropriate amount of affordable housing in accordance with policies EM3 of the Brighton & Hove Local Plan and CP3 of the City Plan.

24) 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.

25) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

26) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

27) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been

submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

28) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

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

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

11.4 Conditions in perpetuity

30) 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.

31) 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.

32) 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.

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

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

Informatives:

1. 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:-

It is considered that the proposed development is consistent with the objectives of the strategic allocation set out by policy DA3 of the Submission City Plan. The development would introduce a building with distinctive character featuring a variety of heights and a welcome degree of articulation to provide visual interest to the elevations and street scene and would be acceptable in design terms. The development would contribute to the regeneration of this site and provide purpose built student accommodation which has the support of one of the City's Universities. The retention of the site has been found to be no longer economically viable for light industrial use but the development would enable the existing occupier to relocate within the City to a new purpose built business park in the City. The development of student accommodation as an alternative to residential on site is considered to be acceptable in this instance as an exception to policy.
3. The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
4. The applicant is advised that details of the BREEAM assessment and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org and www.breeam.org/ecohomes). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable

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Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).

5. The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
6. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (1995)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: ehlpollution@brighton-hove.gov.uk website: www.brighton-hove.gov.uk).
7. The applicant is advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk
8. As the application site is adjacent to Network Rail's operational railway infrastructure, Network Rail strongly recommends that the developer contacts its Asset Protection South East team at: AssetProtectionSussex@networkrail.co.uk prior to any works commencing on site and signs up to an Asset Protection Agreement with them. This will enable Network Rail engineers to review the developments design and construction details, which in turn will help to ensure the safety of the operational railway. More information can also be obtained from its website at www.networkrail.co.uk/asp/1538.aspx.
9. You are advised by Network Rail that the applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least 2 metres (3m for overhead lines and third rail) from Network Rail's boundary. The reason for the 2m (3m for overhead lines and third rail) stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant.

ITEM B

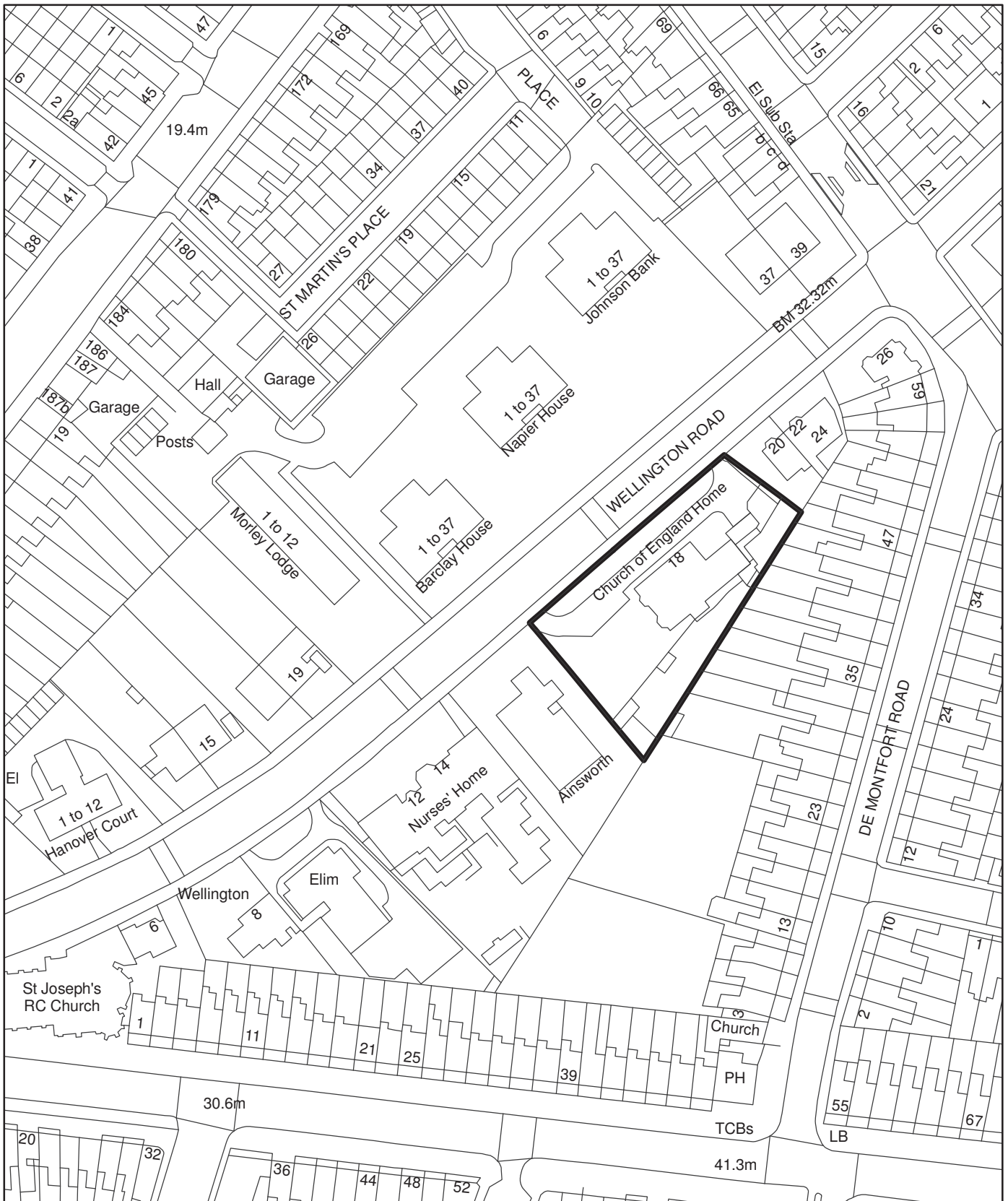
18 Wellington Road, Brighton

BH2014/03387

Removal or variation of conditions

10 DECEMBER 2014

BH2014/03387 18 Wellington Road, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2014/03387	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Removal or Variation of Condition		
<u>Address:</u>	18 Wellington Road Brighton		
<u>Proposal:</u>	<p>Application for variation of conditions 28 and 29 of application BH2011/03796 (Application to extend time limit for implementation of previous approval BH2008/03248) to allow for changes to the wording of both conditions. Condition 28 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan. Condition 29 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.</p>		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	10 October 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 January 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road, Brighton BN1 5PD		
<u>Applicant:</u>	Baron Homes Corporation, C/O Lewis & Co Planning, 2 Port Hall Road, Brighton BN1 5PD		

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 property to which the application relates is situated on the south-east side of Wellington Road at a point approximately 50m from the junction with Franklin Road. The building once contained a Church of England Children's Home. The site comprises 0.2 hectares of land.
- 2.2 The existing building is a large attractive detached Victorian Villa. The former extensions to the north of the main building have been demolished since approval of the 2008 application. There are two existing vehicular access points with a tarmac driveway running parallel to its Wellington Road frontage.
- 2.3 The surrounding area comprises of residential properties and is characterised by a mixture of contemporary and period properties. Opposite the application site is a housing estate comprising one low rise block of four storeys and three high rise seven storey blocks of flats. Immediately adjacent to the south of the site is a recent four storey development of 12 flats with 3 terraced houses behind, beyond this is a three storey period property and further down the road is another part three/part two storey block of flats. Beyond the flats on the opposite side of the road is a group of Victorian terrace houses. To the rear of the site (the east) occupying higher ground are three storey terrace houses, while to the north of the site, occupying lower ground than the application site are a pair of Victorian houses.
- 2.4 The property is not a statutorily listed building or within a designated Conservation Area and neither does it appear on the local list of buildings of historic or architectural interest.

3 RELEVANT HISTORY

BH2013/01254 - Demolition of existing building and construction of two separate 3 storey high blocks comprising 31 one, two and three bedroom flats together with associated car parking, cycle parking amenity space and bin storage. Refused 13/12/2013. Subject of a current Appeal.

BH2011/03796 - Application to extend time limit for implementation of previous approval BH2008/03248 for part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. Approved 05/04/2012.

BH2011/02182 – Prior Notification for Demolition of 18 Wellington Road, Brighton. Approved 19/09/2011.

BH2011/01019 - Erection of 9no flats with associated parking and landscaping. Refused 12/07/2011.

BH2008/03248 - Part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities. Approved 29/01/2009.

BH2008/00297 - Change of use and renovation of existing Victoria villa, including part demolition and rebuilding of east end of building, together with new block of apartments. Withdrawn 21/04/2008.

BH2006/00371 - Outline application for the construction of 15 flats. Means of access to be determined for the development site. Demolition of day care centre. Refused 18/05/2006.

4 THE APPLICATION

- 4.1 Planning permission is sought to vary conditions 28 and 29 of application BH2011/03796 which was an application to extend the time limit for implementation of previous approval BH2008/03248, for the part demolition and conversion of the existing building and construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities.
- 4.2 The applicant seeks changes to the wording of condition 28 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
- 4.3 The applicant also seeks changes to the wording of condition 29 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.
- 4.4 As currently worded, both conditions require the submission and approval of these details before any development commences on site.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Six (6)** letters of representation have been received from **20 Wellington Road, 23, 29A, 33, 39 and 41 De Montfort Road** objecting the application for the following reasons:

- Sit outside in garden most nights enjoying watching the bats flit to and fro from the trees to the existing building. Bats are very precious, especially in towns and deserve and need protection,
 - Work should not commence before proper surveys have been carried out,
 - Concerned about commencement prior to full discharge of conditions 10, 13, 18, 24, 25 and 26 as the foundations proposed may have the capacity to affect these other matters. Request that a condition is attached to any alteration to conditions 28 and 29 to require discharge of the other matters before any foundations are dug. Allowing foundations without conditions being met would undermine the reason for imposing the conditions, i.e. protection of nature on the site from development and neighbours would not be satisfied that details would not encroach on them detrimentally,
 - Understand that there is no longer a client partner for the approved end use. Commencing work on site without an end use could result in a retrospective application for a change of use of the resultant building. This could result in the provision of private housing or student accommodation with no community facilities. Student or private accommodation the levels of noise and impact on privacy would be greater for neighbouring properties. Such changes of use would be similar to plans that have been lodged and rejected by the Council over recent years,
 - Previous work has resulted in the removal of annexe buildings within the site, and the hacking back of trees and foliage which caused considerable anxiety and some damage to neighbouring properties,
 - Property has been left to deteriorate in an attempt to put the building beyond repair.
- 5.2 **One (1)** letters of representation have been received from **Flat 9, 12-14 Wellington Road** supporting the application for the following reasons:
- Find it hard to understand that given the housing crisis in the City, that time and resources are being wasted in a bat and swift study. Have seen in the past applications failed due to the nature of the building design proposed however if the designs have since been deemed to be satisfactory, it seems lunacy that potential new housing in a city that desperately needs new housing and to be located in a large derelict brown site area is being held up by concerns over small bat and swift populations. Applaud biodiversity efforts in green spaces within the city but when it relates to a derelict building, that would provide much needed housing, it is a folly of large proportions.
- 5.3 **County Ecologist:** The proposed variation of conditions 28 and 29 is unlikely to have any significant impacts on biodiversity and can therefore be supported from an ecological perspective.
- 5.4 **East Sussex Fire and Rescue Service:** Have no comments to make.
- 5.5 **Environment Agency:** Have no comments to make.
- 5.6 **Southern Water:** Has no objections to the proposal.

5.7 **Sussex Police:** From a crime prevention viewpoint have no objection to the application.

Internal:

5.8 **Arboriculturist:** There appears to be no further implications for trees and therefore has no objections to the application.

5.9 **Planning Policy:** No comments.

5.10 **Suitability Officer:** Has no comments to make.

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

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TR4	Travel plans
TR5	Sustainable transport corridors and bus priority routes
TR7	Safe development
TR8	Pedestrian routes
TR10	Traffic calming
TR13	Pedestrian network
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and reuse of construction industry waste
SU15	Infrastructure
SU16	Production of renewable energy
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Street frontages
QD6	Public art
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential developments
HO6	Provision of outdoor recreation space in residential development
HO15	Housing for people with special needs
HO13	Accessible housing and lifetime homes
HO20	Retention of community facilities

East Sussex and Brighton & Hove Waste Local Plan

WLP11 Reduction, Re-use and Recycling during Demolition and Design, and Construction of New Developments

Supplementary Planning Documents:

SPD03: Construction and demolition waste
SPD08: Sustainable Building Design
SPD06: Trees and Development Sites

Supplementary Planning Guidance Notes:

SPGBH4: Parking standards

8 CONSIDERATIONS & ASSESSMENT

- 8.1 Under application BH2008/03248 (time limit extended under application BH2011/03796) approval was granted for the part demolition and conversion of the existing building and the construction of a new 3-storey block to provide a total of 25 self-contained units with 24 hour support for people with learning/physical disabilities and the provision of a drop-in learning disability centre for people with learning/physical disabilities.
- 8.2 The time limit to implement the above 2008 approval was extended under subsequent application BH2011/03796.
- 8.3 The previous consent was subject to a number of pre-commencement conditions including the need for a bat and swift survey to be undertaken and submitted to the Local Planning Authority for agreement.
- 8.4 The approval granted by the 2011 extension of time application expires on the 5th April 2015. Compliance with the current wording of conditions 28 and 29 would therefore not be possible due to the need to carry out bat and swift surveys between May and August. As a result it is requested that foundation ground works for the 3 storey extension within the site commence prior to the completion of the surveys as it is stated that such works would not disturb any potential roots or nests.
- 8.5 The main consideration in the determination of this application relate to the acceptability of the variation of the wording of conditions 28 and 29 of application BH2011/03796, to allow foundation earth works for the approved three storey extension to commence prior to a bat and swift survey being carried out and submitted to and agreed in writing by the Local Planning Authority.
- 8.6 As part of the application a letter from an Ecology Consultant has been submitted in which the opinion is that if ground works started prior to May 2015;
- 8.7 “they would be unlikely to have a significant bearing on the completion of the bat surveys or the swift surveys at the site. The potential roost and nesting locations for these species are primarily within the upper reaches of the main building, along the soffits and eaves area so as long as works were not affecting these areas then surveys could still be carried out. Bat and nesting birds will tolerate a certain amount of in-direct disturbance from noise and raised levels of activity”.
- 8.8 It is stated that a bat survey was carried out in September 2014 which revealed that there was no evidence of bats roosts or activity within the site.
- 8.9 The County Ecologist has considered the request to vary the ecology conditions and has concluded that such variation to the ecology conditions is unlikely to have any significant impacts on biodiversity and therefore no objections are raised.

- 8.10 Finally the reason provided for condition 16 below has been up-dated to reflect that the East Sussex and Brighton & Hove Structure Plan 1991-2011 is no longer part of the development plan.

9 CONCLUSION

- 9.1 In conclusion it is considered that the request to vary the ecology conditions to allow the commencement of foundation works for the 3 storey extension prior to the bat and swift surveys being undertaken is unlikely to have any significant impacts on biodiversity.

10 EQUALITIES

- 10.1 No issues relating to these proposals.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- A financial contribution towards off-site highway improvements: £5,900
- A clause restricting the use of the development to provision of housing for those with learning and physical disabilities.

11.2 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced on or before 5th April 2015.
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
OS & Block Plan	0769-001	Rev. B	16 th December 2008
Site Survey	0769-003	Rev. A	21 st October 2008
Existing Basement & Ground Floor Plan	0769-005	Rev. A	21 st October 2008
Existing First & Second Floor Plan	0769-006	Rev. A	21 st October 2014
Existing Elevations – North & West	0769-007	Rev. A	21 st October 2008
Existing Elevations – South & East	0769-008	Rev. A	21 st October 2008
Proposed Site Plan	0769-009	Rev. B	16 th December 2008
Ground Floor Plan	0769-10	Rev. C	27th January 2009
Proposed First, Second and	0769-11	Rev. C	27th January

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Basement Floor Plan			2009
Proposed Elevations – North & West	0769-12	Rev. D	16 th December 2008
Proposed Elevations – South & East	0769-13	Rev. D	16 th December 2008
Proposed Site Sections	0769-014	Rev. A	30 th October 2008
Photomontage & Bay Study	0769-016	Rev. A	21 st October 2008

- 3) Prior to the commencement of development drawings at 1:20 scale illustrating the detail and finishes of the ramps, and handrails, and details of the glazed link, must be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.
- 4) The windows servicing the bath and shower rooms shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The windows on the west elevation of the new build block which adjoins the boundary with Ainsworth House and those within the east elevation of the extended block which adjoins the boundary with number 20 Wellington Road shall not be glazed otherwise than with obscured glass and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 6) The lower half of the sash windows in the rear elevation at first and second story level servicing units labelled '13', '9' and the 'relatives room' on drawing number 0769-011C shall not be glazed otherwise than with obscured glass and shall be fixed shut and thereafter permanently retained as such.
Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 7) No development shall take place until samples of the slate to be used in the construction of the external surfaces of the roofs of the development and the windows to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory appearance to the development and to comply with policies QD1 of the Brighton & Hove Local Plan.
- 8) 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.

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- 9) The railings shown on the approved plans shall be painted black prior to the occupation of the development hereby permitted and shall be retained as such.
Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 10) Construction of the development shall not commence until details of the proposed means of surface water disposal have been submitted to, and improved in writing by the Local Planning Authority. The scheme shall then be approved in strict accordance with the approved details.
Reason: To enable the Local Planning Authority to control foul sewerage and surface water drainage in accordance with policies SU3, SU4 and SU5 of the Brighton & Hove Local Plan.
- 11) All showers within the wheelchair units (number 5, 6, 7, and 8) shall have level access.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 12) Notwithstanding the approved plans, prior to the commencement of development, details of the parking areas shall be submitted to and approved in writing by the Local Planning Authority. They shall include the provision of two designated disabled parking bays on the site near the main entrance. The parking areas shall be implemented in accordance with the approved details and thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: In the interest of highway safety and in accordance with policy TR1 and TR18 of the Brighton & Hove Local Plan.
- 13) Development shall commence until, detailed drawings, including levels, sections and constructional details of the proposed vehicle access and egress, surface water drainage, outfall disposal, have been submitted to and approved in writing by the Planning Authority and be subject to its approval. The scheme shall be implemented in strict accordance with the approved details.
Reason: In the interests of highway safety and for the benefit and convenience of the public at large and in accordance with TR1 and TR7 of the Brighton & Hove Local Plan.
- 14) The development hereby permitted shall not be commenced until details of secure cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 15) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

- Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policies SU2 and QD27 of the Brighton & Hove Local Plan.
- 16) Prior to the commencement of development, details of measures to ensure that the converted element of the development achieves an “Excellent” BREEAM rating and the remainder of the development achieves Level 4 of the Code for Sustainable Homes shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.
- Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan.
- 17) The new dwellings shall be constructed to Lifetime Homes standards to the satisfaction of the Local Planning Authority.
- Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 18) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for landscaping, which shall include permeable hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.
- 19) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to accord with policy QD15 of the Brighton & Hove Local Plan.
- 20) No development shall commence until a scale plan showing the extent of the demolition proposed and a written methodology for the demolition has been submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.
- Reason:** To ensure satisfactory preservation of the existing building and to comply with policy QD14 of the Brighton & Hove Local Plan.
- 21) All existing external mouldings, including architraves, hood mouldings, cornices, eaves brackets and corner quoins, shall be retained unless they form part of the building to be demolished, as shown on a demolitions plan. All new mouldings shall exactly match the profile and detail of the existing mouldings.

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- Reason:** To ensure satisfactory preservation of the existing building and to comply with policy QD14 of the Brighton & Hove Local Plan.
- 22) No development shall commence until 1:20 scale elevations of the entrance doors/fanlights to the existing and new buildings has been submitted to and approved in writing by the Local Planning Authority.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 of the Brighton & Hove Local Plan.
- 23) The existing chimney stacks shall be retained and restored in accordance with a specification of works to be submitted to and approved in writing by the Local Planning Authority.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.
- 24) The trees covered by a Tree Preservation Order shall all be protected to BS 5837 (2005) Trees on Development Sites during the development. A plan showing the line of protective fencing and a method statement on its construction should be submitted to and approved in writing by the Local Planning Authority prior to any development commencing and the protective fencing shall be completed prior to any demolition, use of the site for storage of materials, lifting of hard and soft surfaces within the site or other works in connection with the development which may affect the root systems of the existing trees on the site.
- Reason:** To ensure adequate protection of the trees in accordance with policy QD16 of the Brighton & Hove Local Plan and SPD06 Trees and Development sites.
- 25) A Method Statement regarding the treatment of surfaces in the vicinity of tree roots of the Beech Trees at the rear of the site shall be submitted to and approved in writing by the Local Planning Authority. These trees shall be protected to BS 5837 (2005) Trees on Development Sites during the development.
- Reason:** To ensure adequate protection of the trees in accordance with policy QD16 of the Brighton & Hove Local Plan and SPD06 Trees and Development sites.
- 26) No development shall take place until a written statement consisting of a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and reused on site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details.
- Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste for landfill is reduced, to comply with policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan, policy SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
- 27) Scrub clearance and demolition shall not be undertaken during the bird nesting season, from the beginning of March and the end of August.
- Reason:** To protect nesting birds in accordance with policy QD18 of the Brighton & Hove Local Plan.
- 28) No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out

between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.

- 29) No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details.

Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.

- 30) No development shall commence until nature conservation enhancement as part of the site landscaping scheme has been submitted to and approved by the Local Planning Authority. This shall include the number and locations of bird and bat boxes to be erected and the details of the proposed green wall planting and artificial external lighting.

Reason: To ensure the protection and enhancement of the ecological interest of the site and to comply with policies QD17 and QD18 of the Brighton & Hove Local Plan.

11.3 Informatives:

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

The request to vary the ecology conditions to allow the commencement of foundation works for the three storey extension prior to the bat and swift surveys being undertaken is unlikely to have any significant impacts on biodiversity.

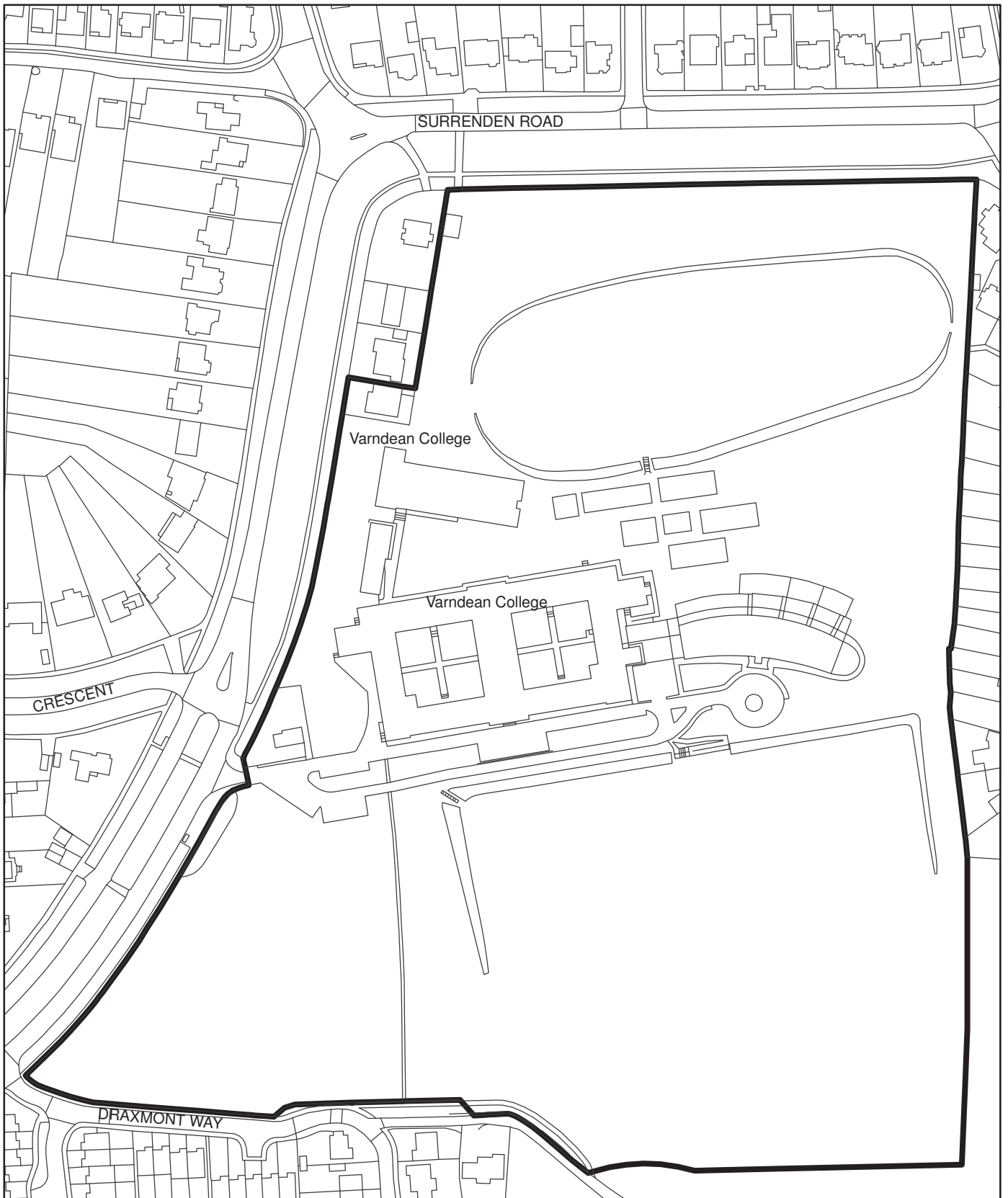
ITEM C

**Varndean College, Surrenden Road,
Brighton**

**BH2014/02176
Full planning**

10 DECEMBER 2014

BH2014/02176 Varndean College, Surrenden Road, Brighton



<u>No:</u>	BH2014/02176	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Varndean College Surrenden Road Brighton		
<u>Proposal:</u>	Retention of existing temporary classrooms for a further period of five years. (Retrospective)		
<u>Officer:</u>	Helen Hobbs Tel 293335	<u>Valid Date:</u>	04 July 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	03 October 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	NTR Planning, Clareville House, 26-27 Oxendon Street, London SW1Y 4EL		
<u>Applicant:</u>	Varndean College, Varndean College, Surrenden Road, Brighton BN1 6WQ		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the Varndean College site on the eastern side of Surrenden Road which, with the surrounding playing fields, covers an area of approximately 8.4 hectares. The site is bounded by Draxmont Way to the south, Surrenden Road to the north and west, and Friar Crescent, Friar Walk and Friar Road to the east.
- 2.2 The main College building, dating from the 1930's, is located centrally with its main elevation and entrance facing south across the playing fields. To the rear of this building are 9 detached single-storey teaching buildings: this application relates to 7 of these buildings.
- 2.3 The College site forms part of a larger educational campus containing Balfour Infant and Junior Schools, Varndean High School and Dorothy Stringer High School. The surrounding area is otherwise largely residential.

3 RELEVANT HISTORY

There have been numerous applications on the site. Of relevance to this application are:-

BH2014/02172: Retention of existing temporary classroom for a further period of five years (retrospective). Approved 28/07/14.

BH2014/01793: Installation of new classroom accommodation within section of roof space to East side of East quadrangle with associated alterations. Under consideration.

- BH2013/03153:** Erection of single storey extension to existing gymnasium. Approved 20/12/2013.
- BH2012/00296:** Installation of new classroom accommodation within the roof of the North facing slope of the quadrangles. Approved 26/03/2012.
- BH2009/02423:** Provision of 7 no. temporary classroom blocks for a 5 year period (Retrospective). Approved 08/02/2010.
- BH2008/02854:** Demolition of existing college with erection of replacement college and nursery (D1) with associated car parking and landscaping. Approved 08/05/2009.
- BH2007/02040:** Erection of 2 temporary portacabins to the east of existing mobile classrooms in connection with educational (D1) use for 3 years. Approved 16/08/2007.
- BH2006/02084:** Renewal of Planning Permission BH2003/02467/FP for temporary classrooms 43-45. Approved 22/08/2006 (for 3-years).
- BH2006/02082:** Renewal of planning permission BH2003/02486/FP for temporary classrooms 48-50. Approved 22/08/2006 (for 3-years).
- BH2005/05154:** Renewal of temporary planning consent for humanities hutted classroom (Hut G). Approved 28/09/2005 (for 5-years).
- BH2004/01851/FP:** Renewal of planning permission BH2001/01009/FP for temporary classroom. Approved 12/08/2004 (for 3-years).
- BH2004/01848/FP:** Renewal of planning permission BH2001/01375/FP for temporary classroom. Approved 12/08/2004 (for 3-years).
- BH2003/02486/FP:** Renewal of planning permission (BH2000/01616/FP) for temporary classroom. Approved 25/09/2003 (for 3-years).
- BH2003/02467/FP:** Renewal of planning permission BH1998/00344/FP for temporary classroom. Approved 25/09/2003 (for 3-years).
- BH2002/01774/FP:** Erection of temporary classroom. Approved 05/09/2002 (for 3-years).
- BH2001/01375/FP:** Erection of temporary classroom. Approved 30/07/2001 (for 3-years).
- BH2001/01009/FP:** Renewal of temporary consent for one mobile classroom. Approved 27/06/2001 (for 3-years).
- BH2000/01616/FP:** Erection of temporary classroom (Retrospective). Approved 14/12/2000 (for 3-years).
- BH1998/00344/FP:** Renewal of temporary permission 95/0245/FP to allow further use of a temporary classroom. Approved 09/04/1998 (for 5-years).
- 96/0478/FP:** Renewal of temporary consent for one mobile classroom (previous reference 91/0516/CC). Approved 25/06/1996 (for 5-years).
- 95/0245/FP:** Retention of previously approved mobile classroom for a further temporary period of 5 years (renewal of application ref. 90/0877/F/CC). Approved 22/03/1995 (for 3-years).
- 91/0516/CC/FP:** No objections to the erection of mobile classroom unit 11/06/1991.

4 THE APPLICATION

- 4.1 The application seeks consent for the retention of 7 classroom blocks to the north of the main college building. The current temporary permission (BH2009/02423) expires on 28/02/2015. The classrooms provide approximately 1157 sq metres of additional floorspace. No alterations to the blocks or site layout are proposed.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: One (1)** letter of representation has been received from **7 Friar Walk** objecting to the application for the following reasons:

- Site safety;
- Access;
- Traffic management and increase in levels of noise and traffic;
- Failure to comply with conditions on previous applications to paint the buildings green;
- The buildings are inappropriate in design and out of keeping with the original college buildings.

5.2 **County Ecologist:** No objection.

5.3 **Southern Gas Networks:** Comment

No mechanical excavations should take place above or within 0.5m of low and medium pressure system or within 3m of the intermediate pressure system in the proximity of the site.

5.4 **Sussex Police:** No objection.

5.5 **Sports England:** No objection.

The classroom blocks are sited on a grassed area in the centre of the school site. From aerial images it is understood the grassed area is incapable of catering for a playing pitch due to its sloping nature.

5.6 The proposal therefore meets an exception of playing fields policy in that:-

“The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing areas of any playing pitch or the loss of any other sporting / ancillary features on the site.”

5.7 **County Archaeologist:** No objection.

5.8 **UK Power Networks:** No objection.

5.9 **Southern Water:** No objection.

Internal:

5.10 **Environmental Health:** No comment.

5.11 **Planning Policy:** No comment.

5.12 **Sustainable Transport:** No objection.

There will not be any increase in student numbers to the site. In light of this the proposals are not considered to have a negative impact upon the highway or increase trips to and from the site.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- SU2 Efficiency of development in the use of energy, water and materials
- QD1 Design - quality of development and design statements
- QD2 Design - key principles for neighbourhoods
- QD5 Design - street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD20 Urban open space
- QD27 Protection of amenity
- HO19 New community facilities
- HO20 Retention of community facilities
- SR20 Protection of public and private outdoor recreation space

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The key issues of consideration in the determination of this application relate to the need for the temporary classroom accommodation; the impact on residential and landscape amenity; and the potential loss of open space.

Background:

- 8.2 There have been numerous temporary consents for the initial construction of classroom buildings and their subsequent retention (see section 3). The buildings provide valuable teaching accommodation for the college's current pupil numbers.
- 8.3 Permission was granted by Planning Committee in 2009 for demolition of the existing college building and construction of a replacement college and day nursery (ref: BH2008/02854). As part of this application it was considered that existing college buildings were not fit for purpose and there was an educational need for the development. This consent was not implemented due to the Learning and Skills Council (the main Government funding body for the Further Education Sector), being in financial deficit and all major further education schemes were halted.
- 8.4 Varndean College has therefore sought to effectively manage its existing buildings and estate since this time. The college have been in discussions with the Local Planning Authority regarding a phased master plan. There have also been a number of recent applications, which will provide more suitable and permanent accommodation for the college, such as the roof extensions to the main building (approved in 2012 and works are currently underway) and the extension to the gymnasium (approved 2013).
- 8.5 As a result of the uncertainty in delivering the replacement college facilities this application has been submitted seeking the retention of 7 temporary classrooms for which temporary planning permission expires on 28/02/2015. The applicant has advised that the temporary accommodation on site provides critical classroom floorspace for Varndean College to meet its basic educational needs and this application seeks the renewal of the existing temporary permission to safeguard its retention and continued use pending completion of the College's long term masterplan objectives.

Visual impact:

- 8.6 Local plan policy QD1 requires all new buildings to demonstrate a high standard of design and to make a positive contribution to the visual quality of the environment; policy QD2 requires new developments to fit in with the existing grain and scale of the neighbourhood; with policy QD4 aiming to resist proposals that would restrict strategic views.
- 8.7 The classrooms are constructed from powder-coated cladding and are of little architectural merit and by their nature appear detached incongruous elements of the site. However, within the context of the adjoining college buildings they are not overly dominant and in medium to long views the visual impact is reduced by their siting and changes in ground level across the site (in views from the north). There was no requirement under the previous planning permission granted in

2010 for the classrooms to be painted green, as raised by the neighbour. The visual impact of the classrooms is therefore considered acceptable on a temporary basis.

- 8.8 The application site has significant areas of open space and together with the main College building forms an attractive feature seen for a considerable distance across the City. In this context, the classroom buildings are inappropriate features of the site and are not suitable permanent solutions to the recognised shortage of teaching accommodation at the college. However, in the immediate future there is no likelihood of more permanent teaching accommodation coming forward and refusal of the application would result in a significant deficit at the college. This is a material planning consideration in itself.

Open & recreational space:

- 8.9 Local plan policy QD20 states that permission will not be granted for proposals that would result in the loss of important private or public open space; with policy SR20 aiming to protect important public and private outdoor recreation space.
- 8.10 The classrooms are sited on sloping land between the main college building and formal sports fields to the north. The classrooms are sited on sloping ground at an appreciably lower level than the adjoining sports fields. This creates clear separation that ensures the classrooms do not impact or restrict the range of uses which can take place on the sports fields. On this basis Sport England has raised no objection to the proposal and notes that the area on which the classrooms are sited is *'incapable of catering for a playing pitch'*.
- 8.11 There have already been temporary permissions for the classrooms subject of this application (see section 3) and the approved replacement college building (ref: BH2008/02854) encompasses land on which the temporary classrooms are sited. The retention of the existing classrooms on a temporary basis is not considered to result in the effective loss of important open space, or displace or reduce the amount of space currently available for informal recreation, and there is an expectation that a more permanent solution will be secured which would allow for restoration of the land to an informal use.

Impact on neighbouring amenity:

- 8.12 The classroom buildings are located approximately 75 metres from houses in Friar Walk and Friar Crescent, and 120 metres from the nearest houses in Surrenden Road. At this distance no direct impact, such as overlooking or overshadowing, has resulted. The buildings are viewed against the backdrop of the main school building and the impact on outlook is limited having regard to the significant long distance views that adjoining properties enjoy.
- 8.13 The classrooms subject of this application are a considerable distance from adjoining residential properties and uses within them do not appear to have led to undue noise disturbance that would warrant refusal of this application. It is also noted that retention of the existing classrooms would not increase student numbers at the college and would not therefore result in additional noise disturbance above that already existing.

- 8.14 The buildings have not attracted significant levels of graffiti or vandalism and appear to be well maintained. The building is raised above ground level, due to the sloping nature of the site, but there is no evidence that significant problems result from any use of the void below the building by wildlife.

Transport:

- 8.15 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.
- 8.16 It is recognised that the College generates significant parking demands both on and off site, in addition to demand for public transport and cycling infrastructure. However, retention of the existing classrooms, as mentioned previously, would not increase student numbers at the college and as such the application would not create any additional demand for travel. On this basis the Council's Sustainable Transport Team do not object to the application and it would not be necessary or reasonable to require either contributions towards the provision of sustainable transport infrastructure or a school travel plan.

Sustainability:

- 8.17 Policy SU2 requires development proposals to demonstrate a high standard of efficiency in the use of energy, water and materials. The modular and temporary nature of the buildings means there is little that could reasonably be done to achieve full compliance with this policy, as would normally be sought. This is reflected by the initial, and later, consents for the buildings which have not sought any details in relation to sustainability. Whilst consent is now sought for a further 5-year period the same limitations are considered to apply and refusal of the application on sustainability grounds would not be warranted.

Conclusion:

- 8.18 Although the classrooms have been in situ for an extended period of time they are recognised as being an undesirable and temporary solution to a deficit of teaching accommodation with the college. Pre-application discussions have taken place about a masterplan to overcome the existing shortfall of teaching accommodation. However, there is much uncertainty as to whether funding will be available to deliver this development.
- 8.19 The continued use of open space and resulting visual impact of the existing classrooms is therefore considered acceptable on a temporary basis and would allow the continued provision of much needed teaching accommodation for students at the college whilst more permanent solutions are sought. A further 5 year temporary planning permission for the existing classrooms is therefore recommended.

9 CONCLUSION

- 9.1 The classrooms, although inappropriate as a permanent form of development, provide essential teaching accommodation for Varndean College. Having regard to their temporary nature and the limited visual impact the classrooms are acceptable in the short to medium term and will continue to provide a

needed community facility. The classrooms do not have a detrimental impact on neighbouring amenity, due to their siting in relation to neighbouring properties and the existing use of the site; and will not result in an increased demand for travel.

10 EQUALITIES

10.1 The classrooms benefit from either a front entrance ramp or level access from the rear, where ground level is higher. These access arrangements are considered sufficient to allow access for those with limited mobility.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Regulatory Conditions:

1. The temporary classroom buildings hereby permitted shall be permanently removed from the site and the land reinstated to its former condition by 31 December 2019 or when they are no longer required, whichever is the earlier. A scheme of works setting out how the removals take place and the land reinstated shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The structures are not considered suitable as a permanent form of development and permission is therefore granted for a temporary period only to comply with policies QD1, QD2, QD20 and SR20 of the Brighton & Hove Local Plan.

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	GEN181/B-100		1 st July 2014
Elevations and floor plans	09.260		4 th July 2014
Aerial photographs			1 st July 2014

Informatives:

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

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

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and

PLANNING COMMITTEE LIST- 10 DECEMBER 2014

(ii) for the following reasons:-

The classrooms, although inappropriate as a permanent form of development, provide essential teaching accommodation for Varndean College. Having regard to their temporary nature and the limited visual impact the classrooms are acceptable in the short to medium term and will continue to provide a needed community facility. The classrooms do not have a detrimental impact on neighbouring amenity, due to their siting in relation to neighbouring properties and the existing use of the site, and will not result in an increased demand for travel.

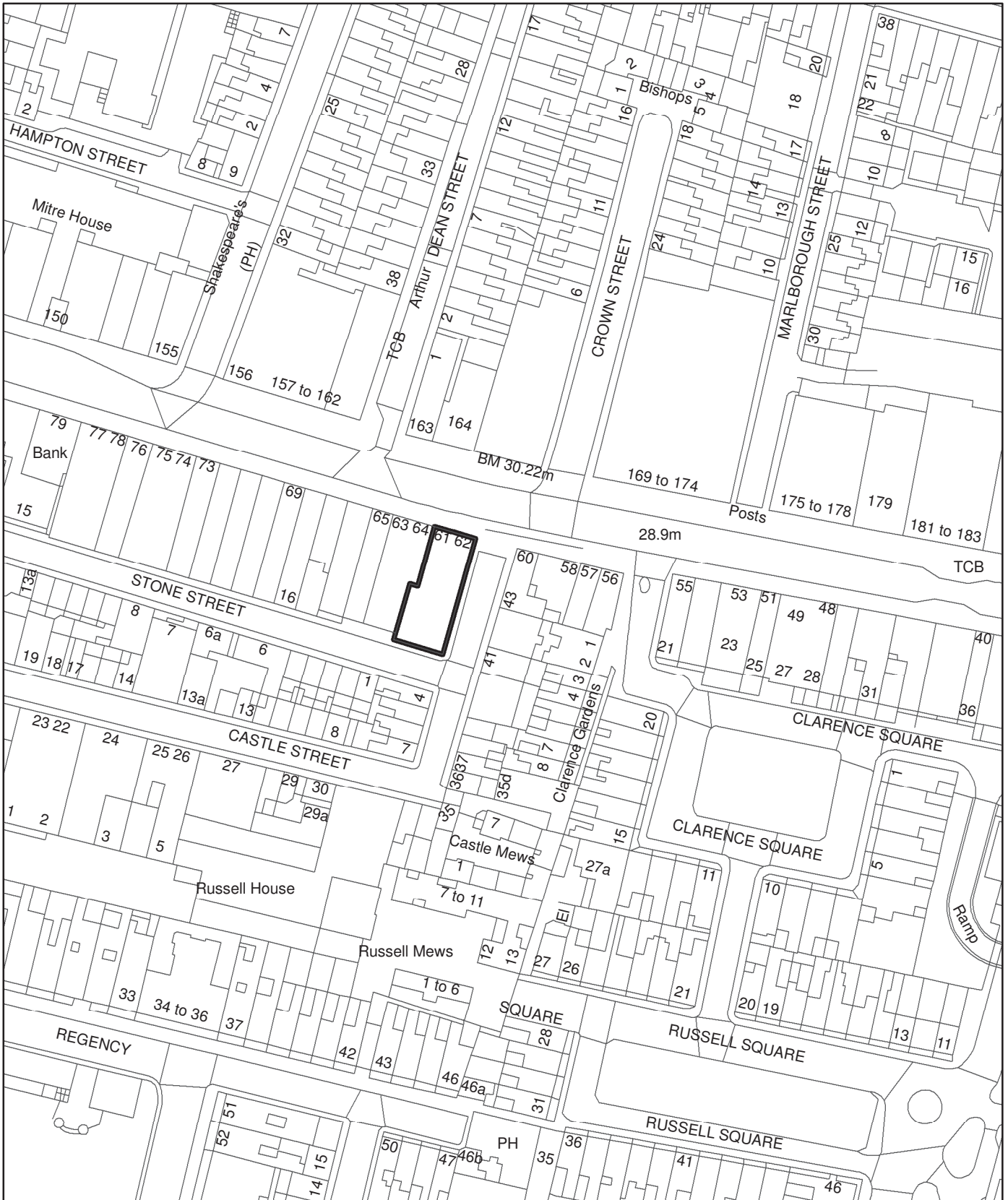
ITEM D

61-62 Western Road, Brighton

BH2014/02179
Full planning

10 DECEMBER 2014

BH2014/02179 61, 62 Western Road, Brighton



Scale : 1:1,250

<u>No:</u>	BH2014/02179	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	61-62 Western Road Brighton		
<u>Proposal:</u>	Change of use of part of basement, first, second and third floors from retail (A1) to 20 bedroom managed house in multiple occupation (Sui Generis) including ancillary staff accommodation, alterations to fenestration, installation of air conditioning units, creation of plant room to roof, creation of new entrance onto Stone Street and associated works.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	04 July 2014
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	29 August 2014
<u>Listed Building Grade:</u>			
<u>Agent:</u>	Lewis & Co Planning, 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	YMCA Downslink Group, Mr G Smith C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

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 no further representations which raise new material planning considerations which have not already been considered within this report, and to the completion of a Section 106 Agreement and the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a 1920s property located on the southern side of Western Road, on the corner with Castle Street and Stone Street. The four storey, plus basement property, currently has permission to be used solely for retail purposes (although the second and third floor are currently vacant). The building incorporates a shop window across the entire north facing elevation and part of the eastern elevation.
- 2.2 The building comprises decorative plaster work to the north and east facing façades. The third floor appears to be a later addition to the property as are the windows and shopfronts. The roof of the property sits behind a parapet.
- 2.3 The prominent corner property is situated within the Regency Square Conservation Area. There are extensive views into the site and the prominent building is considered to positively contribute to the character and appearance of

the conservation area. The building is therefore considered to be a heritage asset.

3 RELEVANT HISTORY

BH2004/03424/FP - Conversion and change of use of first, second and third floors from retail/storage together with construction of two additional floors, all to form 7 residential units. (Ground floor to remain in retail use). Withdrawn 12/01/2005.

4 THE APPLICATION

4.1 Planning permission is sought for the change of use of part of the basement, first, second and third floor levels of the property from retail (Use Class A1) to a 20 bedroom house in multiple occupation with ancillary staff accommodation (1 room).

The proposal would provide the following accommodation within the property;

- basement – retail storage, WC facilities for the retained retail use, pump room, laundry room, cycle storage,
- ground floor – retail (remains unchanged),
- first floor - 6 units of accommodation (with individual lounge and bathroom facilities) including a wheelchair accessible unit, a communal kitchen and lounge area, staff office and staff accommodation (one room),
- second floor – 8 units of accommodation (with individual lounge and bathroom facilities) and a communal kitchen and lounge area,
- third floor – 6 units of accommodation (with individual lounge and bathroom facilities) and a communal kitchen and lounge area.

In order to accommodate the proposed change of use the following alterations would be made:

- a new fire escape adjacent to the retained retail entrance would be created fronting Western Road,
- a new entrance to the proposed upper floor accommodation accessed from Stone Street,
- the replacement of the existing lift,
- the rebuilding of the existing external lift shaft within the existing opening,
- alterations to fenestration including the replacement of windows, the removal/blocking up of window openings,
- the creation of a new goods delivery entrance,
- the replication of existing decorative detailing on the north and east elevations,
- the addition of insulative render to all elevations,
- the removal of a fire escape on the western elevation,
- the replacement of existing railings at third floor level,
- the provision of additional plant at roof level, and
- the provision of additional air conditioning units at roof level.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours: Twenty-Five (25)** letters of representation have been received from **Unknown, 20, 34, 35, Flat 2 and Flat 3 41 and 41 Castle Street, Flat 54 Fairways Dyke Road, Unknown, 5, 9, 13, Flat 1, Flat 4, Flat 6 (x2) and 16 Stone Street, 31, 41, 42 and 65-66 Regency Square, The Regency Tavern 32-34 Russell Square, 7 Hungerford Road West Midlands and 8 Church Street Hagley and an Unknown Address objecting to the application for the following reasons:**

- The location chosen is not a suitable spot for a YMCA. Already have many problems with hostels in Regency Square and there are too many HMOs in area. This is a mixed area with many groups who have needs that are overlooked, the elderly, young families, young single people and businesses who struggle with the multiple needs of the large number of tenants of these premises. Another large number of people with specific needs moved to an area already struggling would be reckless. A 20 bed hostel would further threaten the balance of the local community and change the character of the area. Should instead provide much needed accommodation for low paid workers and families in the area.
- Despite Council and local residents attempts to improve appearance of area companies with units fronting Western Road have no regard whatsoever of the residents aspect of Stone Street,
- All residents fought a similar application proposed further along the road in February 2013. This previous application was refused on grounds that this ought to be,
- HMOs do not attract long term residents who will cherish and improve the area, will reduce all the efforts to improve the area. As a transient group how could they ever develop a sense of belonging towards self-fulfilment in this location, should ne more suitably housed,
- Is a prime central location and should stay as a shop as the high street is dying as so many shops down western road are being shut,
- On-street parking demand is high, there is a waiting list for new parking permits,
- Noise from roof top plant,
- The building is a fine piece of semi-Art Deco architecture with extraordinarily fine mouldings on the façade, which would be removed by the proposal. It is highly unlikely that any contemporary craftsman would be able to recreate these designs,
- Overlooking and loss of privacy,
- The existing windows should be replaced with windows that recreate the original designed windows,
- Increased congestion and traffic,
- There has already been continual construction happening on Stone Street for several months. Demolition and construction in respect of the application will further disrupt and disturb neighbours,
- Increased transient pedestrians to street at all times of the day,
- Already over-populated area,

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- Poor lighting,
- A YMCA for homeless people means that the area will become less safe and local residents will feel less secure. Will become as less desirable area to live. Residents would be 16-25 year olds, statistics show that crime rates are highest amongst this demographic group,
- Will result in more rubbish on the street. The Council and police appear to have little focus on the state of the street from a health or safety aspect. The street is consistently dirty, it has trains of commercial bins and is also a favoured nesting ground for rats. There is insufficient suitable space for communal bins to serve existing residents. A further 20 people would make the problem even more insupportable. Council are in the process of removing the industrial bins that litter one end of the street,
- Neighbouring apartments are high value apartments,
- Agree with Council's conservation advisor with regard to the applicants' cavalier treatment of this extremely prominent and sadly neglected building, which by virtue of its size and prominence plays such an important part in the local landscape. The applicant lacks any appreciation of their responsibility to preserve the many original and distinctive architectural features of the premises and also to ensure that any new features marry with the existing fabric. The proposed new fenestration is clearly both inappropriate and unimaginative. The window openings form an integral part of the buildings original steel framed design and any new work should be carefully designed to be harmonious,
- Additional noise disturbance at a hours of the day and night,
- There is a planning application for a similar block on Castle Street/Stone Street on the west side. This would result in Stone Street being book-ended by student/hostel/homeless accommodation on a street which already contains a brothel with all the adverse and intimidating traffic associated with it. Area, especially Stone Street is plagued with anti-social behaviour, something the police are familiar with. Further cheap hostel-type accommodation can only add to the area's further deterioration,
- 5 employees for 20 homeless people is not enough,
- Goods delivery should not be on Stone Street as it is too narrow for lorries and would cause disturbance to local resident, including illegal parking with engines running,
- Disturbance, noise, fumes and vibrations generated by refuse collection vehicles,
- Conflicting information regarding no. of bikes, documents refer to 8 and 20,
- No amenities provided for proposed residents,
- Windows and render should not be replaced as sits is within a Conservation Area,
- The existing main entrance is onto Western Road. New entrance would be onto Stone Street which would affect a large number of residents in Stone Street and Castel Street. In view of this all residents of Stone Street should have been consulted, and
- The plant room and air conditioning will be noisy to local residents,

5.2 **Brighton & Hove Heritage Commission:** Although do not object to the change of use object to the changes to the important east and north facades. The

proposed replacement windows design could be more in keeping with the original style. Suggest either a bronze or black finish to the exterior of the fenestration in order to enhance the overall appearance of the building and its status on this corner and conspicuous site. Being a Conservation Area would recommend that a softer colour than white is used, which is the preset colour of the building. The external plaster work should not be touched but restored and all insulating should be carried out from inside. The cornices are an extreme feature of the building and should be retained without exception. The modern brickwork infill on the ground floor east facade should be reinstated with similar plaster work feature of the above floors and the 1980s window intrusion removed. There is an interesting overhang to the ground floor cornice above the fascia would advise that overhang to be uncovered by removing the bulk fascia board which is presently Lang both sides of the shopfront. Agree that the lattice Romano style iron work is replaced with an identically designed structure which is perhaps galvanised. Although with no listed protection the iron balustrading with probably a brass or bronze hand rail to the staircase should be retained. Request that the "Historic Street Name Plate Project" is attached to the application in respect of signage for Castle Street and Stone Street.

- 5.3 **CAG:** Whilst the group welcome the restoration of the building, attention was drawn to certain flaws within the application namely the railings on the third floor should be replaced as original; the windows facing east and north should be retained as existing and any double glazing should be installed internally. With regards to the rendered area, insulation should be delivered internally and the design features on the façade should be retained and refurbished where necessary. Suggest that the small modern window at the bottom left of the east elevation should be removed. Unhappy with the proposals for the rear elevation due to the lack of details provided.
- 5.4 **Keeper of the National Archive of Historic Windows:** The presently existing windows are architecturally incorrect of the 1960s and 70s. This is an important 1920s building with neoclassical detailing. Whilst do not disagree with the principle of replacement, having examined the plans and the proposed window design, advise that the proposal are not suitable. Photograph of 1926 and 1928 indicate that the original fenestration consisted of steel casement windows of two mullions creating three sections with transom lights above. The steel casements had margin lights typical of commercial buildings of this type of the 1920s.
- 5.5 **Regency Square Area Society: Object.** The building is a very distinguished and highly unusual structure, suffering from neglect. The current application is not adequate to a building of such quality. The application provides almost no detail about how the visible external structure will be treated. Replacement window frames should replicate the original design. It would almost certainly be impossible to find anyone to create an accurate reproduction of the existing decorative features. The shopfront is currently of poor quality, there is no detail at all as to how the proposed shopfront should look. Doors should use designs appropriate to the overall style of the building. This building is of real quality and is situated in a neglected part of the Regency Square Conservation Area. A well restored building would help this area to recover its character and help in economic recovery to this part of Western Road. Believe the application should

be refused and that a better researched and more specific application be submitted.

Internal:

- 5.6 **City Clean:** The section of Western Road is included in the Council's communal refuse and recycling collection area. The nearby refuse and recycling containers for 61-62 Western Road are behind on Stone Street, Castle Street, further along Western Road, on either side of the entrance to Hampton Road and also at the bottom of Spring Street. This area of the City is unlikely to revert to door to door collections again but in terms of future proofing, would recommend that space for bins are provided.
- 5.7 **Environmental Health (Air Quality):** Have no objections on grounds of air quality. There are no residential units fronting Western Road at basement and ground floor level which is favourable. Highest exposure of future residence to prevailing pollution will be first floor at the front.
- 5.8 **Environmental Health:**
(Original comments 22/07/2014) Due to Defra noise mapping indicating high levels of road traffic noise on Western Road, technical noise data is required to show that new residents will not be affected. There is also a need for information in regards to how noise from the ground floor retail store, as well as plant and machinery will be managed to ensue that it will not have a negative impact on residents. Without the noise data and information about plant and the retail store, there is insufficient data on which to comment.
- 5.9 (Comments 29/08/2014 following receipt of an Acoustic Report) Recommend approval subject to conditions.
- 5.10 (Additional comments 20/11/2014 following query from Case Officer regarding the provision of proposed new lift and plant room). Approve subject to conditions.
- Heritage:**
- 5.11 (Original comments 22/08/2014) Recommends refusal. The submitted Design and Access Statement fails to identify the building, which is considered to positively contribute to the character and appearance of the Conservation Area, as a heritage asset and consequently the necessary research and/or investigation into the history of the building which would inform the proposal has not been undertaken. Therefore, the local planning authority cannot make an informed decision regarding the acceptability of the proposal.
- 5.12 Notwithstanding the above; the existing windows are not of historic or architectural merit and whilst their proposed replacement is considered to be acceptable in principle; as explained in the Council's SPG11, the proposal should seek to reinstate windows to the original design, pattern and material.
- 5.13 The application offers the opportunity to enhance and better reveal the significance of the heritage asset and its setting; and contrary to the Framework, the proposed design of the replacement windows would detract from the aesthetic

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significance of the building and would fail to contribute to the local character and distinctiveness of the immediate context.

- 5.14 (Comments 15/09/2014 following receipt of additional image) Analysis of the building must be carried out in order to confirm what the historical accurate window design is. The windows shown in the provided image are not in accordance with the historic photograph seen and would not be minded to support the proposed design unless there is evidence to suggest that the window design is historically accurate.
- 5.15 (Comments 29/10/2014 following receipt of e-mail from agent) The drawing showing draft fenestration details which was sent in an email from the agent Paul Burgess on 20/10/2014 show an appropriate design of window.
- 5.16 Drawing no 104 Revision D (Proposed elevations and sections AA and BB) now needs amending and submitting as part of the application. Design details indicating the dimensions, profiles etc of the glass, framing, glazing bars and window cill, head and reveals are also required but these can be controlled by way of condition.
- 5.17 The application offers the opportunity to enhance and better reveal the significance of the heritage asset and its setting; it is therefore desirable to improve the appearance of the shopfront however, it is appreciated that alterations to the shopfront are not proposed as part of the application. Also, it is desirable to reinstate the street names to the building and again this would offer a heritage gain.
- 5.18 It should also be noted that some original internal features, such as the staircase, have survived and such details should be recorded as part of the application.
- 5.19 (Comments 7/11/2014 following submission of amendments) The revised window design is now acceptable in principle however the detailed design which sets out that the glazing bars will be surface applied is inappropriate. The glazing bars must subdivide individual slim double glazed panes.
- 5.20 Also the proposal to clad the proposed plant room on the roof is of concern. A render finish which would echo the finish to the existing principal building would harmonise the building and is considered more appropriate. Again, the detailed design of the structure and roof detail is required.
- 5.21 (Comments 19/11/2014 following receipt of further window details) The submitted addendum to the Design and Access Statement now identifies the building, which is considered to positively contribute to the character and appearance of the conservation area- as a heritage asset. The addendum also includes a photographic record of the original stair and the necessary research into the history of the building to inform and provide justification to support the proposal.
- 5.22 A photograph showing the application building in 1928 shows the original window design and this image included in the James Gray collection has informed the

proposal. Therefore, the Local Planning Authority can make an informed decision regarding the acceptability of the proposal.

- 5.23 The amended design for the windows which matches the design shown in the 1928 photograph is therefore appropriate to the building and will complement and better reveal the architectural integrity and aesthetic significance of the building and this element of the proposal is in accordance with paragraph 137 of the Framework and is welcomed as a heritage gain.
- 5.24 Whilst the windows are detailed to have surface applied glazing bars, a detail which is usually resisted, it is considered that the public benefits of the proposal would outweigh the less than substantial harm and the works which are associated with the proposed new use of the building as residential accommodation will secure its optimum viable use, in accordance with paragraph 134 of the Framework.
- 5.25 With the above in mind, it is also desirable to improve the appearance of the shopfront however, it is appreciated that alterations to the shopfront do not form part of the application.
- 5.26 Also, it is desirable to reinstate the street names to the building and this would offer another heritage gain, however, the Local Planning Authority cannot require this work to be undertaken as part of the application.
- 5.27 The amended drawings now also show a render finish to the proposed roof plant which would echo the finish to the existing principal building. This is an appropriate detail which would harmonise with the building and enable it to appear as a more visually discreet addition to the building.
- 5.28 For the above reasons, it is considered that, on balance, the proposal would serve to preserve, enhance and better reveal the character and appearance of the conservation area and the appearance and setting of the heritage asset. Therefore, the recommendation is to grant planning permission for the works subject to the following conditions.
- 5.29 (Final comments 21/11/2014) Further conditions recommended.
- 5.30 **Housing:** Housing Strategy is committed to maximising the provision of affordable housing in the City and also welcomes the return to use of empty or underused empty property. Sussex YMCA are an existing partner and support them in bidding for funds under the recent HCA (Homes and Communities Agency) Empty Homes Programme, which will provide capital funding towards the scheme.
- 5.31 The affordable housing brief reflects the very pressing need for affordable homes of all kinds in the City. Currently have over 18,000 people on the joint housing register waiting for affordable rented housing an 867 applicants seeking to live in the City through the help to buy (shared ownership) programme.

Planning Policy:

- 5.32 An initial assessment of the proposal indicates that the concentration of HMOs within 50m of the application site does not exceed 10 per cent. For this reason the current application is considered acceptable against Part (ii) of policy CP21. In addition, the on site management arrangements of the building should help to address amenity concerns raised by residents. The proposed HMO is considered acceptable and will meet a significant need for affordable accommodation for younger people in the city.
- 5.33 The proposal is considered not to raise any concerns in relation to policies SR4 and CP4.
- 5.34 **Planning Contributions (Section 106) Officer:** Policy HO6 of the adopted Local Plan states that new residential development will not be permitted unless the requirement for outdoor recreation space, generated by the development is suitably provided for OR where this is not practicable, contributions to their provision on a suitable alternative site may be acceptable.
- 5.35 The applicant should identify how the generated demand for open space and sport, as shown in the 'ready reckoner' calculation, is to be met or demonstrate why an exception to policy should be made.
- 5.36 Should a financial contribution to alternative 'off site' provision be acceptable the sum due is £24,070.72, as per attached calculator, to be secured via a planning obligation. This assessment is based on 20 x studios and includes the full contribution to be made.
- 5.37 **Private Sector Housing:** Have no comments to make.
- 5.38 **Sustainable Transport:** Recommends approval as the Highway Authority has no objections to the application subject to the inclusion of conditions regarding cycle parking and car free housing.

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
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD20	Urban open space
QD27	Protection of Amenity
QD28	Planning obligations
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO14	Houses in multiple occupation
SR4	Regional shopping centres
HE6	Development within or affecting the setting of conservation areas.

Supplementary Planning Guidance:

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

Interim Guidance on Developer Contributions

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
SPD09	Architectural Features
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP4	Retail provision
CP21	Student Housing and Houses in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the loss of part of the existing retail use, the principle of the conversion to a Sui Generis HMO and the impacts of the proposed external alterations upon the visual amenities of the parent property, the Western Road, Castle Street and Stone Street streetscenes and the wider area including the surrounding Regency Square Conservation Area. The impacts on amenity of neighbouring properties, amenity for future occupiers, impacts upon the highway network and sustainability issues must also be considered.

Principle of Development:

- 8.2 The site is located within the primary frontage of the Regional Shopping Centre and as a result policy SR4 of the Brighton & Hove Local Plan and CP4 of the emerging City Plan applies.
- 8.3 Policy SR4 of the Local Plan states that within the defined prime frontages of the regional shopping centre, the change of use of existing Class A1 use shops to Class A2, A3, A4 or A5 uses, will be permitted provided that all of the following criteria are met:
- as a result of the proposal there would not be a significant break in the shopping frontage of more than 10m;
 - it would not result in either the number of non-retail units or the proportion of frontages exceeding 25% of the shopping street(s) to which it relates;
 - it would have a positive effect on the shopping environment of the area by encouraging combined trips and attracting pedestrian activity to the centre; and
 - the development would not be significantly detrimental to the amenities of occupiers of nearby properties or the general character of the area.
- 8.4 The proposal seeks to retain the majority of the existing ground floor retail floorspace whilst converting the upper floors to a HMO. The basement level would be retained for storage for the retail unit, which is welcomed as it is considered this would help ensure that the retail unit in the prime location remains viable.

- 8.5 As part of the application marketing details have been submitted in which the following is stated;
- the subject property formed part of a portfolio of properties whose owner went into receivership around 2009, at a time when the property in its entirety was let to HMV in a lease than ran until 24th March 2014. The Receiver initially took the decision to focus on dealing with other properties within the portfolio holding the Western Road site on behalf of the bank collecting rent from HMV. At this time HMV only occupied the basement, ground and first floor level, with the upper floors not being utilised, which are now in a poor state,
 - HMV vacated the site at the latter part of 2012 due to experiencing significant trading problems but re-occupied just the ground floor level in November 2012 until shortly after Christmas 2012,
 - Due to HMV going into Administration in early 2013 they were not liable for repairing the premises to a good condition,
 - Marketing by Fludes commenced in October 2012, in respect of the letting of the whole property and in 2 parts (subject to necessary consent to self-contain the upper parts of the property),
 - 3 different sets of particulars were provided to deal with the various options of utilising the premises,
 - Various interest was generated form a number of retailers however all interested parties only required the ground and basement floor,
 - Marketing of the premises for sale as well as to let commenced in January 2013,
 - In April 2013 a tenancy was granted to a temporary retailer at a rent of £4,000 per calendar month, to provide security to the premises. This retailer still currently occupies the ground and basement level of the property, and
 - The marketing strategy consisted of the distribution of marketing particulars, press advertisements, mailing, the erection of marketing boards on the premises, internet marketing.
- 8.6 It is considered that the marketing strategy has been extensive. Given the marketing of the site undertaken and due to the retention of the existing retail unit with associated storage it is considered that the proposal accords with policy SR4 of the Local Plan and CP4 of the City Plan.
- 8.7 The proposed HMO would provide 20 rooms of affordable accommodation for young people (between the ages of 18 and 35) and would be managed 24 hours a day to provide a management service, safety and security, maintenance and advise to tenants.
- 8.8 Part 2 of policy CP21 of the City Plan relates to the creation of Houses in Multiple Occupation (HMOs) and specifically addresses the issue of changes of use to sui generis HMO uses and states that:
- 8.9 'In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10 per cent of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a sui generis use.'
- 8.10 This policy at present has significant weight as the adopted Local Plan is silent on the issue.
- 8.11 A mapping exercise has taken place which indicates that there are currently no HMOs located within a 50m radius of the application site (based upon Council Tax records and HMO Licensing) and therefore the proposed conversion accords with policy CP21. In addition the proposed HMO would have on site management and would be subject to a management plan (discussed below) to address any noise, nuisance and other associated problems that might arise from a large HMO, which should address a number of the concerns raised by local residents in their objections regarding the proposed use and the potential impacts.

Visual Amenities:

- 8.12 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
 - uses materials sympathetic to the parent building.
- 8.13 In considering whether to grant planning permission for extensions to residential and commercial properties, account will be taken of sunlight and daylight factors, together with orientation, slope, overall height relationships, existing boundary treatment and how overbearing the proposal will be.
- 8.14 The property lies within the Regency Square Conservation Area and therefore the impacts upon this Conservation Area must also be assessed. Policy HE6 states that proposals within or affecting the setting of a conservation area should preserve or enhance the character or appearance of the area and should show:
- a consistently high standard of design and detailing reflecting the scale and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
 - the use of building materials and finishes which are sympathetic to the area;
 - no harmful impact on the townscape and roofscape of the conservation area;

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- the retention and protection of trees, gardens, spaces between buildings, and other open areas which contribute to the character or appearance of the area;
 - where appropriate, the removal of unsightly and inappropriate features or details; and
 - the retention and, where appropriate, the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as mouldings which individually or cumulatively contribute to the character or appearance of the area.
- 8.15 Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.
- 8.16 Since submission of the application the Design and Access Statement has been amended to identify the building as a heritage asset, which is considered to positively contribute to the character and appearance of the Conservation Area. The statement also includes a photograph record of the original stair and the necessary research into the history of the building to inform and provide justification to support the proposal.
- 8.17 A list of the external alterations proposed as part of the conversion to a HMO are listed in section 4 above.
- 8.18 In association with the proposed works it is noted that a new internal staircase between ground and third floor levels at the front of the building would be installed, however, as the property is not listed such internal works do not require permission. The associated new fire escape that would exit onto Western Road, however, does require permission. This new access would comprise of a single Aluminium door within the western most section of the existing north facing shopfront. A new transom level would be created in the related section of the shopfront, level with that above the existing retail unit main entrance.
- 8.19 A photograph showing the building in 1928 shows the original window design and this image, which is included in the James Gray collection, has informed the proposal.
- 8.20 The existing windows are not of historic or architectural merit and whilst their proposed replacement is considered to be acceptable in principle the proposal should seek to reinstate windows to the original design, pattern and material.
- 8.21 The amended design for the proposed aluminium framed windows would match the design of the windows shown in the 1928 photograph and therefore is considered appropriate to the building and would complement and better reveal the architectural integrity and aesthetic significance of the building.
- 8.22 It is noted that the proposed windows would have surface applied glazing bars, a detail which is usually restricted; however it is considered that the overall public benefits of the proposal outweigh the less than substantial harm and the works,

which are associated with the proposed conversion, would secure the optimum viable use of the property.

- 8.23 As part of the proposed conversion a new plant room would be constructed on the southern side of the flat roof, adjacent to the existing lift shaft. This proposed plant room would measure approximately 3.4m by approximately 3.9m and approximately 2.6m in height. The flat roof of the proposed plant room would be located approximately 1.4m below that of the existing lift shaft.
- 8.24 Since submission of the application the proposal has been amended to replace the formally proposed external cladding of the proposed plant room with a rendered finish, a finish which would echo the finish to the existing principal building. It is considered that the proposed render finish would harmonise with the building and would enable the proposed plant room to appear as a more visually discreet addition to the building.
- 8.25 Insulated render would be applied to parts of the exterior of the property, in a colour to match the existing building.
- 8.26 With respect to the Stone Street elevation an existing window on the western side of the basement level would be enlarged to accommodate the entrance to the proposed HMO whilst an existing window opening located towards the centre of the elevation would be enlarged to accommodate a new retail goods entrance. The existing goods entrance would become a fire escape point for the retail use.
- 8.27 The existing railings associated with the third floor east facing balcony would also be replaced as part of the proposal, with rails to match the existing.
- 8.28 The existing fire escape located on the western elevation would be removed. Existing fire escape access door openings, located at third and second floor levels would be in-filled whilst at first floor a door would be replaced with a new window opening.
- 8.29 Subject to the compliance with recommended conditions, on balance it is considered that the benefit of bringing the upper floor levels of the property into use would outweigh the less than substantial harm of the details of the proposed external works and as such would serve to preserve, enhance and better reveal the character and appearance of the parent property and therefore would not be of significant detriment to the visual amenities of the related streetscenes and the wider area including the surrounding Conservation Area.

Impact on Amenity:

- 8.30 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.

Future Occupiers

- 8.31 The plans submitted show that each proposed 20 units would comprise a single bed, a sitting/dining area, a sink and a shower room with WC. A communal

kitchen and dining area would be provided at first, second and third floor levels and a laundry at basement level.

- 8.32 The proposed ancillary staff accommodation would be at first floor level and would comprise a single bed, a sink, a sitting/dining area, a WC and shower room and a desk area. A separate office would also be located at first floor level.
- 8.33 A wheelchair accessible unit would be provided on the first floor level. As the application relates to the creation of a HMO the proposal is not subject to policy HO13 however the provision of such a unit is welcomed in addition to the retention of a lift.
- 8.34 All of the proposed units and associated communal areas would be provided with some form of natural light. It is considered that the standard of accommodation proposed is acceptable.
- 8.35 Policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. None of the proposed residential units would be provided with any external amenity areas however it is not considered that refusal on this basis could be sustained given the City centre location of the site and the site constraints.
- 8.36 Brighton & Hove Local Plan policy HO6 requires that new residential development provides outdoor recreational space, specifying that 2.4 hectares per 1000 population accommodated within the development should be provided. This policy requires the provision of suitable outdoor recreation space to be split between children's equipped play space, casual / informal play space and adult/youth outdoor sports facilities. Such sufficient provision is not proposed as part of the application. In recognition that development schemes will seldom be capable of addressing the whole requirement on a development site, the policy allows for contributions towards the provision of the required space on a suitable alternative site. A contribution towards off-site improvements is therefore recommended to address the requirements of policy HO6. In this case the contribution required towards sport, recreation and open space would be £24,070.72. This requested contribution acknowledges that the proposed accommodation would not provide family accommodation and therefore does not include a contribution towards children and young people play space. The contribution also does not include the proposed staff accommodation as it is not considered that the same member of staff would resident at the property on a permanent basis. Such a contribution could be secured by legal agreement were approval to be recommended.
- 8.37 The property is located on Western Road which has heavy bus use, which raises concerns regarding the level of noise generated by road traffic. Since submission of the application an Acoustic Report has been submitted in which a number of measures are listed to ensure that future residents are protected in respect of noise nuisance, such as the installation of double glazing and the installation of a mechanical ventilation system. A mechanical ventilation system would provide future occupiers with ventilation should they wish to keep windows close due to

noise issues from the busy City centre location. Conditions to ensure that such measures are implemented are recommended.

- 8.38 Conditions can be attached to an approval to ensure that the proposed external plant, lift shaft and air conditioning units do not have a significant adverse impact upon the amenities of future occupiers.

Neighbouring Amenity

- 8.39 Since submission of the application a letter has been received from the YMCA providing further information regarding the proposed use. Within this letter it is stated that the proposal would house people between the ages of 18-35 that may have faced homelessness in the past but would not be currently street homeless and would likely to be already known to the organisation through the existing supported housing. It is stated that tenants would only be moved into the proposed accommodation when they have sufficient life skills and independent living skills, appropriate for the type of accommodation proposed.
- 8.40 It is also stated that any tenants that are deemed to be behaving anti-socially, the YMCA would take appropriate action in accordance with the YMCA existing policies, procedures and protocols, such as warnings and eviction protocols).
- 8.41 The submitted management details states that the property would benefit from 24 hour, 7 days a week staffing presence. It is considered that such management of the property is ensured via a condition attached to an approval.
- 8.42 The objections received regarding overlooking and loss of privacy are noted. The proposal includes the replacement of existing windows within the property, some of which would comprise obscured glazing. Whilst it is noted that internally some of the existing window openings are covered over the actual openings are still present and could be uncovered at any point for use by the current retail use of the site. Overall it is not considered that the proposed conversion would have a significant adverse impact upon the amenities of neighbouring properties with respect to overlooking or loss of privacy, subject to the compliance with recommended conditions regarding the prohibitive use of the existing third floor balcony area and the flat roof of the property.
- 8.43 As set out above the proposal includes the provision of a new lift shaft, a roof top plant room, the provision of a ventilation extract system and the installation of external air conditioning units. The amenities of neighbouring properties from such elements can be protected via the attachment of conditions.
- 8.44 Comments regarding the creation of the main entrance for the proposed HMO onto Stone Street are noted however due to the existing mixed commercial and residential character of the city centre location it is not considered that the provision of such an access point would have a significant adverse impact upon the amenities of neighbouring properties. It is also not considered that the creation of a new fire exit point onto Western Road would have a significant adverse impact upon the amenities of neighbouring properties.

- 8.45 The proposed plant room would be located on the southern side of the existing flat roof, adjacent to the existing lift shaft, which is also to be rebuilt as part of the proposal. The height of the proposed plant room would be lower than that of the rebuilt external lift shaft. Due to the existing height and built form of the building it is not considered that the proposal would have a significant adverse impact upon the amenities of the neighbouring properties.
- 8.46 Overall it is not considered that the proposed change of use of associated external alterations would have a significant adverse impact upon the amenities of neighbouring properties.

Sustainable Transport:

- 8.47 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4.
- 8.48 The Council's Transport Officer considers that the proposed change of use would not significantly increase the associated total person trips above those potentially generated by the existing retail use and as a result no financial contribution relating to trip generation is sought in this instance.
- 8.49 The site is located within one of the City's Controlled Parking Zones (CPZ). The Sustainable Transport Officer has raised no objection in principle to the proposal. The site is in a sustainable location in easy walking distance of local facilities and close to public transport routes. No on-site parking is proposed or possible given the constraints of the site. In accordance with policy HO7, it is considered appropriate to condition that the development is made car free, with future occupiers of the proposed accommodation being made ineligible for parking permits.
- 8.50 The Sustainable Transport Officer has identified that SPG4 requires a minimum of 7 cycle parking spaces to be provided in association with the proposed change of use. The plans submitted show the provision of a two tier bike store at basement level, however the Transport Officer does not consider that the proposed facilities are located within an adequately sized area and therefore it is recommended that a condition is attached to an approval requiring amended cycle storage facilities.

Sustainability:

- 8.51 All developments are required to seek to comply with the requirements set out in the Council's adopted Supplementary Planning Document on Sustainable Building Design (SPD08) and policy SU2 of the Brighton & Hove Local Plan.

8.52 In respect of SPD08 the proposal is classified as a major scale non-residential development within an existing building. In order to comply with SPD08 the proposal should result in no additional net annual CO2 emissions, a reduction in water consumption and the minimisation of surface water run-off. It is recommended that a condition be attached to an approval requiring further sustainability details to be submitted.

8.53 The plans submitted show the provision of internal areas for the storage of refuse at basement, first, second and third floor levels. The Council's City Clean Officer has confirmed that there is sufficient communal refuse and recycling within the vicinity of the site, on Stone Street, Castle Street and Western Road. It is however recommended that a condition is attached to an approval to ensure that the proposed on-site facilities are provided prior to occupation.

9 CONCLUSION

9.1 In conclusion it is considered that, subject to the compliance with recommended conditions, the benefit of bringing the upper floor levels of the property into use would outweigh the less than substantial harm of the details of the proposed external works and as such would serve to preserve, enhance and better reveal the character and appearance of the parent property and therefore would not be of significant detriment to the visual amenities of the related streetscenes and the wider area including the surrounding Conservation Area. In addition the proposed standard of accommodation is considered acceptable and subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition it is deemed that the proposed HMO would not have a significant adverse impact upon the amenities of neighbouring properties.

10 EQUALITIES

10.1 A wheelchair accessible unit would be provided on the first floor level.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- £24, 070.72 contribution towards open space and indoor sport, to be spent on;
 - i. Parks/recreation/play space (£13, 333.64) - St Nicholas and/or St Ann's Well Gardens ,
 - ii. Outdoor sport (£5,961.48) - St Ann's Well Gardens and/or Dyke Park,
 - iii. Indoor sport (£3,920)- Prince Regent Swimming Complex and/or King Alfred Leisure Centre, and
 - iv. Allotments (£855.60) - Craven Vale and/or Whitehawk Hill Road

11.2 Regulatory Conditions:

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

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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, Block and Site Plans	100	Rev. A	1 st July 2014
Existing Floor Plans	101	Rev. A	5 th September 2014
Existing Elevations and Section AA	102	Rev. A	5 th September 2014
Proposed Floor Plans	103	Rev. F	6 th November 2014
Proposed Elevations and Sections AA and BB	104	Rev. G	18 th November 2014

- 3) The number of persons residing at the premises shall not exceed twenty one (21) at any one time and each room shall be for single person occupancy only.

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

- 4) The external render finish of the proposed roof plant hereby permitted shall match in material, colour and texture to that of the existing building.

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

- 5) The proposed lift, the mechanical ventilation, air conditioning units and plant hereby approved, must not exceed noise values laid out in BS8233 for the habitable residential rooms located in the property.

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

- 6) Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS 4142:2014.

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

- 7) 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.

- 8) Access to the flat roof and third floor balcony, shall be for maintenance or emergency purposes only and the flat roof and balcony shall not be used as roof gardens, terraces, patio or similar amenity areas.
Reason: In order to protect adjoining properties from overlooking, loss of privacy and noise disturbance and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 9) The replacement railings hereby permitted shall exactly match those existing in material, dimensions, method of fixing, painted finish and colour 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.
- 10) The repairs to and replacement of sections of the decorative render detail shall exactly match that of existing in design, profile, colour and texture. The works shall be carried out in strict accordance with the approved details and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 11) The repairs to the external smooth render finish to the building hereby permitted shall exactly match in material, colour, and texture to that of the existing building and shall be maintained thereafter.
Reason: To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 12) Notwithstanding the details submitted, the development hereby permitted shall not be commenced until amended 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) No development shall take place until full details of all new windows and their reveals and cill and head treatment including 1:20 scale elevation drawings and sections and 1:1 scale sections showing frame and glazing bar profiles 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.
- 14) No development shall take place until further details, including the location, material, colour and appearance of the new vents for the ventilation system to have been submitted to and approved in writing by the Local Planning Authority. No flues or vents shall be positioned on the North facing principal elevation. The works shall be implemented in strict accordance with the agreed details.

- Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.
- 15) The development hereby permitted shall not be commenced until details of sustainability measures to reduce the energy and water consumption of the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to occupation and thereafter be retained as such.
- Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy and water 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.
- 16) The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
- Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

11.4 Pre-Occupation Conditions:

- 17) Prior to the first occupation of the development hereby approved all habitable rooms on Western Road façade and Castle Street Façade shall be fitted with a mechanical ventilation system as specified in section 5 of Acoustic Associates Sussex Ltd Noise Assessment Report, received on the 6th August 2014, and thereafter permanently retained as such.
- Reason:** To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 18) Prior to the first occupation of the development hereby approved the replacement glazing hereby approved shall be installed in accordance with the details specified in section 5 of Acoustic Associates Sussex Ltd Noise Assessment Report, received on the 6th August 2014, received on the 6th August 2014, and thereafter permanently retained as such.
- Reason:** To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 19) Prior to the first occupation of the development hereby approved the Party Walls/Floors between the retained ground floor commercial A1 use and the first floor units hereby approved shall be designed to achieve a sound insulation value of 5dB better than Approved Document E performance standard, for airborne sound insulation for floors of purpose built dwelling-houses and flats, and thereafter permanently retained as such.
- Reason:** To safeguard the amenities of the future occupiers of the building and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.22)
- 20) Prior to the first occupation of the development hereby approved, the replacement windows shall be installed in complete accordance with the details approved with respect of condition 13.
- Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

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- 21) Prior to the first occupation of the development hereby approved, a full Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall, as a minimum, include the following details,
- i. refuse and recycling collections,
 - ii. deliveries,
 - iii. complaint procedures,
 - iv. staffing arrangements, and
 - v. details of 24 hour management and security arrangements.

The approved Management Plan shall be implemented as approved from first occupation of the development for the purpose of student accommodation.

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

- 22) 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.

- 23) The development hereby approved shall not be occupied until all new and disturbed surfaces have been made good using materials of matching composition, form and finish to 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.

11.5 Informatives:

1. In respect of condition 12 the applicant is advised that amended details regarding cycle storage is required as the plans submitted do not shown adequate room to allow convenient use of the proposed to tier storage system.
2. The applicant is advised that the scheme required to be submitted by Condition 16 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.
3. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

2. This decision to grant Planning Permission has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
Subject to the compliance with recommended conditions, it is considered that the benefit of bringing the upper floor levels of the property into use would outweigh the less than substantial harm of the details of the proposed external works and as such would serve to preserve, enhance and better reveal the character and appearance of the parent property and therefore would not be of significant detriment to the visual amenities of the related streetscenes and the wider area including the surrounding Conservation Area. In addition the proposed standard of accommodation is considered acceptable and subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition it is deemed that the proposed HMO would not have a significant adverse impact upon the amenities of neighbouring properties.

ITEM E

2 Baywood Gardens, Brighton

**BH2014/03113
Full planning**

10 DECEMBER 2014

BH2014/03113 2 Baywood Gardens, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

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<u>No:</u>	BH2014/03113	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	2 Baywood Gardens Brighton		
<u>Proposal:</u>	Demolition of garage and erection of 1no. three bedroom, detached dwelling.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	25 September 2014
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	20 November 2014
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	SDR Designs, 14 Batemans Road, Woodingdean, Brighton BN2 6RD		
<u>Applicant:</u>	Mr & Mrs Paul Simson, 2 Baywood Gardens, Brighton BN2 6BN		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a strip of garden on the corner of Baywood Gardens and Midway Road. The site comprises a two storey detached house at the north end, and a detached double garage with a barn-hip roof to the south. The southern end of the land previously accommodated an unauthorised mobile home, however, this has since been removed.
- 2.2 The site and surrounding area are residential in character. The ground level slopes up to the north from Midway Road. The street scene in this locality is characterised by bungalows, chalet bungalows and two storey detached houses set back from the road with detached garages to the side and areas of private amenity space at the rear.

3 RELEVANT HISTORY

- 3.1 None

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing garage and the erection of 1 no. three bedroom, detached dwelling.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Nine (9) letters of representation have been received from **1 (x3), 3 (x4), 5 Downsvie Avenue, and 28 Portland Avenue** objecting to the application for the following reasons:

- Overdevelopment of site;
- Property too close to highway;
- Design does not relate to surrounding area;
- Overlooking and loss of privacy to properties on Downsvie Avenue;
- Loss of light to properties on Downsvie Avenue;
- Previous siting of mobile home had no planning consent;
- No clarity on proposed off street parking;
- Party wall issues with existing garage.

Occupant at **5 Baywood Gardens** has commented on the application:

- Would like to see a restriction to building work times if permission granted.

Internal

Access:

5.2 There should be suitable side transfer space to the entrance level WC. (1m from centre line of WC to wall) One of the first floor WCs also needs to have the side transfer space and also 1100mm clear space in front of the WC.

Transport:

5.3 The Highway Authority has no objections to the proposals to demolish the existing garage and provide a single residential unit in its place.

While the proposals will increase trip generation above existing levels. The increase is not considered to have a significant impact upon the highway network above existing permitted levels.

The applicant is proposing 1 off-street car parking space accessed from the existing crossover on Baywood Gardens. The applicant is also providing a separate cycle store in the garden which its implementation should be secured via condition.

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."

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.

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

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontage
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposal development, the suitability of the site to accommodate an additional dwelling having regard to the affect upon the character of the area and neighbouring and future residential amenity. An assessment will also be made of the issues relating to transport and sustainability.

Principle of development and Impact on character of the area:

- 8.2 The proposal seeks permission for one detached property in the garden of the application site. Guidance contained within the National Planning Policy Framework defines sites such as this as greenfield land rather than previously developed brownfield land. This definition places the onus on Local Planning Authorities to determine whether the development of such sites would be harmful to the character of an area, and to determine planning applications for new development accordingly.
- 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 (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.
- 8.4 Proposals for garden development will always need to be rigorously examined in respect of the impact of the surrounding area and its impact on amenities. Special attention will be paid to the design and quality of spaces between buildings. Local plan policies remain applicable; policies QD3 and HO4 can support planning permission for additional residential development, including development on previously un-developed gardens providing that the proposed building responds well to the character of the area, does not harm neighbouring occupiers, and is acceptable in all other respects. These aspects

will be examined in the following sections of this report.

- 8.5 The proposed dwelling would replace an existing double garage and would be positioned close to the junction with Baywood Gardens and Midway Road. This part of the land is set at a lower level than the existing detached house of the site with the remaining private garden space for the existing house set in between.
- 8.6 Brighton & Hove Local Plan Policies QD1, QD2 and QD3 require a high standard of design for new development to provide a positive contribution to the visual quality of the area. Policies QD3 and HO4 both seek to prevent the overdevelopment of sites that would result in 'town cramming'.
- 8.7 The proposed design reflects that of the local context in respect of the use of materials and the hipped roof with gable ends. The height of the building is considered to sit comfortably in its setting. The proposed dwelling would be sited closer to the street than the other neighbouring properties which have substantially larger front gardens. However the land tapers on this site and so a dwelling positioned here would be expected to be sited closer to the street.
- 8.8 The footprint of the proposed dwelling would cover much of the site which is to be allocated to the proposed unit. The footprint of the dwelling appears excessive and uncharacteristic in the context of the pattern of surrounding development. In terms of built form, the scheme would incorporate a large gable end side wing which would elongate the property into the southern end of the site. The bulk of the dwelling, together with the excessive footprint would create an incongruous feature in the street scene, which would be out of character with the pattern of development. The neighbouring properties are generally set in more spacious plots, and the proposed development, in terms of its scale and site coverage, is considered an inappropriate development in excess of what might reasonably be expected to be achieved on this limited plot site. Consequently the proposal represents an over-development of the site to the detriment of the character of the area. As such it would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

Standard of Accommodation:

- 8.9 Policy HO13 requires residential units to be lifetime homes compliant, new residential dwellings should comply with the standards. The applicant has submitted adequate details to demonstrate that the dwelling will adequately accord to Lifetime Home Standards.
- 8.10 Policy QD27 requires the protection of amenity for proposed, existing and/or adjacent residents. The proposed dwelling is considered to provide an adequate standard of living accommodation which is suitably laid out internally and provides adequate levels of outlook, privacy and natural light.
- 8.11 Policy HO5 requires all new residential units to have private useable amenity space appropriate to the scale and character of the development. The

proposed dwelling would have three bedrooms and as such is capable of being occupied by a family. The site is situated in a suburban area where properties generally benefit from generous private amenity provision.

- 8.12 The provision of outdoor amenity space is smaller than is characteristic for this location, where surrounding development generally benefit from reasonably sized private rear amenity space. The excessive footprint of the proposed dwelling has compromised the amount of amenity space proposed. On balance, however, it is considered that the comparatively small size of amenity space would not be considered so significant as to warrant refusal of the application in this regard. However this does further highlight the concerns of over development on this site.
- 8.13 Policies TR14 and SU2 require all new residential developments to have secure, covered cycle storage and refuse and recycling storage. The scheme makes provision for the refuse storage within the garden and there is also a proposed cycle parking store in the garden, details of which can be conditioned if the scheme was considered acceptable in all other respects. .

Impacts on Amenity of Adjacent Occupiers:

- 8.14 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.
- 8.15 The proposed dwelling would be sited close to rear gardens of neighbouring properties on Downsview Avenue. The distance between the existing garage and the boundary line of no. 3 Downsview Avenue is approximately 1.1m. The proposed dwelling would be approximately 0.25m closer to the boundary and it would also stretch the width of the boundary of this neighbouring property as well as part of the boundary line of no. 1 Downsview Avenue. The proposed dwelling would have a larger form and height than the existing detached garage and so it will be more visibly prominent for the occupiers of these neighbouring properties. The properties on this side of Baywood Gardens have relatively small rear garden areas and so the properties are set close to the rear boundary lines of neighbouring properties on Downsview Avenue. Notwithstanding this, the proposed dwelling would project closer to the boundary with the properties of Downsview Avenue compared to the existing dwelling. Given the scale, positioning, footprint and height it is considered that the proposed development would have an un-neighbourly impact on residential amenity by reason of building bulk and loss of light.
- 8.16 The proposed first floor rear elevation window would have the potential for views towards the rear gardens of properties on Downsview Road. This is proposed to be a landing window could therefore consist of obscure glazing and be fixed shut, which could be controlled by a planning condition in the event that planning permission is granted. .

8.17 The proposal would result in a reduction in size of the rear garden of the existing dwelling at 2 Baywood Gardens. However, the remaining private garden space would be of a sufficient size for a family dwelling, and so it is not considered a significant impact on amenity in this instance.

Transport issues:

8.18 The site is not situated within a controlled parking zone (CPZ). The proposal would result in the loss of car parking spaces within the existing garage. One off-street car parking space would be accessed from the existing crossover on Baywood Gardens for the proposed dwelling. This is considered to be an acceptable arrangement.

8.19 Sustainable Transport have been consulted and have raised no objection to the scheme. Whilst the proposals would increase trip generation above existing levels. The increase is not considered to have a significant impact upon the highway network above existing permitted levels.

8.20 As above, the proposed cycle store would be acceptable subject to further details required by condition.

8.21 Overall the proposal is considered to be in accordance with policies TR1, TR7 and TR19.

Sustainability:

8.22 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 proposed sustainability credentials of the scheme must be set out in a Sustainability Check list submitted with the application.

8.23 The applicant has proposed code level 5 within the submitted Sustainability Check list which is considered acceptable subject to appropriate conditions.

9 CONCLUSION

9.1 The proposed dwelling, by virtue of its scale and footprint coverage, is considered an inappropriate development in excess of what might reasonably be expected to be achieved on this limited plot site. Consequently the proposal represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

10 EQUALITIES

10.1 The dwelling would be required to be built to meet Lifetime Home Standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed dwelling, by virtue of its excessive scale, mass, bulk, footprint and site coverage, is considered an inappropriate visually intrusive development that would represent an incongruous form of development that would be out of character with the pattern of surrounding development. Consequently the proposal represents an over-development of the site to the detriment of the surrounding area. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2. The proposed dwelling, by virtue of its excessive scale, mass, bulk and positioning, would represent an overbearing development that would have an un-neighbourly impact to the detriment of the amenities of the occupiers of neighbouring properties. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

2. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Proposed floor plans and elevations	1252014/01	A	04 November 2014
Proposed site layout	1252014/02	A	04 November 2014
Existing site plan and elevations	1252014/03		25 September 2014

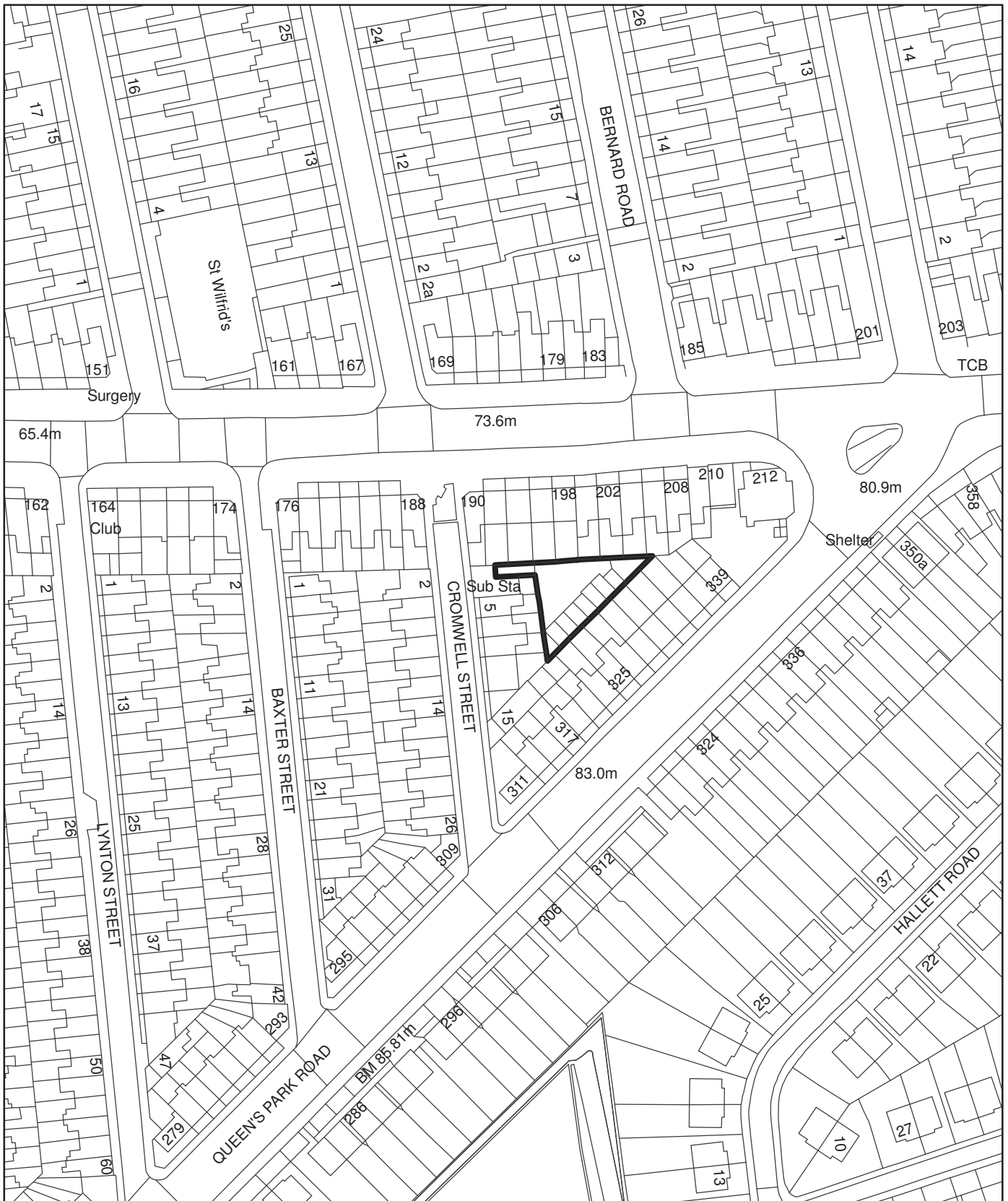
ITEM E

Land rear of 5-11 Cromwell Street, Brighton

BH2014/03396
Full planning

10 DECEMBER 2014

BH2014/03396 Land rear of 5 - 11, Cromwell Street, Brighton



Scale : 1:1,250

<u>No:</u>	BH2014/03396	<u>Ward:</u>	HANOVER & ELM GROVE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Land Rear of 5-11 Cromwell Street Brighton		
<u>Proposal:</u>	Demolition of existing garages and erection of 2no dwellings accessed from Cromwell Street.		
<u>Officer:</u>	Wayne Nee, tel: 292132	<u>Valid Date:</u>	09 October 2014
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	04 December 2014
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	n/a		
<u>Applicant:</u>	Mr Charles Meloy, 14 Whichelo Place, Brighton BN2 9XF		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for recommendation set out in section 11 and the policies and guidance in section 11.1 resolves to **REFUSE** planning permission for the reason set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a triangular plot of land at the rear of the houses on the east side of Cromwell Street (to the west), on the north side of Queen's Park Road (to the south) and on the south side of Elm Grove (to the north). A 5m high retaining wall divides the site from the properties in Queen's Park Road which overlook the site.
- 2.2 On the site, adjoining its south-eastern boundary, are seven lock-up garages. Access to the site is by way of a driveway off Cromwell Street adjacent to an electricity sub-station and wall. Cromwell Street slopes steeply downwards to the north and is stopped off to vehicular traffic at its junction with Elm Grove.

3 RELEVANT HISTORY

BH2014/01683 Demolition of existing garages and erection of 2no dwellings accessed from Cromwell Street – Refused 29/07/2014

Reason:

The proposed dwellings, by reason of the limited plot size, positioning and the arrangement of the adjoining sites, would represent a cramped and overbearing development that would be intrusive and dominant to the detriment of the amenities of the occupiers of adjoining neighbouring properties. In addition, there would also be a loss of amenity by virtue of loss of privacy and overlooking to neighbouring properties on Cromwell Street. The proposal would therefore be contrary to policy QD27 of the Brighton and Hove Local Plan.

BH2002/00470/FP Erection of 3 no. domestic dwellings with integral garages – Refused 30/03/2002

Reason:

The proposal would constitute a cramped form of backland development out of character with the pattern of existing development, poorly related to adjoining residential properties and having inadequate means of access and amenity space.

91/1086/FP Demolition of existing garages and erection of 2 one bedroom semi-detached houses – Refused 05/11/1991 (Appeal dismissed 19.06.92)

BN90/0760/F Demolition of garages and erection of 2 detached 1 bed single storey dwellings. Provision of 3 parking spaces – Refused 12/06/90

BN89/1591/F Demolition of garages. Erection of two storey building to provide 3 s/c residential units (1x1bed maisonette, 1x1 bed flat and 1x1 bedsitting room flat). Provision of 5 parking spaces – Refused 24/10/89

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing garages and erection of 2no dwellings accessed from Cromwell Street.

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Twenty (20) letters of representation have been received from the following addresses: **222, 243, and 315(x2) Queens Park Road, 74 Sandown Road, 9 (x2), 10, 11 (x2), 14, and 24 Cromwell Street, and 190, 200 (x4), 202, and 204 (x2)** support the application for the following reasons:

- Energy efficient;
- Existing garages have caused many issues for nearby residents;
- High quality housing;
- Good use of the space;
- Appropriate design;
- Minimal impact on neighbouring properties;

One (1) letter of representation has been received from **5 Cromwell Street** objecting to the application for the following reasons:

- Overlooking and loss of privacy to their rear garden and kitchen;
- Noise will affect surrounding properties;
- Impact on parking in the area.

External

- 5.2 • **Cllr Daniel, Cllr Randall and Cllr Wakefield** support the application. Their comments are attached.

- 5.3 **East Sussex Fire & Rescue:** No comment.

Internal

5.4 Arboriculture:

On the site itself is a 4 metre high self-seeded Sycamore tree that is growing adjacent to the boundary wall. This tree will be removed prior to the development commencing and the Arboricultural Section has no objection to its loss subject to at least one suitable replacement being planted as part of a landscaping scheme.

5.5 Overhanging the site from neighbouring gardens are several shrubs and one Cherry tree. These may need to be pruned back to facilitate the development. The Arboricultural Section has no objection to this subject to the trees/shrubs being pruned back to suitable growth points.

5.6 Overall the Arboricultural Section has no objection to the proposals in this application subject to a suitable landscaping condition being attached to any planning consent granted.

Access:

5.7 The entrance level WC space should be fully accessible, i.e. it should be at least 1400mm wide with 1m between the centre line of the WC and the wall and there should be at least 1100mm clear space in front of the WC. It seems to scale around 100mm less than required.

5.8 Space should be identified for the future installation of a vertical lift (1000mm x 1500mm min.)

Environmental Health:

5.9 The application is to develop 2 residential properties on land which used to contain domestic garages. As such, a contaminated land report has been submitted and subsequently scrutinised to ensure that it is robust. This was a Phase 1 Environmental Risk Assessment undertaken by WSP Environment & Energy (Ref: CS01), dated May 2014.

5.10 The report has identified potential contaminative sources which are considered to present a potential risk to human health. The report therefore recommends that a full Phase II Intrusive Investigation is undertaken at the site. For completeness it is suggested this is conditioned using a bespoke phased contaminated land condition.

5.11 Additionally, whilst site reports present what has been intrusively examined, there will always remain a degree of uncertainty over what else may be on the site which was not planned or expected. For this reason, the application of a discovery strategy will ensure that should any unexpected or accidental discoveries be made during the construction process, which these are dealt with in a controlled manner with works ceasing and appropriate risk management taking place and of course contact with the Local Planning Authority. This may be discharged at the same time that an application is received to sign off the validation/verification condition.

Transport (from previous application):

5.12 Pedestrian Access

Pedestrian access to the site is currently poor. The proposed pedestrian access is from Cromwell Street and the pedestrian route is shared with the vehicular access. Given the scale of the development (2 units) and the likely number of vehicle numbers associated with this development the provision of a shared pedestrian/vehicular access is acceptable.

- 5.13 However, the footpath on Cromwell Street at the access to the site has full height kerbs and no dropped kerbs. This means that it can be difficult for certain road users to navigate and access the site. Therefore in order to provide a safe and suitable pedestrian route from the site the Highway Authority would look for the applicant to drop the kerbs so they are flush with the kerb, provide tactile paving and slightly realign the kerb radius. These works are necessary to ensure that the development provides a suitable walking route to and from the site and that the development is in accordance with Local Plan policies TR1, TR7 and TR8. These improvements could be secured through a suggested Grampian condition.

Cycle Parking

- 5.14 SPG 4 states that a minimum of 1 cycle parking space is required for every dwelling. For this development of 2 residential units the minimum cycle parking standard is 1 cycle parking space. In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered.

- 5.15 The applicant is proposing a cycle store for each residential unit. This provision is deemed acceptable. The Highway Authority would look for further details as to its nature to be secured via condition.

Vehicular Access

- 5.16 The applicant is intending to retain the vehicular access from Cromwell Street. The applicant has submitted swept path plots demonstrating that a car can enter and exit in a forward gear the Highway Authority therefore has no objections to this arrangement.

Car Parking

- 5.17 The applicant is proposing 2 car parking spaces 1 for each residential unit. SPG04 states that the maximum car parking standard for a house outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. Therefore for this development the maximum car parking standard is 3 spaces. Therefore the proposed level of parking is in line with the maximum car parking standards and is deemed to be acceptable.
- 5.18 The applicant is demolishing the existing garages on-site (7 spaces). The applicant states that the garages were used for general storage, motor vehicle repairs and other general maintenance activities. Therefore the loss of the

garages is not considered to cause significant levels of overspill car parking onto the highway.

Trip Generation/Highway Impact

- 5.19 The proposals are not considered to significantly increase trip generation to and from the site. However, given the land use there is likely to be additional pedestrian trips to and from the site.

S106 Developer Contribution

- 5.20 The development is also below the Temporary Recession Measures Threshold and therefore the Highway Authority would not recommend securing a S106 contribution in this instance.

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.”

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.

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

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD5	Design – street frontages
QD15	Landscape design
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
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 relating to the determination of this application are the principle of the proposed development, the proposed design and scale, the impact on residential amenity for future occupiers and existing neighbouring properties. Consideration is also given to traffic implications and matters relating to sustainability.

Background:

- 8.2 A previous planning application (BH2014/01683) - for the demolition of existing garages and erection of 2no dwellings accessed from Cromwell Road – was refused for the following reason:
- 8.3 *The proposed dwellings, by reason of the limited plot size, positioning and the arrangement of the adjoining sites, would represent a cramped and overbearing development that would be intrusive and dominant to the detriment of the amenities of the occupiers of adjoining neighbouring*

properties. In addition, there would also be a loss of amenity by virtue of loss of privacy and overlooking to neighbouring properties on Cromwell Street. The proposal would therefore be contrary to policy QD27 of the Brighton and Hove Local Plan.

- 8.4 As part of the current application, the proposed first floor windows have been inset away from the external wall of the dwellings.

Principle of Development:

- 8.5 The proposal seeks permission to replace existing garages with two dwellings. 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.

- 8.6 The site is located within the Built-up Area as designated in the Brighton & Hove Local Plan. The site consists of a row of single storey garages that appear to have been vacant for sometime. According to the applicant the garages were used for general storage, motor vehicle repairs and other general maintenance activities.

- 8.7 The loss of the garages would not materially impact upon parking provision in the area; therefore no objection to the demolition is raised in this instance. Residential use of the site would be consistent with the NPPF that encourages the effective use of land by reusing land that has been previously developed (brownfield land). The overall acceptability of development on this site would be subject to the provision of a suitably designed building which does not cause detriment to the existing street scene or to neighbouring living conditions, and which provides a suitable standard of living conditions for future occupiers.

Visual Impact:

- 8.8 Policies QD1 and QD2 of the Brighton & Hove Local Plan seek to ensure all new development demonstrates a high standard of design and makes a positive contribution to the visual quality of the environment; with policy QD3 seeking to make efficient and effective use of sites, subject to the intensity of development being appropriate to the locality and/or the prevailing townscape.
- 8.9 Much of the site is not visible from public view as it is surrounded by terraced

properties, and the site is set at a lower land level than the surrounding sites. The entrance to the site is visible from Cromwell Street, although even this is partially obscured from public view by the brick wall of the adjoining electricity sub station.

- 8.10 The existing garage buildings on the site are of little architectural value and consequently the loss of these would not be of detriment to the surrounding area. However the proposed buildings would have to be of an appropriate design that would preserve or enhance the character of the surrounding area.
- 8.11 The proposed dwellings would not share the defining characteristics of the property frontages of the nearby terraced properties. The existing dwellings on neighbouring streets Elm Grove and Queens Park Road predominantly consist of two-storey terraced dwellings with predominantly rendered or brick exteriors and pitched roofs. The properties on Cromwell Street have more of a low-key and less uniform appearance and consist of lower lying buildings; it consequently has less in common with the surrounding frontages.
- 8.12 The proposed dwellings would have flat roofs, brickwork exteriors and would have single storey elements at the front in combination with the two storey form. The size and scale of the dwellings would appear subservient to the more traditional houses surrounding the site. Although the proposed design would contrast somewhat with these neighbouring properties, the simple modern design would be appropriate as the site does not form part of the street scene.
- 8.13 Overall it is considered that the proposal would preserve the character and appearance of the surrounding area in accordance with policies QD1, QD2 of the Brighton and Hove Local Plan.

Standard of Accommodation:

- 8.14 Local Plan policy HO13 states that proposals for conversions and changes of use to provide residential accommodation will be expected to demonstrate that wherever it is practicable, Lifetimes Homes criteria have been incorporated into the design.
- 8.15 The layout of each unit is considered to be acceptable with respect to natural light and ventilation and each is considered to be of an adequate scale for this form of development.
- 8.16 The surrounding area has a character of terraced properties with long narrow rear gardens for private amenity space. The proposed development makes provision for each unit to have a limited size of private amenity space with relatively small rear gardens. Given the character of this form of development the provision is considered to be acceptable in this instance and it is not considered that refusal of the application could be sustained on this ground alone. The scheme is therefore considered to adequately accord to policies HO5 and QD2 in this respect.

8.17 On assessment of the floor plans the development appears to meet many Lifetime Homes standards; a condition to ensure minor internal layout alterations could be imposed on an approval requiring the scheme to fully accord. The proposal scheme makes adequate provision for both cycle parking and refuse/recycling storage; however a condition securing their provision would be requested by condition.

8.18 The proposal would therefore accord with policy QD27 in respect of future occupiers.

Impact on Amenity:

8.19 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.

8.20 The new dwellings would be in close proximity to boundary lines of many adjoining sites. The dwellings, as well as the surrounding amenity spaces and driveways, would intensify the use of the site in an enclosed plot surrounded by neighbouring amenity spaces.

8.21 The proposed dwellings would have flat roofs which would mean for two storey they are of a relatively low height. The dwellings would be positioned in a similar siting to the existing garages and so they would abut the existing wall separating the site from the rear gardens of properties on Queens Park Road to the east. The dwellings would sit 1.3m higher than the existing wall. The applicant has stated that the boundary treatment for properties on Queens Park Road would be 2m; however the proposed north east elevation drawing indicates that the overall boundary height for 331 Queens Park Road would be 2.2m. A combination of the height and proximity of the buildings, together with the lower boundary wall would result in the dwellings appearing unacceptably dominant and intrusive when seen from the gardens of the nearest Queens Park Road flats and houses. This would represent an overbearing development to the detriment of the amenities of the occupiers of these neighbouring properties.

8.22 Concern has been raised from a neighbouring property regarding the increased height and bulk in respect of the relationship to the rear of properties on Cromwell Street. Given the limited separation distance and the height of the proposed dwellings, the proposal is considered to have an unneighbourly impact on the residents along Cromwell Street. Moreover, the new dwelling on the west side would have a first floor bedroom window on the front elevation that would have views in particular towards the rear of 5 Cromwell Street. In the existing arrangement, the rear gardens of these properties are only overlooked to any significant extent by the properties on either side as is a

standard arrangement for terraced properties. The proposed windows have been amended so that they are inset back from the external wall of the dwellings, and the applicant has submitted diagrams within the supporting statement indicating the perceived line of sight from this window. It is acknowledged that this amendment would limit the range of views from this window to an extent. However the proposed dwellings would appear incongruous from these gardens due to their height and proximity to neighbouring gardens. The first floor of the rear elevation of this property has a bathroom window which given its non-habitable nature would result in a limited loss of privacy here. However the views from the proposed first floor front window would give opportunity for overlooking towards the ground floor rear kitchen glazed doors and the rear garden area. The applicant indicates that a proposed trellis in addition to the existing trellis would limit views. Although this would reduce the opportunity for a loss of privacy, the proposed window would still be visible from certain angles given the proximity of the proposed dwelling. This arrangement is considered to be significantly oppressive for occupants of this neighbouring property and would result in loss of privacy through actual and perceived overlooking to the detriment of their amenity.

- 8.23 The proposed first floor side windows would obliquely face the rear gardens of the neighbouring properties on Queens Park Road, and the front elevation windows would also have views towards properties on Elm Grove. Due to the distances involved and the orientation of the properties, the overlooking here would not be so significant as to warrant the refusal of the application on this basis in isolation, however it is considered that this impact adds to the overall unconformable relationship between the proposed dwellings and the immediately adjoining neighbouring properties.
- 8.24 Given the perceived harm is mostly caused from the height of the proposed dwellings and the first floor windows, it is considered that the site would be more suited to a proposed single storey development.
- 8.25 Overall the proposed dwellings, for the reasons relating to the impact on adjoining neighbouring properties would therefore be contrary to policy QD27 of the Brighton and Hove Local Plan.

Sustainable Transport:

- 8.26 Brighton & Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered cycle parking facilities for residents.
- 8.27 Sustainable Transport have previously been consulted and do not consider that there are exceptional circumstances which might include significant implications for highway safety as a result of the loss of the existing garages and there appears to be no significant circumstances in the surrounding area that would be exacerbated by this proposal. The proposed parking spaces are considered acceptable.

- 8.28 Pedestrian access to the site is currently poor and the Transport Team have recommended a condition in order to improve this. This could be used if the proposal was to be recommended for approval.

Sustainability:

- 8.29 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.
- 8.30 Proposals for new build residential development of this size on previously developed land should include a completed sustainability checklist, should achieve Level 4 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards. The completed sustainability checklist details that the proposal would meet Code Level 4 to include solar hot water equipment. It is considered that the proposal is in line with the requirements of SPD08 subject to appropriate conditions.

Land Contamination:

- 8.31 The applicant has submitted a desktop study which recommends further works to determine whether or not the land is potentially contaminated. Therefore a full contaminated land condition would be required should the recommendation be to approve.

9 CONCLUSION

- 9.1 The proposed dwellings, by reason of the limited plot size, positioning and the arrangement of the adjoining sites, would represent a cramped and overbearing development that would be intrusive and dominant to the detriment of the amenities of the occupiers of adjoining neighbouring properties. In addition, there would also be a loss of amenity by virtue of loss of privacy and overlooking to the neighbouring property at 5 Cromwell Street. The proposal would therefore be contrary to policy QD27 of the Brighton and Hove Local Plan.

10 EQUALITIES

- 10.1 None identified

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed dwellings, by reason of the limited plot size, positioning and the arrangement of the adjoining sites, would represent a cramped and overbearing development that would be intrusive and dominant to the detriment of the amenities of the occupiers of adjoining neighbouring properties. In addition, there would also be a loss of amenity by virtue of loss of privacy and overlooking to the neighbouring property at 5 Cromwell Street. The proposal would therefore be contrary to policy QD27 of the

Brighton and Hove Local Plan.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Site plan	156/PA/100	A	09 October 2014
Block plan	156/PA/101	A	09 October 2014
Existing site plan	156/PA/102	A	09 October 2014
Existing site sections and elevations	156/PA/103	A	09 October 2014
Site layout plan	156/PA/200	A	09 October 2014
Proposed ground floor	156/PA/201	A	09 October 2014
Proposed first floor	156/PA/202	A	09 October 2014
Proposed elevations and section	156/PA/203	A	09 October 2014
Proposed elevation and section	156/PA/204	A	09 October 2014
Proposed elevations and section	156/PA/205	A	09 October 2014
Typical section façade	156/PA/206	A	09 October 2014
Proposed site sections	156/PA/300	A	09 October 2014
Proposed site sections	156/PA/301	A	09 October 2014
Proposed site sections	156/PA/302	A	09 October 2014
Lifetime homes	156/PA/400	A	09 October 2014
Proposed site sections	156/PA/303		09 October 2014
Swept path analysis	CRST/001/001		09 October 2014
Swept path analysis	CRST/001/002		09 October 2014
Survey drawing	13413/S1		09 October 2014



PLANNING COMMITTEE LIST
10 DECEMBER 2014
COUNCILLOR REPRESENTATION

Sent: 03 November 2014 18:33
To: Wayne Nee
Cc: Emma Daniel
Subject: Application BH2014/03396

Hello Wayne

I am writing to support this very well thought out application for two houses in my ward. I like the fact it fits nicely and isn't greedy but creates two liveable homes with parking that don't overlook anyone else and transforms an eyesore area.

Best wishes
Cllr Emma Daniel - Hanover & Elm Grove

From: Bill Randall
Sent: 24 November 2014 08:44
To: Wayne Nee
Subject: Re: Land to the rear of 5-11 Cromwell Street - Application number: BH2014/03396
Follow Up Flag: Follow up
Flag Status: Red

Dear Wayne: Many thanks. Here is my note of support for the plans for land to the rear of 5-11 Cromwell Street.

'I support this application for new housing which fits in well with the high-density neighbourhood of Hanover where an element of overlooking is unavoidable (and I speak as someone who is lives in the ward).

'The minor amendments to the scheme are an improvement to an already thoughtful and sensitive design, which has the overwhelming support of local residents.

'At a time when the council is building similar schemes on its own land it is imperative we encourage others to do the same, they meet the required standard. In my view this scheme does.

'I wish to speak in support of the scheme, if the recommendation to the committee is minded to refuse.

Best wishes Bill Randall

Subject: Re: Land to the rear of 5-11 Cromwell Street - Application number: BH2014/03396

Hello

I hope my e mail in support of this application has been received. If not I am sending my thoughts here.

I believe it would be a welcome small development in a currently rundown yard.

Having seen the plans I am happy that any previous issues re privacy of neighbours etc has been looked at.

These small development eco homes are an excellent addition to the Hanover area.

Thank you

Liz

CLlr Liz Wakefield

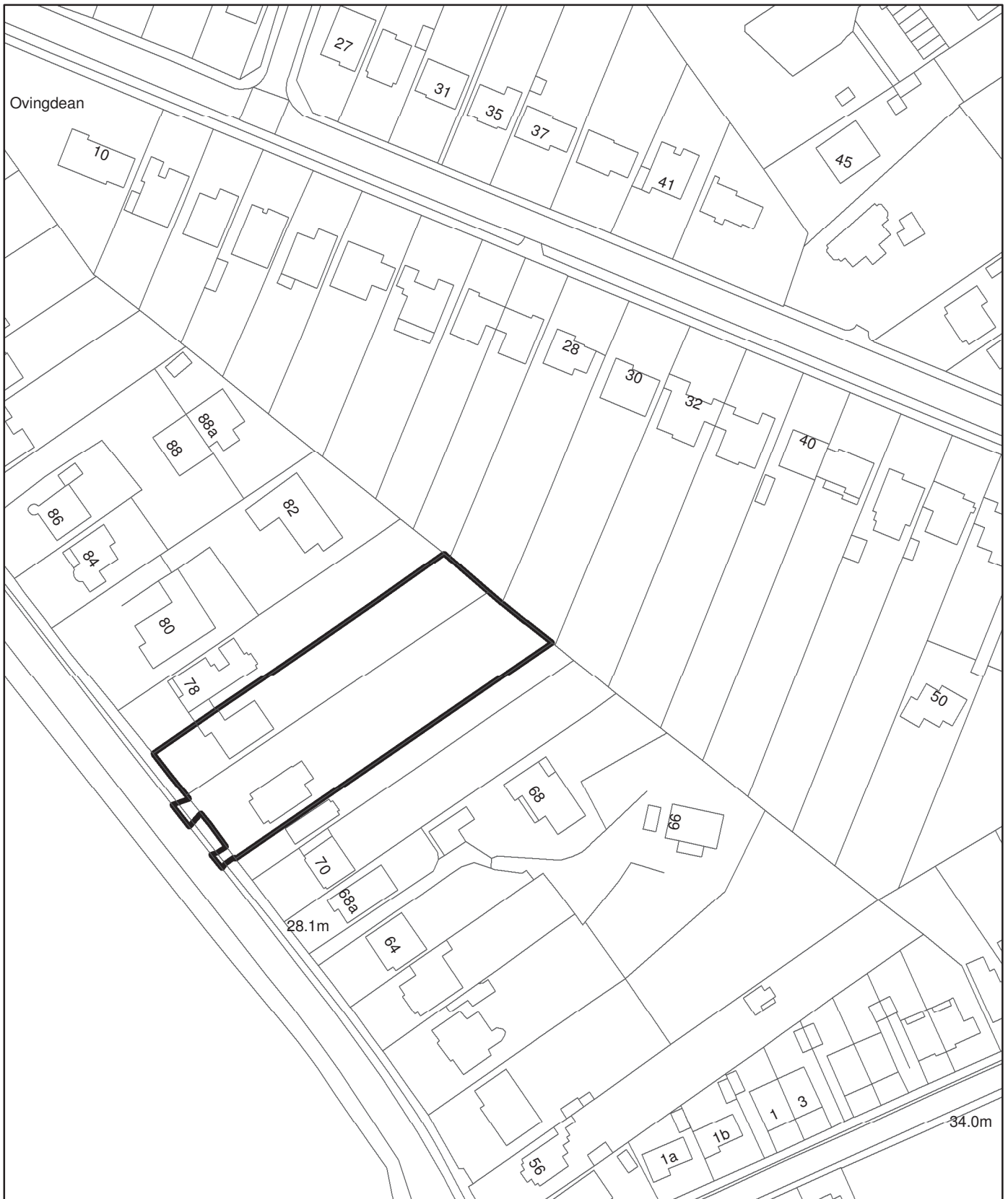
ITEM G

74 & 76 Greenways, Brighton

BH2013/04327
Full planning

10 DECEMBER 2014

BH2013/04327 74 & 76 Greenways, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2013/04327	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	74 & 76 Greenways Brighton		
<u>Proposal:</u>	Demolition of existing dwellings and erection of 2no four bed dwellings and 2no 3 bed dwellings.		
<u>Officer:</u>	Paul Earp Tel 292454	<u>Valid Date:</u>	08 January 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	05 March 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	John Whiting Architect, 14 Bates Road Brighton BN1 6PG		
<u>Applicant:</u>	Mr Michael Boswood, 27 Beacon Hill Ovingdean BN2 7BN		

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

The application relates to two neighbouring properties located on the eastern side of Greenways in Ovingdean. Both properties are of a detached form although no. 76 is connected to no. 78 via side garages relating to each property. Both properties appear to have been previously extended by way of side or rear extensions.

The area comprises of bungalows/two storey properties set in deep plots, apart from a few exceptions in which the plots have been subdivided and backland developments constructed. The properties within the vicinity of the site along Greenways have prominent pitched or hipped roof forms.

The land slopes from the highway to the rear boundaries of the site and continues to rise to the properties located on Ainsworth Avenue.

A boundary of the South Downs National Park is located opposite the site on the western side of Greenways, and surrounds the built up area of Ovingdean. The site is not within a conservation area.

3 RELEVANT HISTORY

Land rear of 74 & 76 Greenways

BH2013/01213 - Erection of 2no five bedroom detached dwellings with associated landscaping and new access. Refused 21/06/2013. The reasons for refusal were as follows:

- The sub-division of land currently related to nos. 74 and 76 Greenways would result in a development which would compromise the quality of the local environment by virtue of the provision of rear garden areas for the proposed dwellings and nos. 74 and 76 Greenways being of depth which fails to reflect the prevailing character of both plot sizes and rear garden sizes within the surrounding area and as a result the development represents an over-development of the site resulting in 'town cramming'. As such the proposal fails to enhance the positive qualities of the key neighbourhood principles of the area of detriment to the visual amenities of the Greenways street scene and the wider area including the setting of the South Downs National Park. As such the proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton & Hove Local Plan.
- The proposed dwellings, by reason of their design, massing, bulk, height, materials and siting at a higher level would result in an overly prominent and incongruous development. Such a development constitutes an undesirable form of backland development which would be of detriment to the visual amenities of the Greenways street scene and the wider area including views out of the South Downs National Park. The proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton & Hove Local Plan.
- The proposed development would have a detrimental impact on the living conditions of the occupiers of neighbouring properties, especially nos. 74 and 76 Greenways, by virtue of increased noise and disturbance arising from the ingress and egress from the proposed dwellings along the proposed access driveway and as such would be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.
- The proposed development would have a detrimental impact on the living conditions of the occupiers of neighbouring properties, especially nos. 74 and 76 Greenways, by virtue of increased noise and disturbance arising from the ingress and egress from the proposed dwellings along the proposed access driveway and as such would be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

74 Greenways

BH2004/01979/FP - Single storey side extension to north-west elevation. Approved 16/08/2004.

BH2001/01830/FP - Plot R/O 74 Greenways. Erection of detached bungalow to rear of 74 Greenways. Refused 28/09/2001. Appeal Dismissed.

97/0186/OA – Outline application for the erection of a bungalow with integral garage. Refused 29/04/1997. Appeal Dismissed.

91/0677/FP - Erection of single storey rear addition. Approved 12/07/1991.

BN90/1050/OA – Outline application for the erection of a detached garage on land to the rear of no. 74. Refused 24/07/1990. Appeal Dismissed.

BN90/475/F – Erection of detached house with integral garage on land to the rear of no. 74. Refused 1/05/1990.

76 Greenways

17.60 – Demolition of existing bungalow and erection of a bungalow and garage. Granted 15/03/1960.

4 THE APPLICATION

4.1 Planning permission is sought for the redevelopment of the site to form 4 dwellings.

4.2 The proposal development consists of:

Layout:

- demolition of the two existing dwellings
- access drive to centre of site and erection of 2 x four bed dwellings either side of drive to the front of the site and 2 x three bedroomed houses to the rear of the site at the head of the drive.

Front properties:

- to measure 10.2m wide x 12.0m deep x 7.1m high, to form 1.5 storey chalet bungalows. Gross internal floor area of 170m², to include integral garage.
- Design: front bay with balcony at first floor level; dual pitched roof form; dormers within front, rear and side roofslopes; rooflight and 6 pv cells on side roofslope.

Rear properties:

- to measure 9.8m wide at ground floor level and 6.7m wide at first floor (not above garage and area to rear, front bay and entrance porch, which have a flat roof) x 10.8m deep x 7.1m high, to form two storey houses. Gross internal floor area of 126m² to include garage.
- Design: front bay; pitched roof form to incorporate rooflight on each slope and 4 pv cells on south facing slope.

Materials:

- Walls: brick at ground floor, render at first floor; roof - concrete tile, felt flat roof; windows – polyester powder coated aluminium; doors - polyester powder coated aluminium and hardwood; driveway – block paving, bollard lighting.
- Boundary treatment: close boarded fences and hedges to create 4 plots.

General aspects:

- Amenity space: each property with front and rear amenity space. Rear gardens range from 10m to 23m in length.
- Refuse / recycling: to be located to rear of front dwellings, and to front of rear dwellings.
- Cycle storage: 2 spaces to be provide per dwelling, location not shown on plans.
- Car parking: 1 space per dwelling to be accommodated within garage. Space on driveway for additional vehicles.

4.3 The application has been amended to overcome concerns regarding overlooking and general disturbance from the use of the detached double garages to the rear of the front houses. These garages have been removed and integral garages proposed to the front properties. Balconies to the front elevation of the rear houses have been deleted and the main first floor window reduced in size

5 PUBLICITY & CONSULTATIONS

Comments on the original scheme:

External

5.1 Neighbours:

Seventeen (17) letters of representation have been received from occupiers of: **24, 26, 28, 32 (x2), 34, 42 (x2), 50 Ainsworth Avenue; 6 Ainsworth Close; 6 Beacon Hill; 68a, 72, 78, 80, 82, Field End, Greenways; 9 Longhill Road** objecting to the application for the following reasons:

- The proposal would result in unsympathetic garden land development.
- This will be cramming in properties and an overdevelopment which will compromise the quality of the local environment.
- To replace 2 dwellings with 4 significantly increases the density. The development is too large for the plot.
- Garden being surplus to current occupiers needs is no excuse to build on it.
- Harm to the setting of the South Downs National Park and the character of the area.
- Additional hard landscaping diminished green aspects of the National Park and will be clearly visible from footpaths on the hills to the west of the development.
- People buy properties in the area because of the views of the South Downs and the green and open spaces of the area around. If this start to be compromised by development this will have an overall impact on the area.
- Approval will create a precedent for other development in rear gardens which will overload local amenities, increase traffic, crowding this small village.
- Building on the uninterrupted, undeveloped and quiet area formed by the many adjoining gardens will have an adverse impact on the birds and animal life of the area.
- Harm to the open and semi-rural character of Ovingdean Village, and Greenways in particular.
- Against policy to develop rear gardens which are now classified as Greenfield sites.
- Harm to amenity caused by overlooking. The proposal would have significant impact on the amenities of 72, 74, 76 & 78 Greenways by virtue of overlooking from the proposed balconies.
- The elevated large rear social terrace designed for outdoor living will lead to overlooking, loss of privacy and disturbance.
- The loss of huge cedar tree which was blown down in the storm over Christmas 2013 means that the development of the site will be more obtrusive and have a greater detrimental effect on the amenity value of the area, especially the rear garden of 28 Ainsworth Avenue where the tree was sited.
- Harm to amenity caused by additional traffic and disturbance. Garages built at the back will increase noise and disturbance from ingress and egress.
- Concerns over pedestrian safety with at least 8 vehicles using a single driveway.

- Occupiers of adjacent properties will suffer from fumes and toxins from vehicular movements.
 - Similar applications have been refused four times by the Planning Authority, the most recent in June 2013, and dismissed twice on appeal. There is no reason to divert from the conclusion that the residential development of this land would be harmful to the character of the area and harmful to residential amenity by virtue of overlooking and increased noise and disturbance.
- 5.2 **Ovingdean Residents & Preservation Society: Object.** The Society has no issue with building on this plot but feel the plan is an overdevelopment of the site.
- 5.3 **Four (4)** letters of representation have been received from the occupiers of: **16 and 19 Beacon Hill, 5 The Ridings; 49 Wanderdown Road** supporting the application for the following reasons:
- This is an attractive development no different to others that have been allowed in Ovingdean in recent years, some adjacent to the site, another in Longhill Road. It appears to fit in well with the rear building line.
 - This is a well designed, efficient and modest housing scheme which makes the most of available urban land.
 - The scheme will have no detrimental effect on existing properties and has been designed to safeguard the privacy of neighbouring properties.
 - Welcome the increase in the housing stock, which can occur without increasing urban sprawl.

Comments on the scheme as amended:

External

5.4 **Neighbours:**

- Seven (7)** letters of representation have been received from the occupiers of: **26, 28, 32, 50 Ainsworth Avenue; 68a, 72, 82 Greenways** objecting to the application for the following reasons:
- Despite amendments still object to the proposal on the grounds of the original application in that it would adversely impact on the semi-rural character of the area and conflict with policy against the development of rear gardens which are now classified as Greenfield sites.
 - Sets a precedent for further back land development in the area.
 - The development has an adverse impact on the streetscene, and on views into the village from the National Park. The land forms an important village green space which contributes significantly to the character of the village.
 - Development will still take away significantly from the green appearance of the village when viewed from the hill opposite.
 - Development still removes significant privacy from adjacent neighbours especially in light of three very large trees lost in last winter's storms.
 - Potential for a significant number of vehicles coming and going from the site, with more parked cars and traffic along Greenways.
 - Adverse impact on neighbouring properties caused by overlooking and additional traffic and disturbance.

- Too close to the adjacent property 72 Greenways, particularly bedroom window which will lead to loss of privacy especially as the proposed front elevations are mainly glass.
 - Adverse impact on wildlife, with foxes and badgers that have dens and setts on the land and surrounding area.
 - The houses are too large for the plot and out of character with the rest of Greenways. Properties could be enlarged at a latter date to form an extra floor to create even larger buildings.
 - Proposal is contrary to policies QD1, QD3 and QD27 of the Local Plan. Whilst object to the principle of the development and the harm it would cause to the South Downs National Park and character of the area, and the adverse impact on amenity by overlooking and additional traffic and disturbance, should the application be approved request conditions to remove permitted development rights, and restrict the use of the access to users or visitors of the rear dwellings only.
- 5.5 **Ovingdean Residents & Preservation Society:** Object. The Society have previously objected to the application on a Greenfield site on the grounds of overdevelopment and overlooking of surrounding properties. Still object to the continuing adverse impact on neighbouring properties. Apart from the removal of the two garages, which could be replaced without planning permission at a later date, can see little change from the previous scheme.
- 5.6 **One (1)** letter of representation has been received from the occupiers of **6 Beacon Hill** supporting the application for the following reasons; Support the application for the following reasons:
- There is an urgent need for more housing and this is a well thought through development which will have a minimum effect on the area as this is a massive site and the proposal is very modest and in keeping.
- 5.7 **South Downs National Park Authority:** No objection. The site is immediately adjacent to the South Downs National Park and recommend that any development respect its setting, use appropriate materials and character of design.
- Internal:**
- 5.8 **Environmental Health:** No comment.
- 5.9 **Planning Policy:** Support. Significant weight should be given to the contribution of the proposed development toward meeting the city's housing requirement and carefully balanced against the impact of the development on the setting of the South Downs National Park and the character of the neighbourhood. Paragraph 14 of the NPPF should be applied and requires that, in these circumstances, planning permission should be granted except where adverse impacts significantly and demonstrably outweigh the benefits. The proposed housing mix would meet the requirements for market housing in the city.
- 5.10 **Sustainability:** Support. The proposal meets local requirements and recommend approval with conditions to secure Code for Sustainable Homes Level 5, Lifetime

Homes, use of Considerate Constructors Scheme, submission of a feasibility study for rainwater harvesting and/or grey water recycling.

- 5.11 **Sustainable Transport:** Support: The proposal increases the number of properties from 2 to 4 which will not have a significant impact on the highway. The application as amended, which provides parking to the front properties within integral garages to the front of the building rather than in garages to the rear of the properties will reduce the likelihood of conflict between pedestrians and vehicles on the access road. The rear properties each have a single garage. Parking provision accords with the councils parking standards.
- 5.12 Cycle parking is intended to be provided within the garages. Whist the garage to the front properties are of adequate size, the garages to the rear are less wide and it would mean moving the car to get the bike out and would therefore not provide convenient access. This should be addressed by providing a dedicated cycle store elsewhere on site.
- 5.13 **Access Officer:** The approach to all entrances should be level or gently sloping; the plans indicate a step.
- 5.14 **Arboriculturalist:** Support. No arboricultural report has been submitted with the application. Several trees and shrubs will be lost to facilitate the development, eg, 5 – 6 apple trees of small stature, a cherry of small stature, Escallonia, Euonymous, other hedging specimens, none of which are worthy of Preservation Order. The remaining boundary screening on the edges of the development site as well as trees of certain species that are to remain post-development should all be protected during the course of the development. An Arboricultural Method Statement should be submitted for approval prior to any development commencing. A landscaping scheme should also be submitted showing replacement planting for that which will be lost.

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
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO13	Accessible housing and lifetime homes
NC7	Sussex Downs Area of Outstanding Natural Beauty
NC8	Setting of the Sussex Downs Area of Outstanding Natural Beauty

Planning Advice Note

PAN05	Design and Guidance for Storage and Collection of Recyclable Materials and Waste
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Supplementary Planning Guidance

SPGBH4	Parking Standards
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Supplementary Planning Document

SPD03	Construction and Demolition Waste
SDP06	Trees and Development Sites
SPD08	Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

CP1	Housing delivery
SA5	The South Downs
CP12	Urban design
CP14	Housing density
CP19	Housing mix

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the proposed development and the suitability of the plot to accommodate the new dwellinghouses, the effect of the proposal upon the character and appearance of the Greenways streetscene and the wider area including the impact upon the adjacent South Downs National Park, impact on the amenity of neighbouring properties and future occupiers, highway considerations and sustainability issues.

Background:

- 8.2 This application follows the refusal on 21 June 2013 of application BH2013/01213 for the erection of 2 x 5 bedroomed detached dwelling to the rear of the plot. The application was refused for the following reasons:

- i) The sub-division of land currently related to nos. 74 and 76 Greenways would result in a development which would compromise the quality of the local environment by virtue of the provision of rear garden areas for the proposed dwellings and nos. 74 and 76 Greenways being of depth which fails to reflect the prevailing character of both plot sizes and rear garden sizes within the surrounding area and as a result the development represents an over-development of the site resulting in 'town cramming'. As such the proposal fails to enhance the positive qualities of the key neighbourhood principles of the area of detriment to the visual amenities of the Greenways streetscene and the wider area including the setting of the South Downs National Park. As such the proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton & Hove Local Plan.
- ii) The proposed dwellings, by reason of their design, massing, bulk, height, materials and siting at a higher level would result in an overly prominent and incongruous development. Such a development constitutes an undesirable form of backland development which would be of detriment to the visual amenities of the Greenways streetscene and the wider area including views out of the South Downs National Park. The proposal fails to comply with policies QD1, QD2, QD3, NC7 and NC8 of the Brighton & Hove Local Plan.

- iii) By reason of resulting in the loss of open garden area and increasing the density of the transition between the existing urban area and the adjacent countryside and South Downs National Park the proposal would be of detriment to the visual amenities of the Greenways streetscene and strategic views out of the South Downs National Park harming its setting. As such the proposal is therefore contrary to policies QD1, QD2, QD4, QD14, NC7, NC8 and HE6 of the Brighton & Hove Local Plan.
- iv) The proposed development would have a detrimental impact on the living conditions of the occupiers of neighbouring properties, especially nos. 74 and 76 Greenways, by virtue of increased noise and disturbance arising from the ingress and egress from the proposed dwellings along the proposed access driveway and as such would be contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 8.3 The site has been subject to numerous applications with four planning applications for the erection of a new dwelling to the rear of No.74 being refused in 1990, 1997 and 2001, and the appeals against three of the refusals dismissed due to the harm of the proposal upon the character and appearance of the surrounding area and the impact upon the amenities of the neighbouring properties.
- 8.4 The last appeal decision relates to application BH2001/01830/FP for the erection of a bungalow to the rear of No.74. In dismissing the appeal the Inspector also referred to the previous Inspectors comments in relation to the earlier appeal for a bungalow in 1997, application 97/0186/OA, in that the introduction of a new activity into the back garden area, including the movement of vehicles, would be likely to result in unacceptable noise and disturbance to the occupiers of adjoining dwellings. In conclusion it was considered that the lack of harm likely to be created by overlooking was outweighed by the adverse effect that the proposal would have on the character and appearance of the surrounding rear, and the disturbance which would be caused to the occupiers of adjacent dwellings. For these reasons the appeal was dismissed.
- 8.5 The main differences between the current application and the previously refused application are:
- The whole site is to be comprehensively redeveloped with the existing two dwellings to be demolished and 4 dwellings erected. Previously the scheme was for the construction of 2 new dwellings to the rear of the existing.
 - The proposed rear houses have been reduced in height. The ridge height has been reduced from 8.6m to 6.9m and cut into the sloping land so as to appear 1 - 1.5 storey high compared to the natural ground level.
 - The rear dwellings are located further from the front and side boundaries of the site.
 - Gross floor area has been reduced from 320m² to 167m².
 - Proposed materials and design are more traditional to be in keeping with surrounding properties. The site as a whole is to be redeveloped to create cohesive development. The previous scheme was for two

contemporary style dwellings with curved green roofs and timber cladding to the rear of traditional bungalows

- 8.6 This current scheme has been amended by replacing the proposed detached garages to the rear of the front properties with integral garages, and removing the first floor balconies and reducing the size of the first floor windows to the front elevation of the rear houses.

Principle of development:

- 8.7 The application site is located within the built up area boundary as defined on the Local Plan proposals map and as such development is acceptable in principle although any development must adequately accord with relevant policies of the Brighton & Hove Local Plan.
- 8.8 The NPPF sets out a presumption in favour of sustainable development which is a balance between the three mutually reinforcing aspects of economic, social and environmental sustainability. The social angle of sustainable development requires housing to meet the needs of present and future generations and by creating a high quality built environment. The environmental angle requires protection and enhancement of the built environment.
- 8.9 The definition of previously developed land is contained in Annex 2 of the NPPF and excludes land in built-up areas such as private residential gardens, the proposal therefore constitutes in part 'Greenfield' development. In regard to the development of residential gardens, paragraph 53 of the NPPF states that "local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."
- 8.10 One of the core planning principles set out in the NPPF is always to seek high quality design and a good standard of amenity for all existing and future occupants. Paragraph 47 of the NPPF aims to "boost significantly the supply of housing".

Need for housing:

- 8.11 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.
- 8.12 Significant weight should be given to the contribution of the proposed development toward meeting the city's housing requirement and carefully

balanced against the impact of the development on the setting of the South Downs National Park and the character of the neighbourhood.

- 8.13 Policy CP1 of the City Plan seeks to meet the housing requirement of the city by promoting efficient use and development of land including higher densities in appropriate locations. The application seeks the demolition of two residential properties and the erection of four replacement properties, resulting in an equivalent density of 26 dwellings per hectare.
- 8.14 Since the refusal of the previous application (BH2013/01213) the City Plan has been through an examination hearing and the Inspector has sent initial conclusions, in which the Inspector indicated that the city's full objectively assessed need for housing should be set at 20,000 units for the plan period.
- 8.15 The council is not currently able to demonstrate a five year housing land supply against that requirement. Significant weight should therefore be given to the contribution this application would make towards meeting the city's housing requirement. This is a material change since the refusal of the previous application for the site (BH2013/01213) and the appeal decision at 74 Greenways (BH2001/01830/FP, appeal ref APP/Q1445/A/01/1077874). For these reason the positive contribution that the development would make toward the city's housing stock is to be welcomed. The proposed housing mix would meet the requirements for market housing in the city.

Impact on South Downs

- 8.16 Policy SA5 of the City Plan and NC8 of the Local Plan require developments to have due regard to the impact on the setting of the South Downs. Policies QD4 and NC8 of the Local Plan require development to preserve or enhance strategic views, including those from the Downs.
- 8.17 Intensification of the built-up area and uncharacteristic over-development of sites in close proximity to the South Downs can have a detrimental impact on the setting of the National Park. The land rises to the rear of the site and whilst the front dwellings are located on flat land the proposed rear dwellings would be dug into the existing landscape to appear 1.5 storey above ground level when viewed from the front and single storey from the rear, with pitched roofs. Within the immediate vicinity dwellings exist to the rear of No's. 60-62, 64-68a, and 80. The proposed buildings to the rear of the site are roughly on the building line of No's. 68 and 82 which are two of the properties built to the rear of properties on the front building line, and lower in height. The existing bungalows to the front of the site are a similar height as the adjacent bungalow to the north No. 78, and lower than the two storey house to the south, No. 72. The proposed dwellings have a similar eaves height as existing but steeper pitched roof to provide accommodation within the space. The buildings would be of similar height to No.72, and others along Greenway to the south.
- 8.18 A number of backland developments have already occurred along Greenways, namely nos. 88, 88a, 82, 68 and 99 Greenways which has resulted in the subdivision of a number of neighbouring plots. No planning history has been identified for the construction of nos. 88, 88a, 82 and 99 Greenways. The

construction of no. 68 was allowed at appeal following the initial refusal of application 97/01711/OA, which pre-dates the current Local Plan. These examples do not set a precedent for backland development in this area and each proposal must be considered on its merits.

- 8.19 The site is between these other backland developments and the proposed development would retain substantial gardens. The two additional units would have lower ridge heights and reduced general mass compared to existing backland housing that forms part of the established character of the area. The South Downs National Park Authority have not objected to the proposal in principle but recommend that any development respect its setting, use appropriate materials and character of design. Given the existing backland development in the vicinity, together with the location, density, proposed landscaping and general scale of the proposed development is considered that the proposal would not result in a significant or demonstrably detrimental impact on the setting of the South Downs. A condition requiring land levels would ensure the dwellings are not built higher than shown.

Impact on amenity:

Design considerations:

- 8.20 Planning policies QD1, QD2, QD3 and QD5 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.
- 8.21 The immediate neighbourhood is of mixed character, age and design, with a predominance of detached bungalows and chalet style bungalows set within plots of varying sizes, with No.74 being the largest in the vicinity. The scale of the size and scale of the proposed rear dwellings have been significantly reduced compared to the earlier refusal with the ridge height 1.7m lower to 6.9m in height, and the footprint reduced from 329m² to 168m². The two replacement dwellings to the front occupy a similar location as the existing dwellings but with reduced footprint and increased height. The scale and bulk of the proposed buildings is similar to others in the area.
- 8.22 In terms of appearance, the proposed properties have tiled pitched roofs and are brick at ground floor and render a first floor, which reflect the style and materials of properties in the area. The front properties have a ground floor bay with floor to ceiling windows, with the flat roof forming a balcony accessed from a floor to ceiling window at first floor level. These features are to take advantage of the view of the farmland / Downs opposite. The properties at the rear have similar large first floor windows in the front elevation, but the balconies originally proposed have been deleted to prevent overlooking of neighbouring properties and gardens. Together, the four properties create a small development with a cohesive style which has evolved to take account of the impact on adjacent dwellings.
- 8.23 This small development is of a massing and density which relates well to its setting and given the mix of dwellings types within the immediate area, with bungalows, chalet bungalows and houses, of varying design, is considered to

make a positive contribution to the variety of architecture of the area without adversely impacting on residential amenity. A condition is proposed to remove permitted development rights to ensure that alterations cannot take place without further approval so that impact on design and amenity can be assessed.

Impact on residential amenity:

- 8.24 Policy QD27 states that planning permission for any development will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.25 The proposed is for the demolition and replacement of the existing two properties with two dwellings on a similar front building line and footprint slightly wider but less deep. An access road is located between the properties to serve the proposed two properties to the rear of the site which are cut into the site. The proposal has been amended to remove garages to the rear of the front properties and first floor balconies to the front of the rear properties to reduce the impact of the development on the amenities of the occupiers of adjacent properties by way of traffic movement and overlooking.
- 8.26 In relation to impact on the property to the south, No. 72, the depth of the proposed property is 5m less than the existing and the proposed dwelling has only one small window to the integral garage in the side elevation facing the side of No. 72. Currently there are 3 windows in the side elevation. No. 72 is a two storey dwelling with a single storey rear conservatory which extends beyond the proposed dwelling, and although this could be viewed from the proposed first floor rear window would only be at an oblique angle. Similarly No. 72 may be seen from the front first floor window of the proposed properties to the rear, but given the separation distance of 30m and that the window is to a bedroom rather than a living room, it is not considered that the degree of overlooking would be sufficient to warrant refusal.
- 8.27 In relation to the impact of the proposal on the property to the north, No.78, the properties are separated by a fence and hedge and currently only the roof of No. 78 is visible from the side of No. 76. Whilst the proposed dwelling is higher than the existing, the depth of the building has been reduced and half of the depth of the proposed dwelling will be adjacent to the garage of No.78. The proposed dwelling is to be 1m from the side boundary with No.78 and 3.5m from the property and it is not considered that the proposed front dwelling will adversely impact on No.78 to any significant degree. The impact of the proposed rear properties is similar to that on the other adjacent property, No. 72. Given the separation distance of a minimum of 26m, and the existing hedge along the boundary which is approximately 3m in height, any overlooking of the garden will not be significant.
- 8.28 The site rises to the rear and the proposed dwellings are separated from properties to the rear by a minimum of 65m. The site is generally surrounded by high thick hedging and the properties to the rear in Ainsworth Avenue, due to the separation distance and vegetation will not be overlooked. Similarly, the

nearest existing backland properties, 68 and 82 Greenways, will not be overlooked due to orientation and existing screening.

Impact from the use of the drive / pedestrian access:

8.29 The two properties to the rear are accessed by a drive located within the centre of the site, between the two dwellings proposed to the front of the site. This access drive was also proposed on the previously refused scheme (BH2013/01213) for the erection of two dwellings to the rear of the site, with the existing dwellings to the front of the site to remain. One of the reasons for refusal was the detrimental impact of the living conditions of the occupiers of neighbouring properties, especially the existing two front properties No's 74 and 76 Greenways, by virtue of increased noise and disturbance arising from the use of the access drive. This was largely due to the relatively close proximity between the proposed driveway and the side elevations which contain windows. This current scheme is for a comprehensive redevelopment of the site with no ground floor windows facing the drive and only a first floor window within a dormer to a bathroom, a non-habitable. The driveway at 3m wide is narrow between the properties, and additional planting will help mitigate noise.

8.30 Given that the amount of vehicular movements generated from two properties should not be high, it is not considered that the impact of its use would be at a level to create undue disturbance. For these reasons it is considered that the benefits of developing and making efficient use of the land by increasing the housing stock outweighs any negative impact from the use of the drive and overcomes the previous reason for refusal.

8.31 The drive is to serve the rear properties only with the front properties having their own access which is an improvement on the previous proposal as it reduces traffic on the drive and therefore potential vehicular and pedestrian conflict. The use of the drive as a shared vehicular and pedestrian access is not considered to be an issue given the limited volume of use that is likely to be generated from two dwellings.

Transport issues:

Car parking provision:

8.32 Policy TR1 requires new development to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires the provision of cycle parking within new developments, in accordance with the Council's minimum standards as set out in SPGBH4. Policy TR19 requires development to accord with the Council's maximum car parking standards, as set out in SPGBH4. 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.

8.33 The proposal is for the demolition of the existing two properties, each of which have a garage and drive which can accommodate further off-street parking. The

proposal has been amended to delete double garages to the rear of the front properties so that the proposed four dwellings each have an integral single garage; a further car could be accommodated on the drive in front of the garage. Despite public objections that additional traffic and disturbance will harm amenity caused the Traffic Engineer states that whilst the proposal is forecast to increase trip generation to and from the site as there are two additional units, the forecast increase is not considered to have a significant highway impact. The parking provision accords with the parking standards of SPG04. In light of this and the fact that the development is below the Temporary Recession measures the Highway Authority is not seeking a S106 contribution

Cycle parking provision:

- 8.34 SPG04 requires a minimum of 1 cycle parking space per unit plus 1 space per 3 units for visitors. In order to accord with policy TR14 cycle parking provision should be secure, convenient, well lit, well signed and wherever practical, sheltered.
- 8.35 The proposal provides space for 2 cycles within each of the garages which the Traffic Engineer considers to be an adequate level of provision. The garages at the front of the site are of adequate size to provide convenient cycle parking. The garages to the rear properties are narrower and would require users to move the car to get cycles in or out, and therefore do not provide convenient access. For this reason a dedicated cycle store should be provided elsewhere on the site and secured by condition.

Sustainability:

- 8.36 Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. The application has addressed relevant aspects of policy.
- 8.37 The application is accompanied with the Sustainability Checklist which states that the proposal will achieve Code level 5. The development includes renewable technologies such as ground or air source heat pumps and solar technologies including solar photovoltaics and solar thermal, the use of sustainable materials, rainwater harvesting for irrigation and toilet flushing, grey water recycling and composting provision in the garden. Refuse and recycling facilities are to be located to the rear of front dwellings, and to front of rear dwellings.
- 8.38 Whilst the applicant states that these sustainability provisions will achieve Level 5 of the Code for Sustainable Homes Code Level 4 is sought by condition in accordance with the requirements of SPD08. The construction of the building to a higher standard would be welcomed but not obligatory.

Site waste management:

- 8.39 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 Waste Minimisation Statement accompanied the application which states materials for demolition will be reused and recycled where possible. Separate bins will be

used for separating waste materials. New building materials will be sourced from local suppliers where possible.

Lifetime Home Standards:

- 8.40 Policy HO13 related to lifetime homes. The units are of adequate size and layout to meet current standards and the Access Officer considers the proposal to be satisfactory subject to the approach to all of the entrances being level or gently sloping. The entrances have a single step, but this could be amended by condition.

Landscaping:

- 8.41 Policy QD15 relates to landscape design and states that all new development must include suitable landscaping and open space provision.
- 8.42 The existing properties have extremely large gardens which are surrounded with high, dense hedges which provide screening from neighbouring properties. The application is not accompanied by an arboricultural report but the Arboriculturist notes that several trees and shrubs, including a cheery tree and 5/6 apple trees of small stature, and hedging specimens will be lost to facilitate the development, However, as none are considered worthy of Preservation Order no objections are raised to their loss. The remaining boundary screening, together with the trees that are to remain should all be protected during the course of the development, an Arboricultural Method Statement, and landscaping scheme showing replacement planting, is to be secured by condition.

9. CONCLUSION

- 9.1 This application is for the redevelopment of the site and increases the number of dwellings from 2 to 4 with the development of the large rear gardens. Since the refusal of the previous application, BH2013/01213, and subsequent refusal on appeal, the City Plan has undergone an examination in public and the Inspector has sent initial conclusions, in which the Inspector indicated that the city's full objectively assessed need for housing should be set at 20,000 units for the plan period. The council is not currently able to demonstrate a five year housing land supply against that requirement and significant weight should be given to the contribution this application would make towards meeting the city's housing requirement. This is a material change since the refusal of the previous application for the site and overcomes the previous objection to the principle of sub-division of the land.
- 9.2 For the reasons stated it is considered that the proposed development overcomes the previous reasons of refusal. The proposed dwellings, which have smaller footprints and are lower than the previously refused scheme, and given the landscaped setting and existing adjacent backland development, would not appear prominent when viewed from surrounding areas or adversely impact on the setting of the National Park or the Greenways streetscene. The provision of two additional dwellings, served by a driveway within the centre of the site and not adjacent to the boundaries with neighbouring properties, is not considered to be of a scale which would generate a level of traffic movements which would significantly impact on neighbouring residential amenity.

9.3 Paragraph 14 of the NPPF states that planning permission should be granted except where adverse impacts significantly and demonstrably outweigh the benefits. It is considered that the proposed housing mix would meet the requirements for market housing in the city and the buildings would provide visual interest in the streetscene without detriment to the residential amenities of the occupiers of neighbouring properties. The development provides adequate cycle storage and achieves a high standard of accommodation in terms of Lifetime Homes Standards and sustainability. For these reasons it is considered that the benefits of the proposal accord with Paragraph 14 of the NPPF and local plan policies.

10 EQUALITIES

10.1 The ground floor unit are capable of providing level threshold and the units meet Lifetime Homes Standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location and Block Plans	1219/P2/001	A	13 th May 2014
Site Plan & streetscape elevation as existing	1219/P2/002		19 th December 2013
Site Plans as Proposed	1219/P2/003	A	13 th May 2014
Site Plan as Proposed with Survey Overlay	1219/P2/004	A	13 th May 2014
Site Sections & streetscape as Proposed	1219/P2/005	A	13 th May 2014
Existing elevations – No. 74	1219/P2/006		3 rd January 2014
Existing elevations – No. 76	1219/P2/007		3 rd January 2014
Photomontage	1219/P2/201	A	13 th May 2014
Front houses - ground floor plans & front elevations	1219/P2/101	A	13 th May 2014
Front houses - first floor and roof plans	1219/P2/102		13 th May 2014
Front houses - rear & side elevations	1219/P2/103	A	13 th May 2014
Rear houses – ground floor plans and front elevations	1219/P2/104	A	13 th May 2014

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Rear houses – first floor & roof plans	1219/P2/105	A	13 th May 2014
Rear houses – rear & side elevations	1219/P2/106	A	13 th May 2014

- 3) The development hereby permitted shall be undertaken in accordance with the Waste Minimisation Statement received on 19 December 2013. **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.
- 4) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. **Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- 5) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved. **Reason:** To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 6) The new 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.

11.2 Pre-Commencement Conditions:

- 7) 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 details of window openings, 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.

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- 8) 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.
- 9) No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. **Reason:** To protect the trees which are to be retained on the site in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.
- 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) 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 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.
- 12) The development hereby permitted shall not be commenced until a feasibility study for rainwater harvesting and/or greywater recycling to reduce water consumption of the development have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to occupation and thereafter be retained as such. **Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy and water are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.3 Pre-Occupation Conditions:

- 13) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 14) The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- 15) 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.
- 16) 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 **Reason:** In the interests of highway safety and to comply with policies TR1 and TR7 of the Brighton & Hove Local Plan.
- 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.

11.4 Informatives:

PLANNING COMMITTEE LIST- 10 DECEMBER 2014

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 planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required to be constructed under licence from the Highways Operations Manager. The applicant must contact the Network Co-ordination Team (01273 293 366) prior to any works commencing on the public highway.
3. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposed residential units will make a positive contribution to the city's housing stock, provide family homes with gardens [and off-street car parking], and would respect the scale of development of the immediate vicinity without adversely affecting the setting of the South Downs National Park or the street scene. Adjoining properties would not be adversely affected. The scheme would achieve the appropriate standard of accommodation in terms of Lifetime Homes Standards and sustainability.

ITEM H

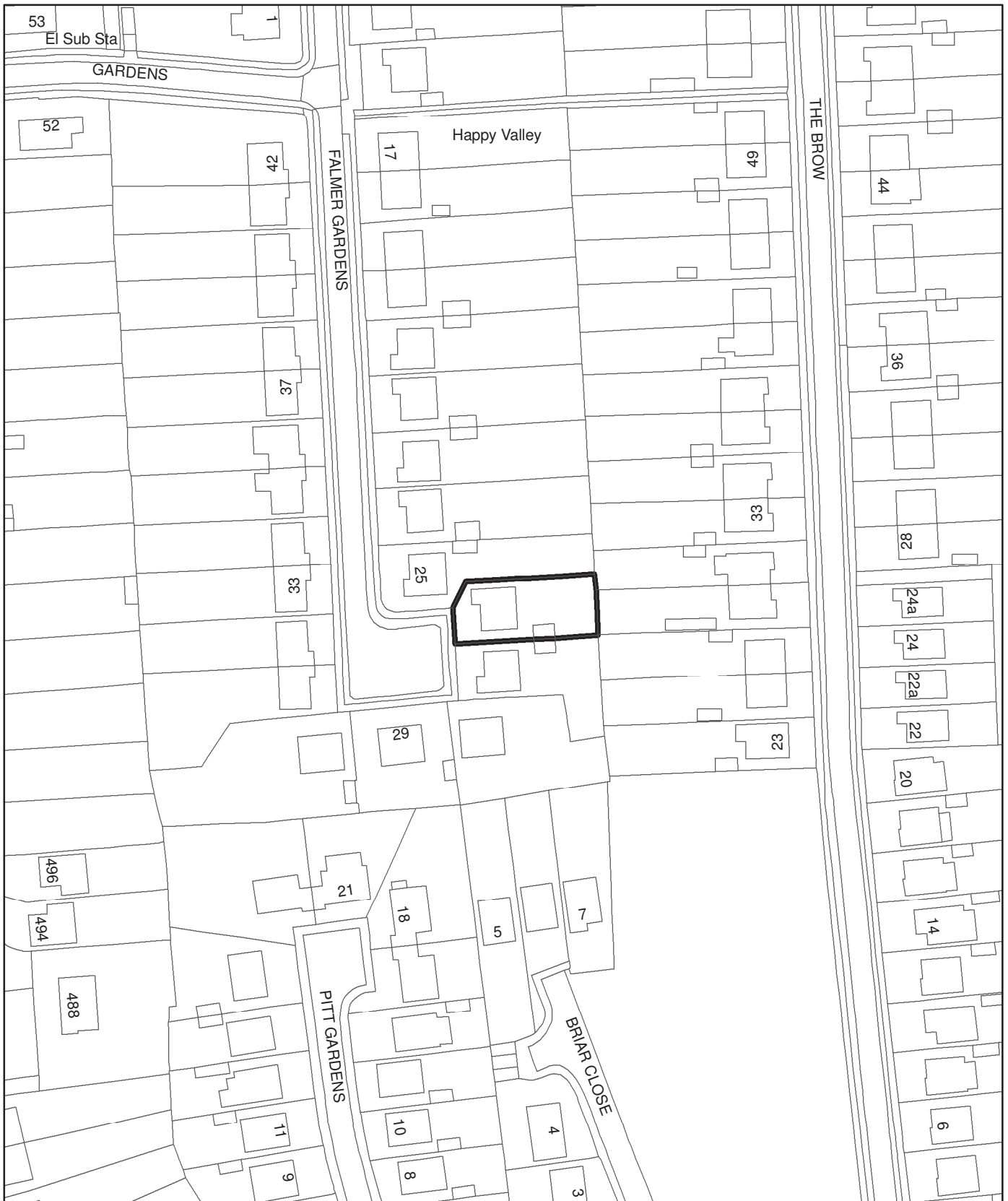
26 Falmer Gardens, Brighton

BH2014/03405

Householder planning consent

10 DECEMBER 2014

BH2014/03405 26 Falmer Gardens, Brighton



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2014/03405	<u>Ward:</u>	WOODINGDEAN
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	26 Falmer Gardens Brighton		
<u>Proposal:</u>	Roof alterations including hip to barn end roof extensions, dormers and rooflights to front and rear elevations.		
<u>Officer:</u>	Tom Mannings Tel 292322	<u>Valid Date:</u>	09 October 2014
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	04 December 2014
<u>Listed Building Grade:</u>	n/a		
<u>Agent:</u>	SDR Designs, 14 Batemans Road, Woodingdean, Brighton BN2 6RD		
<u>Applicant:</u>	Mr & Mrs Morgan, 26 Falmer Gardens, Brighton BN2 6NE		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 This application relates to a detached bungalow on the eastern side of Falmer Gardens, a cul-de-sac off Falmer Road. It is one of a pair of two similar bungalows, with no. 27 Falmer Gardens to the south. It has a single storey rear ground floor extension with a hipped roof, and a rear conservatory. It is in a residential area of bungalows, which vary in style but are constructed of similar materials.

3 RELEVANT HISTORY

BH2007/03094 – Full Planning – Loft conversion including hip to gable side roof extensions and rear dormer. Finally disposed of 18/08/10.

BH2007/01852 – Full Planning – Loft conversion with raised extended roof, new rear dormer and three rear rooflights (Revision of BH2006/01731). Refused 06/07/07. The reasons for refusal were as follows:

- The rear dormer, by virtue of its size, bulk, design and position, would not be well sited and detailed in relation to the existing building and would form an inappropriate addition to the existing building, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance Note 1 (Roof Alterations and Extensions).
- The proposed extended roof, by virtue of its size, bulk and design, would form an excessive and visually inappropriate addition to the existing building and create an imbalance with the neighbouring bungalow at 27 Falmer Gardens contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance Note 1 (Roof Alterations and Extensions).

BH2006/03118 – Full Planning - Loft conversion with raised extended roof, new rear dormer and two rear rooflights (Resubmission of refused application BH2006/01101). Approved 10/11/06.

BH2006/01731 – Full Planning – Loft conversion with raised extended roof, new dormer and three rear rooflights. Refused 31/07/2006. The reasons for refusal were as follows:

- The proposed extended roof, by virtue of its size, bulk and design, would form an excessive and visually inappropriate addition to the existing building and create an imbalance with the neighbouring bungalow at 27 Falmer Gardens contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance Note 1 (Roof Alterations and Extensions).
- The rear dormer, by virtue of its size, bulk, design and position, would not be well sited and detailed in relation to the existing building and would form an inappropriate addition to the existing building, contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and the Supplementary Planning Guidance Note 1 (Roof Alterations and Extensions).

BH2003/03222/FP – Full Planning – Erection of single storey ground floor extension and conservatory to rear. Approved 04/12/2003.

4 THE APPLICATION

- 4.1 Planning permission is sought for roof alterations including hip to barn end roof extensions, dormers and rooflights to the front and rear roofslopes.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours:**

None received.

- 5.2 **Councillor Simson:** Has supported. A copy of the email is attached to the report

6 MATERIAL CONSIDERATIONS

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

- 6.2 The development plan is:

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

- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- | | |
|------|----------------------------|
| QD14 | Extensions and alterations |
| QD27 | Protection of Amenity |

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the impact on the character and appearance of the existing property, the wider street scene and the amenities of neighbouring occupiers.

Planning Policy:

- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- a) is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
 - b) would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
 - c) takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension

and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
d) uses materials sympathetic to the parent building.

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

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

Design:

8.5 The application seeks consent for a number of alterations to the existing roof, including a hip to barn end extension, two rear dormers, one front dormer. The proposed dormers would have pitched roofs. Three velux rooflights are also proposed, two to the rear roofslope and one to the front roofslope.

8.6 There have been two previous refusals which proposed similar roof alterations to the property. The reasons for refusal raised concerns in respect of the alterations and extensions to the roof and the poorly sited and sized dormer extensions.

8.7 Guidance contained in Supplementary Planning Document 12 Design Guide for Extensions and Alterations (SPD12) states that 'roof extensions that alter the basic shape of the roof will be unacceptable.' The proposed roof extensions would create additional bulk at roof level, creating a barn end extension which is uncharacteristic of the style and appearance of properties in the surrounding area. The site has an adjacent bungalow to the south, 27 Falmer Gardens, which is a mirror image at the front elevation of the application site. To increase the bulk at roof level, together with the creation of a barn end roof form would imbalance this matching pair of bungalows and would have an overly dominant appearance within the street scene.

8.8 SPD12 states with regard to detached properties that '*Additional storeys or raised roofs may be permitted on detached properties where they respect the scale, continuity, roofline and general appearance of the streetscene, including its topography.*' The proposed roof alterations however, are considered bulky and ultimately harmful to the property.

8.9 The proposal includes the construction of a front dormer and two rear dormer extensions. Guidance contained within SPD12 states that "dormer windows should be kept as small as possible and clearly be a subordinate addition to the roof, set appropriately in the roof space and well off the sides, ridge, and eaves of the roof. The supporting structure for the dormer window should be kept to a minimum as far as possible to avoid a 'heavy' appearance and there should be no large areas of cladding either side of the window or below." In addition, the

guidance states that the “dormer windows should normally align with the windows below.” Additional advice is provided in respect of rooflights, which states that “rooflights should be kept as few and as small as possible and should relate well to the scale and proportions of the elevation below. Including aligning with windows where possible or centring on the spaces between them where appropriate.”

- 8.10 The dormer to the front roofslope would be positioned above the existing window and whilst the pitch of the roof would add to the bulk of the dormer, this is not considered sufficient to form a reason for refusal. The dormer extensions to the rear, in contrast, do not align with existing fenestration below and it is considered that the arrangement of dormer windows, the number of rooflights proposed together with the existing roof form of the single storey extensions at the rear would create a cluttered appearance which is considered contrary to the guidance contained in SPD12.
- 8.11 The accumulative impact of all the proposed alterations would result in an overdevelopment of this modest detached property in a largely undeveloped area and would significantly alter the basic shape of the roof to an unacceptable level contrary to the guidance contained in SPD12 and policy QD14 of the Brighton & Hove Local Plan.

Impact on Amenity:

- 8.12 With regards to the impact upon amenity, the roof extensions would not significantly harm the neighbouring properties in terms of a loss of light, outlook or an overbearing impact. The rear dormer windows could provide additional views that are not already available due to their elevated position, however the properties opposite are a sufficient distance apart from the application site and therefore would not compromise neighbouring occupier’s privacy.
- 8.13 The proposed rooflights to the front of the property are not considered to have a significant impact on the neighbouring properties or street scene in terms of overlooking.

9 CONCLUSION

- 9.1 The proposed roof alterations would be unduly bulky and dominate the front and rear roofslope and giving it a top heavy appearance, causing significant harm to the character and appearance of the property and the wider street scene. Furthermore, the proposed alterations relate poorly to the host building.

10 EQUALITIES

- 10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed extension to the roof, by virtue of its size, bulk and design, would form an excessive and visually inappropriate addition to the existing

building, would be out of keeping with the street scene and would create an imbalance with the neighbouring bungalow, 27 Falmer Gardens. The proposed development is therefore contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

2. The proposed dormer extensions and rooflights on the rear roof slope by reason of positioning, size and excessive number would create a cluttered appearance to the roofslope, detrimental to the appearance of the property and surrounding area. The alterations would be contrary to policy QD14 and the guidance contained in SPD12 Design Guide for Extensions and Alterations.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Existing Floor Plan and Elevations Location Plan	1282014/01		09/10/14
Proposed Floor Plans, Elevations And sections A-A & B-B. Block Plan	1282014/02		09/10/14

Re: BH2014/03405
26 Falmer Gardens, Woodingdean

Dear Mr Mannings

I have been contacted by Mr & Mrs Morgan of 26 Falmer Gardens regarding their planning application for roof alterations.

I am very familiar with this area and cul-de-sac which I have visited recently. This is a road of mixed property designs, some houses, some bungalows, some of which have already extended their buildings. Neighbours are supportive of this application and it would not appear to be against planning policy to approve this application to create a family size home which is much needed.

The design, whilst different to its neighbouring property, is sympathetic and balanced.

If you are therefore minded to refuse this application, I would request that it is passed to the Planning Sub Committee for a final decision.

Regards

*Dee Simson
01273 291178
Conservative Councillor Woodingdean Ward
Deputy Leader of Conservative Group
Opposition Spokesperson for Licensing, Communities & Community Safety.*

PLANNING COMMITTEE	Agenda Item 117 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

Date	Address	Ward	Proposal
18 th November 2014	15 North Street & Pugets Cottage, Brighton	Regency	Demolition of 15 North Street to be replaced with a new feature entrance building.
7 th October 2014	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works.
1 st April 2014	Land at Meadow Vale, Ovingdean	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 th March 14	Hove Park Depot, The Drove way, Hove	Hove Park	Demolition of existing buildings and construction of a new two storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping
18 th February 14	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 th October 13	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 th Sept 13	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 th Aug 13	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 th July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re-development

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date given after scheduled site visits unless otherwise stated.

PLANS LIST 10 December 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

BH2014/02863

4 Brangwyn Crescent Brighton

Alterations to front boundary including new wall and piers with railings and installation of gates with associated alteration to hardstanding. (Part retrospective).

Applicant: Mr Paul Fitzgerald

Officer: Robin Hodgetts 292366

Approved on 03/11/14 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 brick wall and pillars hereby permitted shall match in material, colour, style, bonding and texture those of the main dwellinghouse (4 Brangwyn Crescent).

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 plan			08/09/14
Existing and proposed elevation			04/09/14
Proposed plan		1	26/08/14
Topographical survey	040213/011/01		04/09/14

BH2014/02964

61 Vale Avenue Brighton

Creation of vehicle crossover and dropped kerb.

Applicant: Mr & Mrs Thomas Lowrie

Officer: Joanne Doyle 292198

Refused on 12/11/14 DELEGATED

1) UNI

The development, in the absence of information to indicate otherwise and by reason of its siting and the removal of grass verge, would result in harm to the adjoining street tree (*Acer capillipes*) which would harm the character and appearance of the street scene. The proposal is therefore contrary to policy QD16 of the Brighton & Hove Local Plan and Supplementary Planning Document 06: Trees and Development Sites.

BH2014/03077

17 Thornhill Avenue Brighton

Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating hip to barn end roof extension, 2 no front rooflights, side window and rear dormer.

Applicant: Mr Stephen Burns

Officer: Joanne Doyle 292198

Refused on 10/11/14 DELEGATED

BH2014/03085

111 Carden Hill Brighton

Certificate of lawfulness for proposed loft conversion incorporating front rooflights, side window and rear dormer.

Applicant: Ms Amanda Stafford

Officer: Robert Hermitage 290480

Refused on 11/11/14 DELEGATED

BH2014/03203

14 Court Close Brighton

Formation of raised rear decking with glazed balustrade and steps to garden.

Applicant: Mr Jonathan Winpenny

Officer: Joanne Doyle 292198

Approved on 17/11/14 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 Floor Plans & Elevation Plans	457/02		22 Sep 2014
Site Location Plan Block Plan Proposed Floor Plans & Elevation Plans	457/01		22 Sep 2014

BH2014/03239

187 Ladies Mile Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to rear window, window to side elevation and front rooflights.

Applicant: Mr & Mrs Gillman

Officer: Robert Hermitage 290480

Approved on 14/11/14 DELEGATED

1) UNI

The development is permitted under Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2014/03314

3 Old Farm Road Brighton

Certificate of lawfulness for proposed single storey rear extension to replace existing conservatory.

Applicant: Mr & Mrs David Whittle

Officer: Robert Hermitage 290480

Refused on 17/11/14 DELEGATED

1) UNI

The development would extend beyond a wall forming a side elevation of the original dwellinghouse and would have a width greater than half the width of the original dwellinghouse. The development is not therefore permitted under Schedule 2, Part 1, Class B (B.2(h)(iii)) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2014/03385

25 Woodland Way Brighton

Certificate of lawfulness for proposed enlargement of existing garage to rear.

Applicant: Mr Phil Jordan

Officer: Robert Hermitage 290480

Approved on 13/11/14 DELEGATED

PRESTON PARK

BH2014/02254

Flat 6 35 Preston Park Avenue Brighton

Change of use from residential (C3) to offices (B1).

Applicant: Mr Philip Warford

Officer: Chris Swain 292178

Refused on 10/11/14 DELEGATED

1) UNI

The proposed change of use from residential (C3) to office (B1) would result in the unjustified loss of a residential unit and as such would erode the existing housing stock within the City. The proposal is contrary to policy HO8 of the Brighton & Hove Local Plan which recognises that there are limitations on the number of new sites available for housing development in Brighton & Hove and the need to make the best use of the sites and properties that are available, mean that it will continue to be important to retain existing houses, flats and other residential accommodation.

BH2014/02519

45 New England Road Brighton

Alterations to existing shop and residential unit to form ground floor retail unit and 2no 2 bedroom flats including erection of two storey rear extension, loft conversion with rear dormers and front rooflights, new entrance to flats to front elevation and associated works.

Applicant: Charles Bloomstein

Officer: Adrian Smith 290478

Refused on 17/11/14 DELEGATED

1) UNI

The proposed rear extension, by virtue of its two storey scale consuming the majority of the site and its overall form, represents an overly scaled and poorly designed addition that fails to complement the appearance of the building and results in the harmful overdevelopment of the site, contrary to policy QD14 of the Brighton & Hove Local Plan and guidance within SPD12 'Design Guide for Extensions and Alterations'.

2) UNI2

The proposed rear dormer window represents a dominant and overly scaled addition to the roof of the building, contrary to policy QD14 of the Brighton & Hove Local Plan and guidance within SPD12 'Design Guide for Extensions and Alterations'.

3) UNI3

The proposed rear dwelling, by virtue of its limited size and constrained outlook, which includes being overlooked from the first floor roof terrace adjacent, provides for an excessively enclosed, gloomy, overlooked and generally claustrophobic living environment that would be harmful to the general wellbeing of future occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.

4) UNI4

The proposed development would result in significant overlooking of adjacent properties from the first floor roof terrace and rear and side facing windows, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2014/02672

Land to the Rear of Nestor Court Preston Road Brighton

Certificate of lawfulness for proposed change of use of car park from residential parking to Health Centre parking.

Applicant: Brighton and Sussex University Hospitals NHS Trust

Officer: Joanne Doyle 292198

Approved on 31/10/14 DELEGATED

BH2014/02945

26 Beaconsfield Villas Brighton

Erection of single storey rear extension with installation of 2no rooflights to the front and 2no rooflights and creation of dormer to the rear.

Applicant: Alison Lyon

Officer: Robert Hermitage 290480

Approved on 04/11/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

Reason: To ensure a satisfactory appearance to the development and to comply with policy 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 Plan	PBP0169/03	A	2nd September 2014
Block Plan	PBP0169/04	A	2nd September 2014
Existing and Proposed Plans	PBP0169/01	B	13th October 2014

BH2014/03032

21A Chatsworth Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, dormer to rear elevation and front rooflights.

Applicant: Mr Jonathon Wilson

Officer: Robert Hermitage 290480

Approved on 17/11/14 DELEGATED

BH2014/03071

237 Preston Drove Brighton

Erection of single storey rear infill extension with glazed roof and steps to garden.

Applicant: Mrs Rebecca Healy

Officer: Tom Mannings 292322

Approved on 11/11/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy 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	CH630/001		15/09/14
Existing Plans & Elevations	CH630/002		15/09/14
Existing Elevations & Sections	CH630/003		15/09/14
Proposed Plans & Elevations	CH630/004		15/09/14
Proposed Elevations & Sections	CH630/005		15/09/14

BH2014/03080

56C Springfield Road Brighton

Installation of dormer and rooflight to rear and rooflight to front.

Applicant: Mr Martyn Allen
Officer: Wayne Nee 292132
Approved on 17/11/14 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 dormers hereby approved shall have painted timber vertical sliding sash windows and the dormer cheeks and roofs shall be clad in lead.

Reason: In order to protect the visual amenities of the building and to preserve and enhance the character of the Conservation Area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

4) UNI

The development hereby permitted shall 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	2431-00		15 September 2014
Existing ground and first floor plans	2431-01		15 September 2014
Existing attic and roof plans	2431-02		15 September 2014
Existing section	2431-03		15 September 2014
Existing front and rear elevations	2431-04		15 September 2014
Proposed ground and first floor plans	2431-10		15 September 2014
Proposed second floor and roof plans	2431-11	A	15 September 2014
Proposed section	2431-12		15 September 2014
Proposed front and rear elevations	2431-13	A	15 September 2014

BH2014/03083

63 Florence Road Brighton

Replacement of existing UPVc windows to the front.

Applicant: Mr Mike Smith
Officer: Joanne Doyle 292198

Refused on 10/11/14 DELEGATED

1) UNI

The proposed replacement PVC windows to the front elevation would harm the character and appearance of the building and appear incongruous in this setting. The replacement windows therefore fail to preserve or enhance the character or

appearance of the Preston Park Conservation Area and are contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan, and the provisions of Supplementary Planning Documents 09, Architectural Features, and 12, Design Guide for Extensions and Alterations.

BH2014/03146

51a Stanford Avenue Brighton

Formation of pitched roof incorporating window and rooflights.

Applicant: Mr Ron Bishop

Officer: Tom Mannings 292322

Refused on 10/11/14 DELEGATED

1) UNI

The proposed development, by virtue of its scale, bulk, height and design would form an overly dominant and incongruous addition which would not appear subservient to the existing building and would result in an over-extended appearance to the property. The proposal would result in a significant and harmful change to the property's original plan form and fail to relate to the scale, setting and detailing of adjoining properties. The proposed development is therefore contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD12: Design Guide for Extensions and Alterations.

BH2014/03151

74 Preston Road Brighton

Erection of office unit above existing vehicular MOT service garage.

Applicant: Vehicle Hire (UK) Limited

Officer: Adrian Smith 290478

Refused on 17/11/14 DELEGATED

1) UNI

The proposed extension, by virtue of its overall form and design, would result in a visually bulky, unsympathetic and incongruous addition to the building and wider area, contrary to policy QD14 of the Brighton & Hove Local Plan and SPD12 'Design Guide for Extensions and Alterations'.

2) UNI2

The proposed extension, by virtue of its height and massing on the rear boundary, would have a dominating, overbearing and enclosing impact on the amenities of adjacent residents on Ditchling Rise resulting in loss of outlook, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2014/03271

71 Sandgate Road Brighton

Certificate of Lawfulness for proposed loft conversion with front rooflights and rear dormer.

Applicant: Mr Andrew Butler

Officer: Robert Hermitage 290480

Refused on 13/11/14 DELEGATED

1) UNI

The development, in respect of the rear dormer, would not comprise materials of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse which, at roof level, comprises tiles. The development is not therefore permitted under Schedule 2, Part 1, Class B (B.2(a)) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan	L-001	-	29th September 2014
Existing Plans and Elevations	L-002	-	29th September 2014
Proposed Plans and Elevation	L-003	-	29th September 2014

REGENCY

BH2014/00887

13 Prince Albert Street Brighton

Conversion of first and second floor offices (B1) to three bedroom residential unit (C3).

Applicant: B Shirazi

Officer: Jason Hawkes 292153

Approved on 11/11/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

Reason: To ensure 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 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 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.

5) UNI

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first

occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

6) UNI

The development hereby permitted shall 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	PA.01		19th March 2014
Block Plan	PA.02		19th March 2014
Site Plan	PA.03		19th March 2014
Existing 1st Floor Plan	PA.06		19th March 2014
Proposed 1st Floor Plan	PA.06		19th March 2014
Existing 2nd Floor Plan	PA.07		19th March 2014
Existing Roof Plan	PA.08		19th March 2014
Existing North Elevation	PA.10		19th March 2014
Existing South Elevation	PA.11		19th March 2014
Existing West Elevation	PA.12		19th March 2014
Proposed 2nd Floor Plan	PA.14		19th March 2014

7) UNI

No development shall commence until a scheme for the soundproofing of the building from potential noise from the ground floor commercial use has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

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

BH2014/00888

13 Prince Albert Street Brighton

Conversion of first and second floor offices (B1) to three bedroom residential unit (C3).

Applicant: B Shirazi

Officer: Jason Hawkes 292153

Approved on 11/11/14 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 commence until a scheme for the soundproofing of the building from potential noise from the ground floor commercial use 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 preserve the appearance of the listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) 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.

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

5) UNI

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

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

6) UNI

No works shall take place until details of the method of fire protection of the walls, floors, ceilings and doors, including 1:5 scale sections through walls and ceilings, 1:20 scale elevations of doors and 1:1 scale moulding sections, have been submitted to and approved in writing by the Local Planning Authority. All existing original doors shall be retained and where they are required to be upgraded to meet fire regulations details of upgrading works shall be submitted to and approved in writing by the Local Planning Authority. Self-closing mechanisms, if required, shall be of the concealed mortice type. The works shall be carried out in accordance with the approved details.

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.

7) UNI

The smoke detectors, fire alarm call points, fire alarms, emergency lighting fittings and control boxes shall be located in unobtrusive positions in the corners of rooms and their electrical cabling systems shall not be surface mounted but concealed within the floors, ceilings and walls, except where otherwise approved, and the walls, floors and ceilings made good to the satisfaction of the Local Planning Authority.

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

BH2014/01786

51 Ship Street Brighton

External alterations including replacement of existing crittall and UPVC windows with aluminium windows, installation of new timber sash windows and replacement of existing lantern lights and rooflight. Installation of new rooflight to rear elevation, replacement roof coverings and associated works. (Part Retrospective).

Applicant: Veerose Limited

Officer: Christopher Wright 292097

Approved on 12/11/14 DELEGATED

1) UNI

The repaired and replacement timber sash and aluminium windows hereby

approved shall be painted white and colour-coated white respectively, and any trickle vents shall be concealed. The works 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.

2) UNI

Within one calendar month of the date of this decision a sample vented roof tile, as per those installed, shall be submitted to the Local Planning Authority.

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

3) UNI

All new and replacement rainwater goods, soil and other waste pipes shall be in powder-coated aluminium cast-iron-effect and shall be painted black and retained as such thereafter.

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

4) UNI

No works to clean the stonework to the Ship Street elevations shall take place until the method of cleaning has been submitted to and approved in writing by the Local Planning Authority. These 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.

BH2014/01876

31 Hampton Place Brighton

Internal and external refurbishment including reinstatement of period features, relocation of kitchen and bathroom, alterations to internal staircase, formation of rear dormer, replacement of rear French doors and existing boundary fence.

Applicant: Damian Evans

Officer: Helen Hobbs 293335

Approved on 05/11/14 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

No works shall take place until sample flints and a biscuit sample of the proposed mortar 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.

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

5) UNI

No works shall take place to the rear boundary walls until a method statement detailing the works to increase the height of the wall has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include the type of construction of the wall, materials, method of pointing and mortar mix and 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.

BH2014/02928

3 & Basement Flat 3 Montpelier Crescent Brighton

Replacement of existing entrance tiles with Yorkshire paving and replacement of railings to left hand side entrance wall with cast iron railings.

Applicant: Mr & Mrs M Cardy

Officer: Jason Hawkes 292153

Approved on 11/11/14 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 railings shown on the approved plans shall have individually leaded in posts and the railings shall be painted black within one month of installation and shall be retained as such thereafter.

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

BH2014/02929

3 & Basement Flat 3 Montpelier Crescent Brighton

Replacement of existing entrance tiles with Yorkstone paving and replacement of railings to left hand side entrance wall with cast iron railings.

Applicant: Mr & Mrs M Cardy

Officer: Jason Hawkes 292153

Approved on 11/11/14 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 railings shown on the approved plans shall have individually leaded in posts and the railings shall be painted black within one month of installation and shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and the appearance of the surrounding conservation area to comply with policies HE1 and HE6 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 the appearance of the surrounding conservation area 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
As Existing	AC/3MC/01		1st September 2014
Location and Site Plan	AC/3MC/02		1st September 2014
As Proposed	AC/3MC/03		1st September 2014
Proposed Railings	AC/MC/04		9th September 2014
As Proposed Sections	AC/3MC/05		23rd October 2014

BH2014/02994

Flat 1 3 Vernon Terrace Brighton

Replacement of existing window with timber sliding sash double glazed window and existing UPVC door with timber door to the rear. (Retrospective)

Applicant: Mr Thomas McGrath

Officer: Lorenzo Pandolfi 292337

Approved on 13/11/14 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			08/09/2014
Block Plan			08/09/2014
Proposed window and door			08/09/2014

BH2014/02995

Flat 1 3 Vernon Terrace Brighton

Replacement of existing window with timber sliding sash double glazed window and existing UPVC door with timber door to the rear. (Retrospective)

Applicant: Mr Thomas McGrath

Officer: Lorenzo Pandolfi 292337

Approved on 13/11/14 DELEGATED

BH2014/03027

21 Bedford Square Brighton

Conversion of existing ground and lower ground floor office (B1) to 1no two bedroom maisonette (C3). Alterations to front including new bay windows, railings and wall.

Applicant: Mr Robbie Anderson
Officer: Jason Hawkes 292153

Refused on 13/11/14 DELEGATED

1) UNI

No evidence of marketing has been submitted to indicate that the existing offices have been assessed and are genuinely redundant. Additionally, it has not been demonstrated that the scheme is the only practicable way of preserving the Grade II Listed Building. The application is thereby contrary to policy EM6 of the Brighton & Hove Local Plan.

2) UNI2

The proposal lacks sufficient detail to demonstrate and ensure that the external and internal alterations are appropriate for this prominent Grade II Listed Building within Bedford Square and the Regency Square Conservation Area. The scheme therefore detracts from the character and appearance of the listed building and is contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.

BH2014/03028

21 Bedford Square Brighton

Internal alterations to layout to convert existing ground and lower ground floor office (B1) to 1no two bedroom maisonette (C3). External alterations to front including new bay windows, railings and wall.

Applicant: Mr Robbie Anderson
Officer: Jason Hawkes 292153

Refused on 13/11/14 DELEGATED

1) UNI

The proposal lacks sufficient detail to ensure that the external and internal alterations are appropriate for this prominent listed building within Bedford Square and Regency Square Conservation Area. The scheme therefore detracts from the character and appearance of the listed building and is contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2014/03058

Unit 6 Churchill Square Brighton

Display of internally illuminated (letters only) fascia sign.

Applicant: Calzedonia UK Limited
Officer: Lorenzo Pandolfi 292337

Approved on 12/11/14 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.

BH2014/03117

12 Meeting House Lane Brighton

Application for Approval of Details Reserved by Conditions 10, 11,14, 15, 16 and 17 of application BH2011/00635.

Applicant: Destan Ltd

Officer: Jason Hawkes 292153

Refused on 14/11/14 DELEGATED

BH2014/03169

39 Kings Road Brighton

Display of externally illuminated mesh scaffold shroud.

Applicant: Mr David Moyle

Officer: Mark Thomas 292336

Approved on 14/11/14 DELEGATED

1) 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

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.

2) 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.

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.

3) BH10.04

Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and for the purposes of public safety and visual amenity.

4) BH10.05

No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5) BH10.06

No advertisement shall be sited or displayed so as to-

(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);

(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or

(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Reason: To accord with Regulation 14(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6) BH10.07

The illumination of the advertisement shall be non-intermittent.

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

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

7) UNI

The intensity of the illumination of the advertisement display shall not exceed 400 candelas per square metres.

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

8) UNI

The advertisement shall not be illuminated later than 2300 hours and shall not be illuminated before 0700 hours on any day.

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

9) UNI

This consent shall expire on 14th May 2015 or when the scaffolding is no longer required, whichever is the sooner. At the end of this period of consent the advertisement shall be removed.

Reason: In the interests of the visual amenity and to preserve the character of the Old Town Conservation Area and to comply with policies QD12 and HE9 of the Brighton & Hove Local Plan and Supplementary Planning Document 07, Advertisements.

BH2014/03177

12 Meeting House Lane Brighton

Application for Approval of Details Reserved by Condition 8 of application BH2011/00652.

Applicant: Destan Ltd

Officer: Jason Hawkes 292153

Refused on 14/11/14 DELEGATED

BH2014/03245

22A East Street Brighton

Application for Approval of Details Reserved by Conditions 3 and 4 of application BH2014/01511

Applicant: Mrs N Blencowe

Officer: Liz Arnold 291709

Approved on 10/11/14 DELEGATED

ST. PETER'S & NORTH LAINE

BH2013/02324

Block K Brighton Station Queens Road Brighton

Application for Approval of Details Reserved by Condition 12 (i), (ii), (iii) and (iv) of application BH2008/01148.

Applicant: TimeC1328 Ltd

Officer: Maria Seale 292175

Approved on 07/11/14 DELEGATED

BH2013/03739

Site J New England Quarter Fleet Street Brighton

Application for approval of details reserved by condition 18Aiii of application BH2012/01627.

Applicant: The Hyde Group

Officer: Maria Seale 292175

Approved on 18/11/14 DELEGATED

BH2013/03793

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

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.

Applicant: Stonehurst Estates

Officer: Sue Dubberley 293817

Refused on 30/10/14 COMMITTEE

1) UNI

The proposed development would result in more than substantial harm to the setting of the listed St. Nicholas Church and the listed Wykeham Terrace by reason of its bulk, scale and massing contrary to policy HE3 of the Brighton & Hove Local plan 2005.

2) UNI2

The proposed development would result in a scheme with direct adverse visual harm within the Montpelier and Clifton Hill Conservation Area by reason of its bulk, scale and massing contrary to policy HE6 of the Brighton & Hove Local plan 2005.

3) UNI3

The proposed development would result in an unacceptable loss of amenity to residents of the adjoining Wykeham Terrace by virtue of its close proximity and massing resulting in a loss of light and increased sense of enclosure contrary to policy QD27 of the Brighton & Hove Local plan 2005.

BH2014/01007

6 Winchester Street Brighton

Certificate of lawfulness for existing rear dormer.

Applicant: Mrs Mjriam Sessa

Officer: Chris Swain 292178

Refused on 11/11/14 DELEGATED

1) UNI

The rear dormer is built off the party wall with the adjoining property, 8 Winchester Street. As such the development is not sited wholly within the curtilage of dwellinghouse and therefore is not permitted under Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995, as amended.

2) UNI2

The materials used in the construction of the rear dormer do not have a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. As such the development is not permitted under Schedule 2, Part 1, Class B (B.2(a)) of the Town & Country Planning (General Permitted Development) Order 1995, as amended.

BH2014/01649

Brighton Railway Station Queens Road Brighton

Erection of a single story storage building to platform. Internal alterations including glazed infill panels to canopy, revised kerbs and ramps and installation of electronic map stands.

Applicant: Southern Railway

Officer: Chris Swain 292178

Approved on 30/10/14 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 cabling or trunking to serve the queuing ticket machine shall be run on the external elevation of the building. Any cabling or wiring shall be run internally and shall only exit the building at plinth level behind the machine. All internal cabling or trunking shall be painted or colour-finished to match the wall and shall be maintained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to

comply with policy HE1 of the Brighton & Hove Local Plan.

BH2014/01943

25-28 Elder Place Brighton

Reconfiguration of existing office space and erection of one new storey above existing ground and first floors to facilitate the creation of 4no one bedroom flats and 3no two bedroom flats and associated alterations.

Applicant: Good Food Ltd

Officer: Christopher Wright 292097

Approved after Section 106 signed on 03/11/14 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

With the exception of the six angled oriel bay windows on the rear elevation, all other windows proposed on the rear, eastern facing elevation of the development hereby permitted, shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

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

Access to the flat roof of 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 QD1 and QD27 of the Brighton & Hove Local Plan.

5) UNI

No cables, wires, aerials, pipe-work (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.

6) UNI

The new dwellings hereby permitted shall be constructed to Lifetime Home standards prior to their first occupation and shall be retained as such thereafter.

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

7) UNI

The mitigation measures relating to the enhanced glazing as per the Acoustic Associates Sussex Limited report dated 9th June 2014 shall be implemented and retained as such thereafter.

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

8) UNI

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

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

9) UNI

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy QD1 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

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.

12) UNI

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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-assessment estimator will not be acceptable.

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

13) UNI

The development hereby permitted shall not be commenced until a scheme for

the soundproofing of the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details and retained as such thereafter.

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

14) UNI

The development hereby permitted shall not be commenced until a written scheme for ventilation of the proposed flats, including specifics of where clean air is to be drawn from and that sufficient acoustic protection is built into the system to protect future residents of the development, is submitted to and approved in writing by the Local Planning Authority. The development shall take place in accordance with the agreed details and be maintained as such thereafter.

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

15) UNI

Prior to the first occupation of the development hereby permitted the applicant shall reinstate the two redundant vehicular crossovers on Elder Place back to a footway by raising the existing kerb and footway.

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

16) UNI

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

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

17) 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 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to, and approved in writing by, the Local Planning Authority.

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

18) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Block Plan	Y095-A01	A	12 Jun 2014
Location Plan	Y095-A02	A	12 Jun 2014
Existing Ground Floor Plan	Y095-A03		12 Jun 2014
Existing First Floor Plan	Y095-A04	A	12 Jun 2014
Existing Second Floor Plan	Y095-A05	A	12 Jun 2014

Existing West Elevation	Y095-A06	A	12 Jun 2014
Existing Section A-A	Y095-A07	A	12 Jun 2014
Existing East Elevation	Y095-A08	A	12 Jun 2014
Existing Section BB	Y095-A09	A	12 Jun 2014
Proposed Ground Floor Plan	Y095-D01	B	12 Jun 2014
Proposed First Floor Plan	Y095-D02	B	12 Jun 2014
Proposed Second Floor Plan	Y095-D03	B	12 Jun 2014
Proposed Elevations	Y095-D04	B	4 Aug 2014
Building Height Study	Y095-D07		12 Jun 2014

BH2014/02634

86A Centurion Road Brighton

Replacement of existing timber windows with double glazed timber sash windows to front elevation.

Applicant: Mrs Lynda McAngus

Officer: Lorenzo Pandolfi 292337

Approved on 17/11/14 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 no development shall take place until full details of the new sash windows and their reveals and cills including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. The windows shall be 12mm slimline double 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.

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 Plan			21/08/2014
Photos			21/08/2014
Product Survey Sheet			24/10/2014

BH2014/02782

18 Upper Gardner Street Brighton

Application for removal of condition 2 of application BH2014/01403 (Alterations to the external finish of front elevation from face brickwork to render. (Retrospective)), which states that within 3 months of approval the entirety of the front elevation of the property, including any vents, shall be painted white (BS 4800 00E55) and maintained as such thereafter. Removal of condition 3 which states that the brick cills to the existing sash windows, the corbelling at eaves level and the existing archway around the front entrance door shall be rendered over but maintained in relief.

Applicant: Mr Richard English

Officer: Helen Hobbs 293335

Refused on 30/10/14 DELEGATED

1) UNI

The removal of conditions 2 & 3 of planning application BH2014/01403 would result in an unacceptable appearance to the development, resulting in significant harm to the character and appearance of the existing property and as such the development would be out of character with the street scene and the surrounding North Laine Conservation Area. The removal conditions 2 & 3 would therefore be contrary to policy HE6 of the Brighton & Hove Local Plan.

BH2014/02939

19 Buckingham Place Brighton

Removal of existing side extension and reinstatement of original side entrance and balustrading.

Applicant: Martha Le Roy

Officer: Joanne Doyle 292198

Approved on 07/11/14 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 railings shown on the approved plans shall be traditionally fixed with the upright posts individually leaded into the stone treads and platform and the top rail shall be leaded into the face of the principle building. The railings shall be painted back and shall be maintained as such thereafter.

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

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.

BH2014/03025

26A West Hill Road Brighton

Application for Approval of Details Reserved by Conditions 3, 4, 5, 7, 8, 10, 13, 14 and 15 of application BH2013/02012.

Applicant: AKN (Sussex) LLP

Officer: Jonathan Puplett 292525

Refused on 10/11/14 DELEGATED

1) UNI

No material samples have been submitted. The details required by condition 3 are therefore not approved.

2) UNI2

Details of all windows and doors have not been provided. The details which have been submitted are not considered to be appropriate. The details required by condition 4 are therefore not approved.

3) UNI3

The parking layout proposed is not considered to be of a practical or safe design. The details required by condition 5 are therefore not approved.

4) UNI4

No Code for Sustainable Homes Certificates have been submitted. The details

required by condition 7 are therefore not approved.

5) UNI5

The hard landscaping details which have been submitted are considered to be inappropriate. Further details are required regarding the soft landscaping which is proposed. The details required by condition 8 are therefore not approved.

6) UNI6

The details of tree protection measures submitted are not sufficient. The details submitted do not confirm whether the existing boundary walls are to be retained or removed / replaced. The details required by condition 10 are therefore not approved.

7) UNI7

The details submitted include the installation of flue/vent outlets to the front elevation of the building. This is not considered to be appropriate. The details required by condition 13 are therefore not approved.

8) UNI8

The details submitted do not confirm whether the existing boundary walls are to be retained or removed / replaced. The details of the proposed front boundary wall are not sufficient. The details required by condition 14 are therefore not approved.

9) UNI9

The land contamination report submitted does not include the level of information which is required. No site investigation has been carried out. The details required by condition 15 are therefore not approved.

BH2014/03081

35 Baker Street Brighton

Erection of three storey rear extension, dormers to rear, rooflights to front and raising of ridge height.

Applicant: M&G Properties (Sussex) Ltd

Officer: Liz Arnold 291709

Approved on 14/11/14 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 approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

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

3) UNI

The extension 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.

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 Plans	AL-100	Rev. B	19th September 2014
Existing Floor Plans	AL-101	Rev. A	15th September 2014
Existing Elevations & Section AA	AL-102	Rev. A	15th September 2014
Proposed Floor Plans	AL-103	Rev. D	19th September 2014
Proposed Elevations & Section AA	AL-104	Rev. D	19th September 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 policies QD1 and QD14 of the Brighton & Hove Local Plan.

BH2014/03090

Downs Filling Station 134 Ditchling Road Brighton

Display of internally illuminated ATM surround.

Applicant: Cardtronics UK Ltd Trading as Cashzone

Officer: Chris Swain 292178

Approved on 13/11/14 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.

BH2014/03213

Stable Cottage 1 Warleigh Road Brighton

Erection of two storey side and rear extension.

Applicant: Mr Peter Bullock

Officer: Joanne Doyle 292198

Approved on 18/11/14 DELEGATED

1) BH01.01

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

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

2) UNI

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

Reason: To ensure a satisfactory appearance to the development and to comply with policy 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	11/04-02	A	23 Sep 2014
Block Plan	11/04-03	A	23 Sep 2014
Existing Floor Plans	11/04-04		23 Sep 2014
Existing Front & Rear Elevations	11/04-05		23 Sep 2014
Existing Side Elevations	11/04-06		23 Sep 2014
Proposed Floor Plans & Elevations	11/04-01		23 Sep 2014

BH2014/03363

Block K Brighton Station Redevelopment Brighton

Non material amendment to BH2008/01148 to have approved plans as described in informative 1 on the planning permission to be made a condition of permission.

Applicant: McAleer & Rushie Ltd

Officer: Maria Seale 292175

Approved on 04/11/14 DELEGATED

BH2014/03440

86 Shaftesbury 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 4.5m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 2.6m.

Applicant: Mr David Martin

Officer: Robert Hermitage 290480

Prior Approval is required and is refused on 13/11/14 DELEGATED

BH2014/03519

89-90 London Road Brighton

Non Material Amendment to BH2014/01641 to alteration to glazing of permitted shop front alterations.

Applicant: Ebury Estates

Officer: Wayne Nee 292132

Approved on 13/11/14 DELEGATED

WITHDEAN

BH2014/01793

Varndean College Surrenden Road Brighton

Installation of new classroom accommodation within section of roof space to East side of East quadrangle with associated alterations.

Applicant: Varndean College

Officer: Helen Hobbs 293335

Approved on 10/11/14 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
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Site and block plans	280.14.01		2nd June 2014
Existing plans and sections	280-14-04		2nd June 2014
Existing courtyard north elevations and main south elevation	280.14.05	A	11th June 2014
Proposed plan	280.14.06		2nd June 2014
Proposed plan	280.14.07		2nd June 2014
Roof plan	280-14-08	A	11th July 2014
Proposed elevations	280-14-10	B	11th July 2014
Proposed elevations	280-14-11	A	11th June 2014

BH2014/02860

1A Preston Lodge 1 Millers Road Brighton

Replacement UPVC double glazed windows to front, side and rear.

Applicant: Mr Shaw

Officer: Helen Hobbs 293335

Refused on 04/11/14 DELEGATED

1) UNI

The replacement uPVC windows would be of an unsympathetic material, frame thickness and opening arrangement and would create a poor contrast with the remainder of the building. The proposal would therefore result in significant harm to the character and appearance of the existing property, street scene and surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 Design Guide for Extensions and Alterations.

BH2014/02894

25 Bramble Rise Brighton

Application for approval of details reserved by condition 3 of application BH2014/00445.

Applicant: Mr Matthew Lindenfelser

Officer: Helen Hobbs 293335

Approved on 07/11/14 DELEGATED

BH2014/02931

5 Shepherds Croft Brighton

Erection of single storey rear extension.

Applicant: Mr David Banfield

Officer: Tom Mannings 292322

Approved on 03/11/14 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 and panels to the northern (side) elevation of the development hereby permitted shall be obscure glazed and 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

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

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	470		01/09/14
Block Plan	470		01/09/14
Existing	470/01		01/09/14
Elevation - Existing & Proposed	470/02	A	17/10/14
Proposed Plans	470/03	A	17/10/14

BH2014/02933

41 Mandalay Court London Road Brighton

Replacement of existing aluminum windows and timber door with aluminum and UPVC windows and UPVC door.

Applicant: Mr Allan Pike

Officer: Benazir Kachchhi 294495

Approved on 05/11/14 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	-	-	10 September 2014
Retail Survey report	-	-	10 September 2014
General arrangement drawings and aluminium windows	-	-	01 September 2014
Aluminium windows frames finishes	-	-	10 September 2014
Replacement windows identification photographs	-	-	10 September 2014

BH2014/03004

30 Hillcrest 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 3.3m, and for which the height of the eaves would be 2.1m.

Applicant: Ms Stephanie Tyson

Officer: Lorenzo Pandolfi 292337

Prior Approval is required and is approved on 04/11/14 DELEGATED

BH2014/03014

46 Tongdean Lane Brighton

Certificate of lawfulness for proposed erection of a single storey rear extension and replacement of rear porch and steps.

Applicant: Mr Roderick MacFie

Officer: Tom Mannings 292322

Refused on 12/11/14 DELEGATED

BH2014/03031

Kingsmere London Road Brighton

Erection of 2no garages.

Applicant: Anstone Properties Ltd

Officer: Sonia Gillam 292265

Approved on 06/11/14 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 adjacent garages.

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			09/09/2014
Block plan			09/09/2014
Proposed floor plan	A308/05		09/09/2014
Proposed elevations	A308/06		09/09/2014
Existing floor plan	A308/12		09/09/2014

BH2014/03053

13 Colebrook Road Brighton

Erection of two storey side extension with front dormer and erection of detached double garage.

Applicant: Mr Gary Turner

Officer: Christopher Wright 292097

Refused on 17/11/14 DELEGATED

1) UNI

The proposed side extension, by reason of its siting, bulk, massing and design, would detract from the balanced and traditional form of the existing building and would breach the general building line of properties in Hillbrow Road. The extension would result in an unduly dominant and intrusive impact which would be harmful to the form and character of the existing building, and on the street scene and the open space at the junction with Colebrook Road, to the detriment

of visual amenity and the wider street scene. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan, and SPD12: Design Guidance for Extensions and Alterations.

2) UNI2

The proposed detached garage would occupy a prominent position in front of the principal elevation to the main dwelling and forward of the building line in Colebrook Road. The garage, by reason of its siting, scale and design, would have an intrusive and unduly dominant appearance that would detract from the character of the recipient property and the wider street scene, to the detriment of visual amenity. The proposal is contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan, and SPD12: Design Guidance for Extensions and Alterations.

BH2014/03065

52 Fernwood Rise Brighton

Erection of single storey front extension and roof alterations including raising of ridge height, roof extensions, installation of rooflights and revised fenestration.

Applicant: Mr James Cork

Officer: Lorenzo Pandolfi 292337

Approved on 07/11/14 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	13/1		12/09/2014
Block Plans	13/2	A	12/09/2014
Existing Floor Plan	13/3		12/09/2014
Existing Elevations	13/4		12/09/2014
Proposed Floor Plans and Sections	13/5	A	12/09/2014
Proposed Elevations	13/6	A	12/09/2014

BH2014/03380

39-41 Withdean Road Brighton

Application for approval of details reserved by condition 10 of application BH2013/03456.

Applicant: Baobab Developments

Officer: Liz Arnold 291709

Approved on 30/10/14 DELEGATED

EAST BRIGHTON

BH2014/02885

5 Sudeley Place Brighton

Demolition of garage and alterations to ground floor fenestration to west elevation.

Applicant: Mr John Cotter

Officer: Chris Swain 292178

Approved on 03/11/14 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 and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the existing building.

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

3) UNI

The hereby permitted boiler extract shall be painted to match the rear elevation of the building and shall be retained as such thereafter.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location and block plan	5062/PL/001		28 August 2014
Existing south elevation and floor plan	5062/PL/010		28 August 2014
Existing west elevation and section AA	5062/PL/011		28 August 2014
Proposed south elevation and floor plan	5062/PL/0201		28 August 2014
Proposed west elevation and section AA	5062/PL/021		28 August 2014

5) UNI

All new windows shall be painted softwood, double hung vertical sliding sashes with concealed trickle vents and shall be retained as such thereafter.

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

BH2014/02900

3 Paston Place Brighton

Conversion of existing small house in multiple occupation (C4) and offices (B1) to form 1no three bedroom dwelling house (C3), with alterations including installation of rooflight to internal sloped roof, demolition of existing lower ground

floor extension and alterations to rear fenestration and landscaping.

Applicant: Mr Steve Davis
Officer: Adrian Smith 290478
Approved on 11/11/14 DELEGATED

1) BH01.01

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

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

2) UNI

No extension, enlargement or alteration of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - D of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the character of the area and to the amenities of the occupiers of nearby properties and for this reason would wish to control any future development proposals to comply with policies QD14, QD27 and HE6 of the Brighton & Hove Local Plan.

3) UNI

The development hereby permitted shall be carried out in accordance with the energy and water consumption measures set out in the Sustainability Checklist and Design and Access Statement received on 29/08/2014 and the measures shall be retained as such thereafter.

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

4) UNI

Notwithstanding the submitted details, the new window hereby approved to the rear elevation shall match exactly the original sash windows to the building, including their architrave, frame and glazing bar dimensions and mouldings, and subcill, masonry cill and reveal details, and the windows shall be retained as such thereafter.

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

5) UNI

All new external doors, other than the aluminium folding doors hereby permitted, shall be painted timber and shall be retained as such thereafter.

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

6) UNI

The development hereby permitted shall 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 existing floor plans	264PP03/01	-	29/08/2014
Existing elevations	264PP03/02	-	29/08/2014
Proposed floor plans	264PP03/03	-	29/08/2014
Proposed elevations	264PP03/04	-	29/08/2014

Existing and proposed roof plan and block plans	264PP03/05	-	29/08/2014
Window and door details	264PP03/06	-	29/08/2014

7) 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.

BH2014/03041

Bristol Mews Bristol Gardens Brighton

Erection of single storey front extension.

Applicant: Mr Sudirman Yusef

Officer: Joanne Doyle 292198

Approved on 12/11/14 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	04		10 Sep 2014
Plans & Elevations as Existing	01		10 Sep 2014
Plans & Elevations as Proposed	06	B	11 Nov 2014

BH2014/03045

Bristol Mews Bristol Gardens Brighton

Certificate of Lawfulness for proposed single storey infill extension to rear incorporating roof extension and alteration.

Applicant: Mr Surdiman Yusef

Officer: Joanne Doyle 292198

Split Decision on 12/11/14 DELEGATED

1) UNI

GRANT a lawful development certificate for the proposed ground floor windows and door to the western (side) elevation and for the rooflights to the front elevation of the dwellinghouse for the following reason:-

The ground fenestration and front rooflights represent alterations to the dwellinghouse which are permitted under Schedule 2, Part 1, Classes A and C of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

1) UNI

REFUSE a lawful development certificate for the proposed rear infill extension and extended chimney stack for the following reasons:-

2) UNI

Condition 4 of planning permission 82/1233 removes permitted development rights for extensions to the dwellinghouse. The rear extension at ground and first floor levels and extended chimney stack would therefore require planning permission.

3) UNI2

Notwithstanding the reason for refusal no. 1 the development comprises a two-storey extension which would be within 7 metres of the boundary of the curtilage opposite the rear wall of the dwellinghouse; would be within 2 metres of a boundary with an eaves height in excess of 3 metres; and would extend beyond a wall forming a side elevation of the original dwellinghouse and would exceed 4 metres in height, have more than one storey and have a resulting width greater than half the width of the original dwellinghouse. The development would not therefore be permitted under Schedule 2, Part 1, Class A (A.1(f), (g) and (h)) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2014/03067

St John the Baptist Catholic Primary School Whitehawk Hill Road Brighton

Erection of single storey extension to North-East elevation.

Applicant: The Governors of St John the Baptist RC Primary School

Officer: Tom Mannings 292322

Approved on 17/11/14 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 Plan	13119-P-02		12/09/14
Existing Plan	13119-P-03		12/09/14
Proposed Plan	13119-P-04		12/09/14
Elevations	13119-P-05		12/09/14

BH2014/03098

23 Rock Grove Brighton

Application for Approval of Details Reserved by Conditions 2, 3 and 4 application BH2014/00494.

Applicant: Ms Carolyn Griffith

Officer: Robert Hermitage 290480

Approved on 31/10/14 DELEGATED

BH2014/03233

4 Marlow 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 5.3m, for which the maximum height would be 3.9m, and for which the height of the eaves would be 3.7m.

Applicant: Mrs Nuruw Begum

Officer: Joanne Doyle 292198

Prior Approval is required and is refused on 04/11/14 DELEGATED

BH2014/03449

Royal Sussex County Hospital Eastern Road Brighton

Non material amendment to BH2013/03983 to allow for the reversal of approved traffic flow to vehicular drop off in front of Barry Building.

Applicant: Brighton and Sussex University Hospitals Trust

Officer: Kathryn Boggiano 292138

Approved on 05/11/14 DELEGATED

HANOVER & ELM GROVE

BH2014/02284

66 May Road Brighton

Change of use from residential dwelling (C3) to either three bedroom small house in multiple occupation (C4) or residential dwelling.

Applicant: Matthew Reeve

Officer: Jonathan Puplett 292525

Approved on 12/11/14 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			25/07/2014
EXISTING FLOORPLANS			18/07/2014
PROPOSED FLOORPLANS			18/07/2014

2) UNI

Within three months of the date of the granting of this permission, a scheme for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority, shall be fully implemented and made available for use, and 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

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

BH2014/02576

10 - 12 Elm Grove Brighton

Extension and part conversion of existing laundrette (sui generis) to form 1 no one bedroom flat (C3) at ground floor level. Erection of a single storey rear extension.

Applicant: Mr M Mousan

Officer: Wayne Nee 292132

Refused on 31/10/14 DELEGATED

1) UNI

The proposed ground floor flat, by reason of its size, layout and absence of adequate natural light and outlook, would provide a cramped and unsatisfactory standard of residential accommodation which would fail to meet the likely needs of future occupiers.

This harm is considered to outweigh the benefit provided by the additional residential unit. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed rear extension to no. 10 Elm Grove would extend beyond the original side and rear wall of the outrigger and would form an inappropriate addition which would be to the detriment of the character and appearance of the rear elevation of the existing property. The proposal is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2014/02840

167 Elm Grove Brighton

Application for Approval of Details Reserved by Conditions 5, 6 and 7 of application BH2014/00626.

Applicant: Mr Michael Davies

Officer: Sue Dubberley 293817

Split Decision on 03/11/14 DELEGATED

1) UNI

APPROVE the details pursuant to conditions 6 and 7 and subject to full compliance with the submitted details.

The details pursuant to condition 5 are NOT APPROVED for the reason set out below.

1. It has not been satisfactorily demonstrated that the proposed store could satisfactorily accommodate the number of cycle parking spaces indicated. The requirements of condition 5 have not therefore been satisfied and the details are contrary to policy TR14 of the Brighton & Hove Local Plan.

BH2014/03082

Flat 4 8 - 9 Hanover Crescent Brighton

Demolition of existing rear conservatory.

Applicant: Mrs Sarah Turner-Hopkins

Officer: Sonia Gillam 292265

Approved on 10/11/14 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 a photographic survey of the conservatory has

been submitted to and approved in writing by the Local Planning Authority. Such a survey shall be carried out in accordance with the guidance in the English Heritage publication 'Understanding Historic Buildings - A guide to good recording practice'.

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 proposed hard surfacing to the enlarged garden area, where the conservatory is to be demolished, have been submitted to and approved in writing by the Local Planning Authority. The works shall take place in accordance with the agreed details and be maintained as such thereafter.

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

4) UNI

All external finishes of the building shall be made good to exactly match the existing materials and finishes following demolition of the conservatory.

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

HOLLINGDEAN & STANMER

BH2014/02462

Ditchling Court 136A Ditchling Road Brighton

Replacement of existing timber windows to common ways on east elevation with UPVC windows.

Applicant: Leasehold Management Ltd

Officer: Joanne Doyle 292198

Approved on 03/11/14 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	01		08 Sep 2014
Window Specification Sectional Drawing			08 Sep 2014

BH2014/02566

3 Barrow Hill Brighton

Demolition of existing house and garage and erection of 2no four bedroom dwellings.

Applicant: Natterjack Construction Ltd

Officer: Liz Arnold 291709

Refused on 07/11/14 DELEGATED

1) UNI

The proposal, by virtue of its orientation, siting and depth, would fail to reflect the prevailing character of the area and would significantly reduce the perceived

openness of the prominent corner location. The resulting development would appear unduly prominent within the related street scenes and would have an adverse impact upon the character and appearance of the area. The development would fail to emphasise and enhance the positive qualities of the local neighbourhood and this harm is considered to outweigh the benefit provided by the additional residential unit. The proposal is contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development, due to its orientation and siting in relation to 61 Wolverstone Drive, would represent an unneighbourly form of development resulting in actual and perceived overlooking and loss of privacy from first floor rear windows to the adjoining garden area. The proposal would have a harmful impact on neighbouring amenity and this harm is considered to outweigh the benefit provided by the additional residential unit. The proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2014/02624

Friston Building Boiler House Hill University of Sussex Brighton

Application for variation of condition 1 of application BH2012/02209 (Application for variation of condition 1 of application BH2009/00916 (Erection of 2 storey temporary teaching building for a period of three years)) to allow for the date of removal of the temporary building to be extended for a period of 5 years.

Applicant: University of Sussex

Officer: Sue Dubberley 293817

Approved on 10/11/14 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			11/08/2014
Block plan			11/08/2014
Elevations	UoS 30	b	05/08/2014
Floor plans	UoS 10	n	05/08/2014
Foundations	UoS 20	b	05/08/2014

2) UNI

The temporary buildings hereby permitted shall be permanently removed from the site before 7 August 2020 and the land reinstated to its former condition.

Reason: As the structure hereby approved is not considered suitable as a permanent form of development, permission is granted for a temporary period only in accordance with policies QD1, QD2, QD4 and NC7 of the Brighton & Hove Local Plan.

BH2014/03042

71 Stanmer Villas Brighton

Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating rear dormer.

Applicant: Invest Save

Officer: Robert Hermitage 290480

Split Decision on 12/11/14 DELEGATED

1) UNI

The rear dormer is permitted under Schedule 2, Part 1, Class B of the Town and

Country Planning (General Permitted Development) Order 1995, as amended.

2) UNI

GRANT a lawful development certificate for the proposed rear dormer:

1) UNI

REFUSE a lawful development certificate for the rear extension for the following reasons

2) UNI2

The excavation at lower ground floor level amounts to an engineering operation that falls within the definition of development set out in section 55(1) of the Town and Country Planning Act (1990) and is not permitted by the Town and Country Planning (General Permitted Development) Order 1995, as amended.

3) UNI3

The rear extension would include the construction or provision of a raised platform and would not therefore be permitted under Schedule 2, Part 1, Class A (A.1(i)(i)) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2014/03133

31 Isfield Road Brighton

Application for Approval of Details Reserved by Conditions 5 and 6 of application BH2014/00431.

Applicant: Mr J Panteli

Officer: Adrian Smith 290478

Approved on 12/11/14 DELEGATED

BH2014/03187

123 Hollingdean Terrace Brighton

Certificate of lawfulness for proposed loft conversion incorporating front rooflights, side window and rear dormer.

Applicant: Mr & Mrs Paul & Fiona Henrickson

Officer: Joanne Doyle 292198

Approved on 18/11/14 DELEGATED

BH2014/03237

8 Mountfields 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 3m.

Applicant: Dr Lars Schuy

Officer: Tom Mannings 292322

Prior Approval is required and is refused on 05/11/14 DELEGATED

BH2014/03290

78A Hollingbury 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 5m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.8m.

Applicant: Maher Khan

Officer: Mark Thomas 292336

Prior approval not required on 13/11/14 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2014/02835

4 Barcombe Road Brighton

Application for Approval of Details Reserved by Condition 3 of application
BH2014/01774

Applicant: Mr John Wright
Officer: Sonia Gillam 292265
Approved on 11/11/14 DELEGATED

BH2014/03084

80 Riley Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating rooflight to the front and dormer to the rear.

Applicant: Mr Abberley
Officer: Robert Hermitage 290480
Approved on 13/11/14 DELEGATED

QUEEN'S PARK

BH2014/00645

15 Upper Rock Gardens Brighton

Erection of 1no two storey one bed house to side/rear of 15 Upper Rock Gardens.

Applicant: David Beckley
Officer: Paul Earp 292454
Approved on 30/10/14 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 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.

3) UNI

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.

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 policy HE6 of the Brighton & Hove Local Plan.

5) 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.

6) 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.

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
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	D	7 October 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			

8) UNI

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.

9) UNI

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.

10) UNI

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.

11) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments. The boundary treatments shall be provided in accordance with the approved details before the building is occupied. 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.

12) UNI

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

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

13) UNI

Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.

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

14) UNI

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

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

Reason: To ensure that the development is sustainable and makes efficient use

of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

16) UNI

The development hereby 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.

17) UNI

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.

BH2014/00646

15 Upper Rock Gardens Brighton

Erection of 1no two storey one bedroom house to side/rear of 15 Upper Rock Gardens.

Applicant: David Beckley

Officer: Paul Earp 292454

Approved on 30/10/14 COMMITTEE

1) UNI

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

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

2) UNI

No 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 rooflight(s) hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

4) UNI

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) UNI

No works shall take place until full details of the proposed works including 1:20 scale sample elevations and 1:1 scale joinery profiles 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) UNI

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

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

BH2014/02142

5 Madeira Place Brighton

Replacement of existing timber framed windows with UPVC double glazed windows to front elevation.

Applicant: Pinnacle Real Estate LLP

Officer: Tom Mannings 292322

Refused on 07/11/14 DELEGATED

1) UNI

The replacement windows, by virtue of their material, detailing, frame profile, change in opening mechanisms and thickness, represents a harmful alteration that would represent incongruous and unsightly additions. The proposal would therefore significantly harm the character and appearance of the existing building and wider East Cliff Conservation Area. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan, and guidance within Supplementary Planning Document 9, Architectural Features and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2014/02653

Brighton College Eastern Road Brighton

Application for Approval of Details Reserved by Condition 4 of application BH2012/02379

Applicant: Brighton College

Officer: Andrew Huntley 292321

Approved on 04/11/14 DELEGATED

BH2014/02798

St Lukes Swimming Pool St Lukes Terrace Brighton

Replacement of existing single glazed timber windows with double glazed timber windows to north and south gables. (Part retrospective)

Applicant: Brighton & Hove City Council

Officer: Andrew Huntley 292321

Approved on 17/11/14 DELEGATED

BH2014/02930

20 Old Steine Brighton

Application for approval of details reserved by conditions 5, 6, 7 and 8 of

application BH2011/03160.

Applicant: SRE Trading Ltd
Officer: Sue Dubberley 293817
Approved on 06/11/14 DELEGATED

BH2014/02947

18 Walpole Terrace Brighton

Installation of rear dormer and rooflights to front and rear elevations.

Applicant: Mr & Mrs Keith & June Marsh
Officer: Joanne Doyle 292198

Approved on 10/11/14 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 to the front roofslope shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location & Block Plan	TA795/01		02 Sep 2014
Existing Floor Plans	TA795/03		02 Sep 2014
Existing Elevations	TA795/04	A	02 Sep 2014
Existing Section AA	TA795/05		02 Sep 2014
Proposed Floor Plans	TA795/30	C	06 Nov 2014
Proposed Elevations	TA795/31	C	06 Nov 2014
Proposed Section AA	TA795/32	C	06 Nov 2014

BH2014/03141

Flat 1 25 Burlington Street Brighton

Applications for Approval of Details Reserved by Condition 2 of application BH2014/01369.

Applicant: Steven Pike
Officer: Wayne Nee 292132
Approved on 14/11/14 DELEGATED

ROTTINGDEAN COASTAL

BH2014/01623

48A Sussex Square Brighton

Alterations to layout and replacement of external doors and windows. (Part retrospective).

Applicant: Ms Kate Hunt
Officer: Chris Swain 292178

Approved on 06/11/14 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			16 May 2014
Elevation C			16 May 2014
Elevation E			16 May 2014
Existing and proposed floor plans			16 May 2014
Existing annotated photographic images (6)			16 May 2014
Pre - existing annotated photographic images (2)			16 May 2014
Proposed window elevations (A & B)	1183/01		30 May 2014
Joinery details showing cill section			30 May 2014
Joinery details showing section through head and jambs			30 May 2014
Section through wall and box head			24 July 2014
Joinery details showing top rail			28 August 2014
Joinery details showing meeting rail and bottom rail			28 August 2014

BH2014/01624

48A Sussex Square Brighton

Alterations to layout and replacement of external doors and windows. (Part retrospective).

Applicant: Ms Kate Hunt

Officer: Chris Swain 292178

Approved on 06/11/14 DELEGATED

BH2014/01956

Land to Rear of 28 Eastern Place Brighton

Erection of 1no four bedroom dwelling.

Applicant: Mr Christopher Pearce & Mrs Lucy Lauener

Officer: Chris Swain 292178

Approved on 30/10/14 COMMITTEE

1) UNI

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

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

2) UNI

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

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

3) UNI

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) UNI

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) 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.

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

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

8) UNI

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) 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 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) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

11) UNI

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.

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) UNI

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

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

13) UNI

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) 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.

15) UNI

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.

16) 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 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority.

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

17) UNI

The development hereby permitted shall not be 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) 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	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

BH2014/02018

31 Ainsworth Avenue Brighton

Erection of 1no detached two bedroom dwelling with formation of access from Dower Close.

Applicant: Mr Russell Smith

Officer: Jonathan Puplett 292525

Approved on 30/10/14 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

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.

3) 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.

4) UNI

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

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

5) UNI

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

6) 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.

7) UNI

No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for the proposed new vehicular crossover has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement.

Reason: To ensure 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.

8) UNI

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

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

9) UNI

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

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

10) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

11) UNI

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.

12) UNI

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

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

13) 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.

14) 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.

15) UNI

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

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

16) UNI

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

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

17) UNI

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN	E01	A	26/06/2014
BLOCK PLAN	P01		19/06/2014
EXISTING SITE DRAWINGS	E02		19/06/2014

PROPOSED SITE PLAN	P02		19/06/2014
PROPOSED GROUND FLOOR AND LOWER GROUND FLOOR PLANS	P03		19/06/2014
PROPOSED REAR ELEVATION	P04		19/06/2014
PROPOSED FRONT ELEVATION	P05		19/06/2014
PROPOSED ELEVATION	P06		19/06/2014
PROPOSED SECTION	P07		19/06/2014
FRONT GARDEN PLAN	DL43/02		19/06/2014
REAR GARDEN PLAN	DL43/01		19/06/2014

BH2014/02345

10 Arundel Terrace Brighton

Removal of existing tiling to main front entrance and replacement with checkerboard decorative tiling.

Applicant: 10 Arundel Terrace Brighton Ltd

Officer: Chris Swain 292178

Approved on 03/11/14 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 location plan, existing and proposed section and plans	AC/10AT/03		14 July 2014
Proposed elevation and plan showing checkerboard detail.	AC/10AT/05		1 September 2014

3) UNI

The hereby approved checkerboard tiles shall be 50mm by 50mm in dimension and shall be laid abutting one another with no grout lines. The tiles 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.

BH2014/02346

10 Arundel Terrace Brighton

Removal of existing tiling to main front entrance and replacement with checkerboard decorative tiling.

Applicant: 10 Arundel Terrace Brighton Ltd

Officer: Chris Swain 292178

Approved on 03/11/14 DELEGATED

1) BH01.05

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

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

2) UNI

The hereby approved checkerboard tiles should be 50mm by 50mm in dimension and should be laid abutting one another with no grout lines 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.

BH2014/02922

6a Lewes Crescent Brighton

Installation of 2no sash windows to replace existing door and window in light well.

Applicant: Miss Caroline Minogue

Officer: Joanne Doyle 292198

Approved on 06/11/14 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 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.

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			01 Sep 2014
Existing Layout with Location Plan			01 Sep 2014
Proposed Layout with Location Plan			01 Sep 2014
Proposed Window Details			01 Sep 2014
Window Sections			01 Sep 2014

BH2014/02968

81 Dean Court Road Rottingdean Brighton

Extension of existing rear garage to form enlarged garage and home gymnasium with new pitched roof over.

Applicant: Mr & Mrs Steve Ovet

Officer: Chris Swain 292178

Approved on 06/11/14 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 permitted outbuilding shall only be used for purposes incidental to the main residential dwelling.

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

3) UNI

No extension, enlargement, alteration of the hereby permitted outbuilding as provided for within Schedule 2, Part 1, Class 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 development hereby permitted shall 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, existing and proposed plans, elevations and section.	1332014/01		9 September 2014

5) UNI

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

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.

BH2014/03026

Land at Rear of 59-61 Lustrells Vale Saltdean Brighton

Demolition of existing detached garage and erection of a single storey one bedroom dwelling (C3) with off street parking accessed from School Lane.

Applicant: First Charterhouse LLP

Officer: Andrew Huntley 292321

Refused on 12/11/14 DELEGATED

1) UNI

The proposal, by reason of its siting, design, and footprint is considered to represent an overdevelopment of the site. The proposal would result in an incongruous and cramped form of development and is contrary to policies QD1, QD2, QD3, and HO4 of the Brighton & Hove Local Plan.

2) UNI2

The proposed garden area is of an insufficient size in relation to the scale of the proposed dwelling. The scheme would therefore provide an unacceptable standard of accommodation, to the detriment of the amenity of future residents of

the property. Furthermore the proposed scheme would result in the loss of the original garden area connected with the residential unit of no. 61 Lustrells Vale to the detriment of the amenity of existing and future residents of this property. The scheme is therefore contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.

BH2014/03052

6A Lewes Crescent Brighton

Installation of 2no sash windows to replace existing door and window in light well.

Applicant: Miss Caroline Minogue

Officer: Joanne Doyle 292198

Approved on 06/11/14 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 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.

BH2014/03100

40 Arundel Place Brighton

Replacement of existing UPVc windows with aluminium and timber sliding doors with glass balustrade to the rear at ground and first floor levels following prior approval application BH2014/01115 for change of use at ground floor and first floor levels from offices (B1) to residential (C3) to form 2no flats.

Applicant: Creative Developments Ltd

Officer: Christopher Wright 292097

Approved on 18/11/14 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 and site location plans	TA779/01	A	16 Sep 2014
Existing ground floor plan	TA779/02	B	16 Sep 2014
Existing first floor plan	TA779/03	A	16 Sep 2014
Existing rear (east) elevation	TA779/04		16 Sep 2014
Proposed ground floor plan	TA779/50		16 Sep 2014
Proposed first floor plan	TA779/51	A	23 Sep 2014
Proposed rear (east)	TA779/52		16 Sep 2014

elevation			
Proposed doors (east) elevation	TA779/53		16 Sep 2014
VELFAC 237 - Sliding window door, 1-leaf profile details			16 Sep 2014

BH2014/03115

30 Westmeston Avenue Saltdean Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extensions, dormer to rear elevation and front rooflights.

Applicant: Mr & Mrs Poole

Officer: Robert Hermitage 290480

Approved on 03/11/14 DELEGATED

BH2014/03123

91 Lustrells Crescent Saltdean Brighton

Roof alterations including hip to barn end roof extension and enlargement of existing rear dormer.

Applicant: D Burnett

Officer: Robert Hermitage 290480

Refused on 11/11/14 DELEGATED

1) UNI

The proposed enlarged dormer and roof alterations by reason of its size, siting, excessive cladding, and poor relation to the existing fenestration would create an incongruous addition to the building and the surrounding area and is considered to contradict policy QD14 of the Brighton & Hove Local Plan and design guidance provided by SPD12 (Design Guide for Extensions and Alterations). The proposal is therefore considered an inappropriate addition to the property.

BH2014/03136

15 Roedean Crescent Brighton

Certificate of lawfulness for proposed detached garage and single storey outbuilding to facilitate swimming pool to rear garden.

Applicant: Mr William Christopherson

Officer: Robert Hermitage 290480

Approved on 18/11/14 DELEGATED

BH2014/03143

25 Eastern Place Brighton

Change of Use from live/work unit (Sui Generis) to residential property (C3). (Retrospective)

Applicant: Nomi Rowe

Officer: Adrian Smith 290478

Refused on 17/11/14 DELEGATED

1) UNI

No information has been submitted to demonstrate that that the lawful use of the site at the time of conversion was as a live-work unit, or that site was not suitable for continued employment use, therefore its conversion to a residential dwelling is contrary to policies EM6 & EM11 of the Brighton & Hove Local Plan.

WOODINGDEAN

BH2014/02771

328 Cowley Drive Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable end roof extensions and rear dormer.

Applicant: Mr David Sawyer
Officer: Chris Swain 292178
Approved on 03/11/14 DELEGATED

BH2014/02795

24 Brownleaf Road Brighton

Erection of single storey rear extension with raised timber decking.

Applicant: Mrs Marie Clare Hogan
Officer: Robert Hermitage 290480

Approved on 05/11/14 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 extension 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

No development shall commence in relation to the timber terrace until detail of screening to the western boundary of the terrace has been submitted to and approved in writing by the Local Planning Authority. The timber terrace shall not be brought into use until the screening has been erected in accordance with the agreed details. The screening shall be retained as such thereafter.

Reason: In order to protect adjoining properties from overlooking 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 and Block Plan	503(PL)2	-	19th August 2014
Existing and Proposed Elevations	503(SK)1	-	19th August 2014

BH2014/02851

Land Adjacent 54 & 54A Channel View Road Brighton

Demolition of existing garage and erection of 1 no 3 bedroom dwelling.

Applicant: Mr Lee Turner
Officer: Adrian Smith 290478

Approved on 30/10/14 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 dwellinghouse as provided

for within Schedule, 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) 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

Unless otherwise agreed in writing by the Local Planning Authority, the new dwelling hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

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 policies QD1 and QD2 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that the residential unit built has achieved a Code for Sustainable Homes rating of Code level 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.

6) 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.

7) 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.

8) UNI

No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning

Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

9) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping. The scheme shall include the following:

- i. retention of the privet hedges to the southern and western boundaries and measures for their protection during the course of development;
- ii. details of all hard surfacing;
- iii. details of all boundary treatments;
- iv. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

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

10) UNI

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

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

11) UNI

The development hereby permitted shall 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			22/08/2014
Existing block plan			05/09/2014
Proposed block plan			05/09/2014
Existing site layout plan and elevations	14021/10.002		03/09/2014
Proposed site layout	14021/10.001	E	21/10/2014
Proposed floor plans	14021/11.001	A	21/10/2014
	14021/11.002	A	21/10/2014
Proposed elevations	14021/13.001	A	21/10/2014
	14021/13.002	A	21/10/2014
	14021/13.003	B	21/10/2014
	14021/13.004	B	21/10/2014
Proposed context elevation	14021/12.001	A	21/10/2014

12) 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 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.

BH2014/03011

17 Newells Close Brighton

Creation of rear dormer.

Applicant: Karen Gordan

Officer: Tom Mannings 292322

Refused on 18/11/14 DELEGATED

1) UNI

The rear dormer by reason of its size, bulk and detailing would appear unduly bulky and would fail to respect the character and proportions of the existing building, adjoining properties and the wider surrounding area. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and the provisions of Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2014/03035

544B Falmer Road Brighton

Change of Use from retail (A1) to mixed use Retail (A1) and beauty salon (Sui generis).

Applicant: Miss Carly Bryant

Officer: Wayne Nee 292132

Approved on 12/11/14 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
Ground floor and first floor	544FR		17 September 2014
Lower ground floor and ground floor	544FR		17 September 2014
Site plan	n/a		10 September 2014

BH2014/03050

91A Crescent Drive North Brighton

Enlargement of existing rear dormer.

Applicant: Mr Ray Finnis

Officer: Joanne Doyle 292198

Refused on 06/11/14 DELEGATED

1) UNI

The proposed enlargement of existing rear dormer by reason of its size, bulk and excessive cladding would form an unacceptable alteration to the roof slope of the property. The enlargement of the existing dormer would create an incongruous feature that would over dominate the rear roof slope. As such, the proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BRUNSWICK AND ADELAIDE

BH2014/02658

Basement Flat 59 Brunswick Place Hove

Replacement of existing timber door and metal framed window to rear external lightwell with new timber door and window. Internal alterations including re-plastering and other renovation and refurbishment works. (Part Retrospective).

Applicant: Ms H Spary

Officer: Robin Hodgetts 292366

Approved on 04/11/14 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.

BH2014/02659

Basement Flat 59 Brunswick Place Hove

Replacement of existing timber door and metal framed window to rear external lightwell with timber door and window. (Part Retrospective).

Applicant: Ms H Spary

Officer: Robin Hodgetts 292366

Approved on 04/11/14 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 and Existing Floor Plan	14027/01	A	13/08/2014
Proposed Floor Plan	14027/02	C	27/10/2014
Joinery Details	14027/SK/002		27/10/2014

BH2014/02875

Flat 4 50 Cambridge Road Hove

Installation of dormers to front and rear elevations.

Applicant: Mr William Boyle

Officer: Mark Thomas 292336

Approved on 17/11/14 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 dormer windows hereby approved 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 dormer windows hereby permitted shall be finished in lead to the cheeks and roof.

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.

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	A.001	-	4th September 2014
Proposed plans	D.001	-	4th September 2014

BH2014/02918

Flat 4 48 Brunswick Place Hove

Internal alterations to layout of flat.

Applicant: Jos Jorgensen

Officer: Joanne Doyle 292198

Approved on 30/10/14 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 details of drainage arrangements for the relocated kitchen have been submitted to and approved in writing by the Local Planning Authority. The details shall make provision for the removal of any redundant waste pipes to the front elevation of the building. The works shall take place in accordance with the agreed details and shall be maintained as such thereafter.

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

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.

BH2014/02959

Flat 2 19 Brunswick Square Hove

Internal alterations to layout of flat.

Applicant: Mr Danny Homan

Officer: Christopher Wright 292097

Approved on 11/11/14 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 existing architectural features, in particular the cornice and decorative ceiling of the property, shall be retained and, within 3 calendar months of the removal of the internal partition wall, shall be appropriately repaired and reinstated to match exactly the existing.

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

BH2014/03068

Selbourne House 6 Selborne Road Hove

Demolition of fire escape on side elevation serving second floor flat and replacement of door onto fire escape with double glazed casement timber window.

Applicant: Selborne House Management Company

Officer: Lorenzo Pandolfi 292337

Approved on 18/11/14 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 drawings no development relating to the replacement window shall take place until details of the new window and its reveals, cill and head detail, including 1:20 scale elevational drawings and 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 policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD09, Architectural Features.

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	6SR-BP		15/09/2014
Block Plan	6SR-BP		15/09/2014
Proposed Side Elevation	6SR-PSE		15/09/2014
Proposed Floor Plan	6SR-PFP		15/09/2014
Existing Side Elevation	6SR-ESE		15/09/2014
Existing Floor Plan	6SR-EFP		15/09/2014

4) 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 existing building.

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

BH2014/03104**83A-85 Western Road Hove**

Replacement of existing single glazed crittall windows with double glazed aluminium windows to front at first and second floor levels following prior approval application BH2014/00844 for change of use from offices (B1) to residential (C3) on the first and second floors to form 6no self contained flats.

Applicant: Rentmoor Ltd

Officer: Christopher Wright 292097

Approved on 11/11/14 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 replacement windows hereby permitted shall have 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
Location and Block Plans	RFA/208/OS		16 Sep 2014
Front Elevation - As Existing	RFA 11/208/10		16 Sep 2014
Front Elevation - As Proposed	RFA 11/208/11		16 Sep 2014
Existing Window Elevations	RFA 11/208/12		16 Sep 2014
Proposed and Existing Sections	RFA 11/208/13		16 Sep 2014

BH2014/03368**26 Cambridge Road Hove**

Non material amendment to BH2014/01884 to leave existing guttering and down pipe in situ and to install new soil vent pipe in amended position on front elevation.

Applicant: Glynis Bates

Officer: Benazir Kachchhi 294495

Approved on 30/10/14 DELEGATED

CENTRAL HOVE**BH2014/02635****40 Albany Villas Hove**

Certificate of lawfulness for the proposed conversion of 2no maisonettes (C3) into a single dwelling house (C3).

Applicant: Mr & Mrs Houlbrook

Officer: Mark Thomas 292336

Approved on 30/10/14 DELEGATED

BH2014/02636

40 Albany Villas Hove

Creation of roof terrace with associated roof alterations and balustrade.

Applicant: Mr & Mrs Houlbrook

Officer: Helen Hobbs 293335

Refused on 06/11/14 DELEGATED

1) UNI

The introduction of a terrace and balustrade at this height would form an alien and incongruous addition, significantly detracting from the ornate parapet on the front facade of the building. The loss of a substantial part of the front and rear roofscapes would significantly alter the original form and shape of the main roof. The proposal would therefore significantly harm the character and appearance of the existing building, street scene 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.

BH2014/02838

Land Rear of 33 Sackville Road Hove

Application for Approval of Details Reserved by Condition 6 of application BH2011/00897 (appeal reference APP/Q1445/A/11/2160370).

Applicant: Mr & Mrs Colasurdo

Officer: Jason Hawkes 292153

Refused on 03/11/14 DELEGATED

1) UNI

A Final Code Certificate certifying that Code Level 3 has been achieved for the new dwelling has not been submitted. The requirements of the condition have therefore not been satisfied and the scheme is deemed contrary to policy SU2 and Supplementary Planning Document 8: Sustainable Building Design.

BH2014/02975

Flat 1 Courtenay Lodge Courtenay Terrace Hove

Internal alterations to layout of flat.

Applicant: Mr J Jones

Officer: Helen Hobbs 293335

Approved on 30/10/14 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.

GOLDSMID

BH2014/02997

1 Avondale Road Hove

Demolition of existing 2no storey outrigger to rear and erection of part one part two storey rear extension, roof alterations including front rooflights, side windows and alterations to fenestration. (Part retrospective)

Applicant: Mr Christian Tremlett

Officer: Robert Hermitage 290480

Approved on 03/11/14 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 first floor windows to the southern elevation shall be obscure glazed and, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, 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

The development hereby permitted shall 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	1AR-P5	A	8th September 2014
Block Plan	1AR-P5	A	17th October 2014
Existing Floor Plans	1AR-P2	A	8th September 2014
Proposed Floor Plans	1AR-P3	C	8th September 2014
Existing and Proposed Elevations	1AR-P4	C	8th September 2014

BH2014/03204

The Hideaway 2 Furze Hill Hove

Prior approval for change of use from offices (B1) to residential (C3) to form 1 no single dwelling.

Applicant: Mr Peter Overill

Officer: Christopher Wright 292097

Prior approval not required on 04/11/14 DELEGATED

BH2014/03340

58A Palmeira Avenue Hove

Non material amendment to BH2013/01599 for alterations to the car port and associated 'green wall'.

Applicant: Owen Property

Officer: Adrian Smith 290478

Approved on 14/11/14 DELEGATED

HANGLETON & KNOLL

BH2014/03016

92 & 96-98 Northease Drive Hove

Change of use of part first and second floors from doctors surgery (D1) to 1 no three bedroom maisonette (C3).

Applicant: Mr Fielding

Officer: Wayne Nee 292132

Approved on 14/11/14 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 premises shall be used as a 'Doctors Surgery' and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

3) UNI

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

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

4) UNI

The residential units hereby approved shall not 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.

5) 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 SU2 of the Brighton & Hove Local Plan.

6) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing and proposed plans	01	n/a	09 September 2014

7) UNI

No development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a BREEAM Domestic Refurbishment rating of 'pass' as a minimum for all residential units has

been submitted to, and approved in writing by, the Local Planning Authority.

A completed pre-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.

BH2014/03108

87 Northease Drive Hove

Formation of raised rear decking with balustrade and steps to garden to replace existing concrete terrace.

Applicant: Rosemary Bray

Officer: Lorenzo Pandolfi 292337

Approved on 18/11/14 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			17/09/2014
Block Plan			23/09/2014
Rear Elevation Existing & Proposed	AG/1		17/09/2014
Existing & Proposed Plan	AG/2		17/09/2014
Existing & Proposed Section	AG/3		23/09/2014

BH2014/03167

89 Lark Hill Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.7m.

Applicant: Mr John Harbour

Officer: Benazir Kachchhi 294495

Prior Approval is required and is refused on 31/10/14 DELEGATED

NORTH PORTSLADE

BH2014/02868

30 Overdown Rise Portslade

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

Applicant: Mr Ian James

Officer: Lorenzo Pandolfi 292337

Approved on 03/11/14 DELEGATED

SOUTH PORTSLADE

BH2014/01881

131 Mill Lane Portslade

Replacement of existing bay windows to front with automatic sliding doors, installation of ATM, installation of 1no refrigeration condenser and 3no air conditioning units and associated works.

Applicant: Wm Morrison Supermarkets PLC

Officer: Christopher Wright 292097

Approved on 07/11/14 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

Noise associated with all plant and machinery (including the proposed extract duct) incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB(A) below the existing LA90 background noise level. The Rating Level and existing background noise levels are to be determined as per the guidance provided in BS4142: 1997.

Reason: To safeguard the amenities of the locality and the occupiers of nearby properties 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 & Block Plan	D/01	A	1 Oct 2014
Existing Ground (floor plan)	D/02		9 Jun 2014
Existing West Elevation	D/05		9 Jun 2014
Existing East Elevation	D/06		9 Jun 2014
Existing South Elevation	D/07		9 Jun 2014
Existing North Elevation	D/08		9 Jun 2014
Proposed Ground (floor plan)	D/12	B	4 Sep 2014
Proposed West Elevation	D/15	B	4 Sep 2014
Proposed East Elevation	D/16	B	4 Sep 2014
Proposed South Elevation	D/17	B	4 Sep 2014
Proposed North Elevation	D/18	B	4 Sep 2014

BH2014/02312

46 St Andrews Road Portslade

Conversion of existing ground floor flat into 2no self-contained flats including removal of existing extensions and creation of lightwell and raised patio. Demolition of existing garage and erection of single storey dwelling.

Applicant: Park Avenue Estates Ltd

Officer: Helen Hobbs 293335

Refused on 30/10/14 DELEGATED

1) UNI

The existing ground floor flat of 46 St Andres Road is unsuitable for conversion into smaller units of accommodation by virtue of an original floor area of less than 115 sq metres and having only two bedrooms. The scheme would therefore result in the loss of a unit of accommodation which is entirely suitable for smaller

households. This harm is considered to outweigh the benefit provided by the additional residential unit. The proposal is therefore contrary to policy HO9 of the Brighton & Hove Local Plan.

2) UNI2

The proposed basement bedroom to 'flat 2', by virtue of the proximity of the window opening to retaining walls of the lightwell, would provide poor levels of outlook for future occupants of this unit, who would experience enclosure. The proposed flat ('2') would therefore provide a poor standard of accommodation for future occupants and would be unsuitable for family occupation. This harm is considered to outweigh the benefit provided by the additional residential unit. The proposal is therefore contrary to policies HO9 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The proposed detached dwellinghouse, by reason of its height and massing along shared boundaries, would result in overmassing along shared boundaries creating an increased sense of enclosure for occupiers of adjoining properties. This harm is considered to outweigh the benefit provided by the additional residential unit. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

4) UNI4

The proposed detached dwellinghouse would represent an overdevelopment of the site incongruous with the prevailing character and appearance of surrounding development, and would significantly reduce the important open aspect currently visible between the properties on St. Andrew's Road and those on Norway Street. This harm is considered to outweigh the benefit provided by the additional residential unit. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

BH2014/02488

Land to Rear of Easthill Drive adjacent to 10 Foredown Road Portslade

Erection of 4 no three bedroom houses (C3) with associated off street parking and formation of a new crossover.

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 12/11/14 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 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.

4) UNI

The first floor windows in the side elevation (east facing elevation) of the dwellings hereby permitted shall all 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 properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

5) UNI

The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

6) UNI

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A, B, C, D & 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: To protect the amenity of adjacent properties and in accordance with policy QD27 of the Brighton & Hove Local Plan.

7) UNI

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

(a) a 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.

8) UNI

No development shall commence until details of measures to retain and protect the flint wall along the western boundary during construction works has been submitted to and approved by the Local Planning Authority in writing. The scheme shall be implemented in accordance with the agreed details.

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

9) UNI

No development or other operations shall commence on site in connection with the development hereby approved (including any tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery), until a detailed tree pruning specification has been submitted to and approved in writing by the Local Planning Authority. All tree pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.

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.

10) 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.

11) UNI

No development shall commence until fences for the protection of trees adjoining the site 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.

12) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed 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.

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 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 and elevations with datum levels clearly marked. 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) 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 3 as a minimum for the 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.

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

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 the residential units 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.

18) UNI

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover on Easthill Drive shall be reinstated back to a footway by raising the existing kerb and footway in accordance with a specification that has been approved in writing by the Local Planning Authority.

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

19) 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.

20) UNI

The development hereby approved shall not be occupied until 2 x Swift boxes have been incorporated within the gable ends of the new build in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the enhancement and protection of ecological interest on site and to comply with policy QD17 of the Brighton & Hove Local Plan.

21) 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	PL01		30th July 2014
Existing Site Plan	PL02		23rd July 2014
Proposed Site Plan	PL03		23rd July 2014
Proposed Ground Floor	PL04		23rd July 2014
Proposed First Floor Plan	PL05		23rd July 2014
Proposed Roof Plan	PL06		23rd July 2014
Typical House Floor Plans	PL07		23rd July 2014
Proposed North and West Elevations	PL08		23rd July 2014
Proposed East and South Elevations	PL09		23rd July 2014
Sections Through Proposal Indicating Relationship with Adjacent Houses	PL12		9th October 2014
Tree Constraints Plan	8808 TCP 01 Foredown		23rd July 2014
Topographical, Elevation & Utility Survey (1 of 2)	G7192/1/1		13th August 2014
Topographical, Elevation & Utility Survey (2 of 2)	G7192/1/2		13th August 2014
Proposed Site Plan and Floorplans: Capacity Study	PP01		13th August 2014

BH2014/02980

44 Station Road Portslade

Application for Approval of Details Reserved by Condition 5 of application BH2014/01888

Applicant: Papa John's (GB) Ltd

Officer: Christopher Wright 292097

Refused on 03/11/14 DELEGATED

1) UNI

1. The applicant has not submitted details of how the delivery service from the premises will operate and be managed. As such the requirements of condition 5 have not been met in full.

BH2014/03017

7 Stanley Road Portslade

Demolition of garage and erection of two storey side extension.

Applicant: Mr Mark Smith

Officer: Lorenzo Pandolfi 292337

Approved on 04/11/14 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 Plan	05		09/09/2014
Plans & Elevations As Existing	01		09/09/2014
Plans & Elevations As Proposed	02		09/09/2014

BH2014/03024

The Coach House South Street Portslade

External alterations including revised fenestration, roof alterations and landscaping following prior approval for change of from offices (B1) to residential (C3) to form 5no dwellings. (Part retrospective)

Applicant: Spear Development Ltd

Officer: Christopher Wright 292097

Refused on 11/11/14 DELEGATED

1) UNI

The proposed roof enlargements, extensions and alterations, would give the development a cluttered, bulky and unduly dominant roofscape and domestic appearance that would detract from the form and character of the buildings as historically functional structures positioned around an open space. As such the development would fail to preserve or enhance the character and setting of the buildings, to the detriment of visual amenity and the character and appearance of the wider Conservation Area. Accordingly the proposals are contrary to policies QD14 and HE6 of the Brighton & Hove Local Plan and SPD12: Design guidance for extensions and alterations.

BH2014/03438

30 St Nicholas Road Portslade

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.325m, for which the maximum height would be 2.705m, and for which the height of the eaves would be 2.53m.

Applicant: Miss Miranda Christides

Officer: Benazir Kachchhi 294495

Approved on 13/11/14 DELEGATED

HOVE PARK

BH2013/03930

Bowling Green Dyke Road Park Dyke Road Hove

Change of use of Bowling Green (D2) to open air theatre (sui generis) with associated alterations including landscaping and erection of acoustic wall. (Amended details including use of amplification on site and an increase in days of operation)

Applicant: Brighton Open Air Theatre CIO

Officer: Paul Earp 292454

Approved on 30/10/14 COMMITTEE

1) UNI

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

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

2) UNI

Prior to occupation of the development hereby approved, the developer or owner shall submit to the Local Planning Authority for approval in writing, a detailed Travel Plan (a document that sets out a package of measures and commitments tailored to the needs of the development, which is aimed at promoting safe, active and sustainable travel choices by its users (pupils, parents/carers, staff, visitors, residents & suppliers).

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

3) UNI

No events shall occur outside of the hours of 09:00 to 22:00 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) UNI

The development hereby approved shall hold a maximum of 22 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) UNI

The development hereby approved shall hold no more than 6 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) UNI

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) UNI

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) UNI

The development hereby approved shall hold no more than 5 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) UNI

All events shall have a maximum LAeq,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) UNI

For all events 63Hz and 125Hz shall not respectively exceed 85dB and 80dB LAeq,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) UNI

There shall be no firework displays 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.

12) 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.

13) UNI

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

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

14) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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

15) UNI

No development shall 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) 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

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) UNI

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

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

19) UNI

The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 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.

20) 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.

21) UNI

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) UNI

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.

23) 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	4344 AD20		18th November 2013,
Existing Block Plan and Section	4344 AD24		27th November 2013
Photomontage	4344 AD23		18th November 2013
Section AA	4344 AD22		18th November 2013
Design and Access Statement			18th November 2013
Noise Assessment Acoustic Associates Sussex Ltd			12th August 2014

BH2014/01015

12 Mallory Road Hove

Demolition of existing dwelling and erection of five bedroom dwelling, detached outhouse in rear garden and associated works.

Applicant: Mr & Mrs Ansell

Officer: Paul Earp 292454

Approved on 30/10/14 COMMITTEE

1) UNI

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

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

2) UNI

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.

3) UNI

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

size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied.

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

4) UNI

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) UNI

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) UNI

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

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

8) 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.

9) UNI

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

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

10) UNI

The outbuilding hereby approved shall be used for purposes ancillary to the main dwellinghouse of 12 Mallory Road, Hove, only. The accommodation shall not be used as a separate planning unit.

Reason: The accommodation is considered unsuitable to form an independent unit, to safeguard the amenities of the occupiers of nearby properties, and to comply with policies HO3, HO4 and QD27 of the Brighton & Hove Local Plan.

11) UNI

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.

12) UNI

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

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

13) UNI

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 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.

14) UNI

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.

15) UNI

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

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

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

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.

18) 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.

19) 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.

20) 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.

21) 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.

BH2014/02471

11 Radinden Drive Hove

Remodelling of dwelling incorporating two storey front and rear extensions, roof alterations, enlargement of existing garage including additional floor and associated works.

Applicant: Dr Leung & Mr Morris

Officer: Joanne Doyle 292198

Refused on 17/11/14 DELEGATED

1) UNI

The proposed remodelling, by reason of its roof form and materials, would create an incongruous appearance at odds with the prevailing character of Radinden Drive and the surrounding area. Further, the proposed garage, by reason of its form and height, would represent an unduly dominant addition which would stand out in the street scene as an inappropriate addition. The proposal would fail to emphasise or enhance the positive qualities of the local neighbourhood and is therefore contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

2) UNI2

The proposed first and second floor terrace areas represent unneighbourly and overbearing additions which would result in overlooking and loss of privacy for occupants of adjoining properties. The proposal would be detrimental to neighbouring amenity and is therefore contrary to policies QD14 and QD27.

BH2014/02534

49 Tongdean Avenue Hove

Remodelling of existing dwelling including alterations to roof including insertion of 2no rooflights to rear. Erection of three storey front extension and erection of part single, part two storey rear extension. Creation of pitched roof over existing side extension, enlargement of lower ground floor level, revised fenestration, new

boundary wall and gates and associated works.

Applicant: Angela Page

Officer: Christopher Wright 292097

Approved on 03/11/14 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 other openings except for those expressly authorised by this permission shall be constructed on the north-westerly and south-easterly facing flank elevations of the extension hereby permitted, without planning permission obtained from the Local Planning Authority.

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

3) UNI

The first floor level en-suite windows on the south-east facing flank elevation of the two storey part of the rear extension hereby permitted shall be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

4) UNI

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

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

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
Plan Type	Reference	Version	Date Received
Existing Plans & Elevations	TDA.001	A	1 Aug 2014
Proposed Plans & Elevations	TDA.002	G	30 Oct 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.

BH2014/02581

50 The Drove Hove

Erection of two storey side extension.

Applicant: Mr & Mrs Gillatt

Officer: Joanne Doyle 292198

Approved on 12/11/14 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
Site Location Plan	Y0102-A01		31 Jul 2014
Block Plan	Y0102-A02		31 Jul 2014
Existing Ground & First Floor Plans	Y0102-A03		31 Jul 2014
Existing Loft & Roof Plans	Y0102-A04		31 Jul 2014
Existing North & West Elevations	Y0102-A05		31 Jul 2014
Existing South & East Elevations	Y0102-A06		31 Jul 2014
Consented Ground & First Floor Plans	Y0102-A07		31 Jul 2014
Consented Loft & Roof Plans	Y0102-A08		31 Jul 2014
Consented North & West Elevations	Y0102-A09		31 Jul 2014
Consented South & East Elevations	Y0102-A10		31 Jul 2014
Proposed Ground & First Floor Plans	Y0102-D01		13 Aug 2014
Proposed Loft & Roof Plans	Y0102-D02		31 Jul 2014
Proposed North & East Elevations	Y0102-D03		13 Aug 2014
Proposed West & South Elevations	Y0102-D04		13 Aug 2014

BH2014/02755

Land Rear of 285 Dyke Road Hove

Erection of three bedroom detached bungalow with access from The Droveaway.

Applicant: Lakeside Investments Ltd

Officer: Jason Hawkes 292153

Refused on 31/10/14 DELEGATED

1) UNI

Having regard to the close proximity of the proposed bungalow to the host property, the west facing windows and roof terrace at no. 285 Dyke Road would directly overlook the east facing windows and majority of the garden of the

proposed bungalow. This is not considered to be an appropriate relationship and would result in a loss of amenity and a poor standard of accommodation for future occupants of the proposed dwelling. This harm is considered to outweigh the benefit provided by the additional residential unit. The scheme is therefore considered to be contrary to policy QD27 and HO5 of the Brighton & Hove Local Plan.

BH2014/02780

77 Shirley Drive Hove

Replacement of existing timber fence and gates with brick and timber fence with brick piers and gates.

Applicant: Mr Borhan Khayal

Officer: Benazir Kachchi 294495

Approved on 31/10/14 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 finishes of the piers and walls hereby permitted shall match in material, colour, style, bonding and texture those of the main dwellinghouse.

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 plan			18 August 2014
Block plan			18 August 2014
As existing - Shirley Drive Elevation	PL - 04		05 September 2014
As existing - Woodruff Avenue Elevation	PL - 03		05 September 2014
As proposed - Shirley Drive Elevation	PL - 02		30 October 2014
As proposed - Woodruff Avenue Elevation	PL - 01		30 October 2014

BH2014/02903

52 Mill Drive Hove

Erection of single storey rear extension.

Applicant: Dominic Marini

Officer: Helen Hobbs 293335

Approved on 11/11/14 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	PBP0095/02		7th November 2014
Block Plan	PBP0095/03		7th November 2014
Existing and proposed plans	PBP0095/01		7th November 2014

BH2014/02960

217 Goldstone Crescent Hove

Erection of a single storey side extension.

Applicant: Paul & Louise Gibb

Officer: Lorenzo Pandolfi 292337

Approved on 11/11/14 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			03/09/2014
Existing Floor Plans and Elevations	PL01	A	18/09/2014
Proposed Floor Plans and Elevations	PL02		03/09/2014

BH2014/02969

17 Meadow Close Hove

Demolition of garage and erection of two storey side extension with pitched roof. Erection of single storey rear extension linking main house to external dayroom and associated alterations. (Part Retrospective).

Applicant: Mr Roger Noel

Officer: Robin Hodgetts 292366

Approved on 30/10/14 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 site and block plans, floor plans and elevations	1222008/01	C	04/09/14
Proposed plans and elevations	1222008/02	C	04/09/14
Proposed contextual drawing	1222008/04		12/09/14

BH2014/02978

Top Floor Flat 21 Frith Road Hove

Replacement of existing timber sash windows with UPVC windows.

Applicant: Mr Ben Burton

Officer: Benazir Kachchhi 294495

Approved on 10/11/14 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	-	-	15 September 2014
Materials and specifications sheet	-	-	04 September 2014
Product survey sheet and identification photographs	-	-	04 September 2014
Design and Method of opening	-	-	04 September 2014
First floor plan	-	-	04 September 2014

BH2014/03007

6 Hove Park Gardens Hove

Application for Approval of Details Reserved by Condition 4 of application BH2013/03716.

Applicant: John Foot

Officer: Jason Hawkes 292153

Approved on 31/10/14 DELEGATED

BH2014/03105

162 Woodland Drive Hove

Application for Approval of Details Reserved by Condition 13 of application

BH2013/01505.

Applicant: Bamberg Developments

Officer: Helen Hobbs 293335

Approved on 07/11/14 DELEGATED

BH2014/03154

The British Engineerium The Drove Way Hove

Installation of access gate within existing boundary wall.

Applicant: The British Engineerium

Officer: Liz Arnold 291709

Approved on 13/11/14 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 a sample of the flintwork and mortar and a method statement for the works hereby approved have been submitted to an approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

BH2014/03157

57 Tongdean Avenue Hove

Erection of rear double garage with barn end roof.

Applicant: Mr Jay Scanlan

Officer: Lorenzo Pandolfi 292337

Approved on 17/11/14 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 & Proposed Block Plan	AG10705-100		18/09/2014
Proposed Plans	44588/01	B	18/09/2014
Proposed Elevations	44588/02	B	18/09/2014

WESTBOURNE

BH2014/03078

Horizon 205 Kingsway Hove

Part conversion of basement level to habitable living space to facilitate creation of additional floor to ground floor flat 1.

Applicant: Mr B Babister

Officer: Helen Hobbs 293335

Refused on 18/11/14 DELEGATED

1) UNI

1. The proposed accommodation at semi-basement level adjacent to the entrance of an underground car park would benefit from poor natural light, ventilation and outlook and create a poor standard of accommodation. The proposal would therefore be contrary to policies HO4 and QD27 of the Brighton & Hove Local Plan.

BH2014/03161

92 Portland Road Hove

Application for approval of details reserved by condition 3 of application BH2014/00906.

Applicant: Mr James Summers

Officer: Liz Arnold 291709

Approved on 17/11/14 DELEGATED

WISH

BH2014/02998

84 Boundary Road Hove

Change of use from restaurant/take away (A3/A5) to take away (A5) at basement and ground floor level.

Applicant: Mr Majid Hassan-Nussivi

Officer: Jason Hawkes 292153

Approved on 05/11/14 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 operational except between the hours of 11:00 and 23:00 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 development hereby permitted shall 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 GA	B8382-AEW-1 4164-00-DR-0 01		8th September 2014
Existing Elevations	B8382-AEW-1 4164-00-DR-0 02		8th September 2014
Proposed GA	B8382-AEW-1 4164-00-DR-0 03		8th September 2014
Proposed Elevations	B8382-AEW-1 4164-00-DR-0 04		8th September 2014

Location Plan	B8382-AEW-1 4164-00-DR-0 05		8th 2014	September
Block Plan	B8382-AEW-1 4164-00-DR-0 06		8th 2014	September

BH2014/03057

5 Tandridge Road Hove

Application for Approval of Details Reserved by Condition 8 of application BH2012/00103

Applicant: Mr Kristian Gavin

Officer: Jason Hawkes 292153

Approved on 11/11/14 DELEGATED

BH2014/03060

9 Amesbury Crescent Hove

Erection of single storey side and rear extension.

Applicant: Mr Geoff Davies

Officer: Benazir Kachchhi 294495

Approved on 11/11/14 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 finishes of the external elevations 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	501 (PL) 2		11 September 2014
Existing and proposed floor plans and elevations	501 (PL) 1		11 September 2014

BH2014/03066

7 Wish Road Hove

Erection of part one, part two storey side extension and erection of single storey rear extension to replace existing conservatory. Conversion of garage into habitable accommodation and associated alterations.

Applicant: Mr & Mrs Murie

Officer: Lorenzo Pandolfi 292337

Approved on 07/11/14 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 Location Plan	1325-01A		12/09/2014
Proposed Plans, Elevations and Section	1325-02E		12/09/2014

BH2014/03163

42 St Leonards Road Hove

Erection of single storey side and rear extension with associated external alterations.

Applicant: Mr Aideen Smith-Watson

Officer: Tom Mannings 292322

Approved on 13/11/14 DELEGATED

1) BH01.01

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

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

2) UNI

No development shall take place until samples of the cladding 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.

3) UNI

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

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

Plan Type	Reference	Version	Date Received
As Existing Ground Floor Plan and Roof Plans Location & Block Plans	249STL42/01		18/09/14
As Existing Rear and Side Elevations	249STL42/02		10/11/14
Proposed Ground Floor & Roof Plan Proposed Block Plan & Location Plan	249STL42/03		18/09/14
Proposed Rear and Side	249STL42/04		10/11/14

Elevation			
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BH2014/03196

36 Mansfield Road Hove

Certificate of lawfulness for proposed loft conversion incorporating dormers to sides, window to front and doors to rear.

Applicant: Mr Henry Duddy

Officer: Mark Thomas 292336

Approved on 18/11/14 DELEGATED

BH2014/03219

13 Park Avenue Hove

Certificate of lawfulness for proposed loft conversion incorporating side and rear dormers and rooflights to front and rear elevations.

Applicant: Mr Stephen Amos

Officer: Tom Mannings 292322

Refused on 13/11/14 DELEGATED

1) UNI

The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than the permitted 50 cubic metres (actual volume of approximately 56.8 cubic metres). The development is not therefore permitted under Schedule 2, Part 1, Class B (B.1(c)(ii)) of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

Withdrawn Applications

PLANS LIST 10 December 2014**PATCHAM**

Application No: BH2014/03366
90 Overhill Drive, Brighton

T1 Sycamore - reduce size of crown by 30%, reduce length of branches by approximately 2.5 metres, crown lift over garden and alley to height of 5 metres.

Applicant: Mrs Terri Clarke
Approved on 04 Nov 2014

Application No: BH2014/03644
38 Carden Avenue, Brighton

Blue Cedar in front garden - cut back all limbs by approx. 3 metres, remove dead limbs.

Applicant: Mr R Jackson
Approved on 10 Nov 2014

PRESTON PARK

Application No: BH2014/03304
53 Stanford Avenue, Brighton

Fell Ash tree (T1). (Although the Ash has some public amenity value, its location is not sustainable in the long-term.)

Applicant: Mr Chris Dauncey
Approved on 18 Nov 2014

Application No: BH2014/03433
St Augustine's Church, Florence Road, Brighton

Fell T1 Holly (causing actual structural damage) and T2 Sugar Maple (consent previously implied within planning consent for site - two replacements as mitigation).

Applicant: Mr Errol Barrett
Approved on 25 Nov 2014

Application No: BH2014/03549
Fairways, Dyke Road, Brighton

T4 Lime - crown reduction of approx 2m all round, T5 Elm - clean epicormic growth from stem and crown lift to approx 7m, T6 Elm - shape canopy to re-balance effect of adaptive growth caused by wind, T9 Horse Chestnut – crown lift to approx 7m and reduce crown by approx 2m, T11 Elm - crown lift to approx 7m, T12 Elm - shape canopy to re-balance effect of adaptive growth caused by wind.

Applicant: Ben McWalter

Refused on 18 Nov 2014

Application No: BH2014/03560
Outside St Augustine's Church, Florence Road, Brighton

T3 Corylus colurna - crown lift over Florence Road to 3.5m.

Applicant: Mr Errol Barrett

Approved on 25 Nov 2014

Application No: BH2014/03645
79 Beaconsfield Villas, Brighton

Re-pollard 4no Sycamores on boundary of front garden.

Applicant: Mrs K Osborn

Approved on 10 Nov 2014

Application No: BH2014/03718
Land to the rear of 30-34 Highcroft Villas, Brighton

5no Sycamores at the rear of 30-34 Highcroft Villas - crown thin, crown lift and crown reduction.

Applicant: Mrs H Stewart

Approved on 18 Nov 2014

Application No: BH2014/03790
18/19 Preston Park Avenue, Brighton

Fell Sycamore (T2) & Walnut (T3). (Trees grow in a confined spot and if allowed to continue, growth will damage drain and wall. Therefore, they are not worthy of a TPO.)

Applicant: R W Green Ltd
Approved on 18 Nov 2014

Application No: **BH2014/03869**
Fairways, Dyke Road, Brighton

T1 Bay & T2 Sycamore - crown lift to approx. 5m.

Applicant: Ben McWalter
Approved on 18 Nov 2014

REGENCY

Application No: **BH2014/03719**
Brighton & Hove High School, Montpelier Road, Brighton

T1 Sycamore - remove epicormic growth; T12 Holm Oak - prune back from street light; T13 Holm Oak - remove stem with split that grows over road junction; T14 - Holm Oak - lift crown over highway to 2.5m over footway and 5.2m over carriageway, reduce height of the lower stem that grows over the car park; T18 - Hawthorn - prune back to give 1m clearance from property; T21 & T22 Sycamores - lift crown over footway to 3m; T26 Sycamore - remove lower epicormic growth to clear footway; T28 Sycamore - lift crown to 3m over footway; T33, 35 & 36 Sycamores - prune back to give 2m clearance; T42 Ash - reduce height back to previous points at approx 10m; T47 Sycamore - remove decayed central stem; T69 - Sycamore - lift crown over the highway to 5.2m; T77 & T78 Sycamores, T79 Elm - lift crown over public footway to 2.5m; T83 Sycamore - reduce length of secondary stem by approx 3m to an appropriate lateral branch; T84 Sycamore - lift crown over car park to 3m.

Applicant: Mr G O'Flanagan
Approved on 18 Nov 2014

Application No: **BH2014/03721**
Brighton & Hove High School, Montpelier Road, Brighton

Fell one Sycamore T71.

Applicant: Mr G O'Flanagan
Approved on 18 Nov 2014

Application No: **BH2014/03723**
Brighton & Hove High School, Montpelier Road, Brighton

T2 & T3 Sycamores - remove epicormic growth; T17 Ash - lift crown over driveway to 3m; T19 Golden Weeping Willow - formative pruning to clear footway.

Applicant: Mr G O'Flanagan

Approved on 18 Nov 2014

Application No: BH2014/03724

Brighton & Hove High School, Montpelier Road, Brighton

Fell one Golden Robinia. This tree has very limited public visibility, thus little amenity value.)

Applicant: Mr G O'Flanagan

Approved on 18 Nov 2014

ST. PETER'S & NORTH LAINE

Application No: BH2014/03178

88 Ditchling Road, Brighton

Fell one Sycamore (T1) and one Holly (T2). (The Sycamore is causing significant structural damage. The Holly has limited public visibility, thus is of no public amenity value.)

Applicant: Mrs Hazel Reynolds

Approved on 18 Nov 2014

Application No: BH2014/03328

40 Buckingham Place, Brighton

Fell multi-stemmed Sycamore (7/8 suckers) in the bottom right-hand corner of garden. (Tree has no amenity value.)

Applicant: Miss Melanie Osborne

Approved on 10 Nov 2014

Application No: BH2014/03550

Land adjacent 81 Princes Road, Brighton

T1 Horse Chestnut - crown lift low branches to the north and west over the site entrance to approx. 6m to facilitate site access and piling.

Applicant: Mr N Jones

Approved on 10 Nov 2014

Application No: BH2014/03551
Land adjacent 81 Princes Road, Brighton

G1 Sycamores - crown lift low branches to the north and west over the site entrance to approx 6m to facilitate site access and piling.

Applicant: Mr N Jones
Approved on 10 Nov 2014

Application No: BH2014/03552
81 Princes Road, Brighton

Fell 3no Cypress (G2) to ground level (in rear garden). (The Cypress have very limited public visibility, thus do not warrant a TPO.)

Applicant: Mr N Jones
Approved on 10 Nov 2014

WITHDEAN

Application No: BH2014/03563
Shawcross House, Preston Road, Brighton

1no Yew, 2no Holly, number of Bay Trees - cut back to boundary line of Centenary House.

Applicant: Mr N Eddison
Approved on 04 Nov 2014

Application No: BH2014/03567
St Bernadette's R C School, Preston Road, Brighton

T8 Sycamore - remove dead wood and reduce crown by up to 4m.

Applicant: Mr N Eddison
Approved on 04 Nov 2014

Application No: BH2014/03568
41 Surrenden Road, Brighton

1no Fraxinus excelsior, rear left-hand corner - crown lift - touching asbestos roof (soon to be removed); 1no Betula pendula - remove rear branches, growing over neighbours.

Applicant: Ms Fiona Caselton
Approved on 04 Nov 2014

Application No: **BH2014/03725**
40 Dyke Road Avenue, Brighton

Fell one Elm in front garden. (Extensive decay at the base renders this tree unsafe.)

Applicant: Mrs S King
Approved on 10 Nov 2014

EAST BRIGHTON

Application No: **BH2014/03542**
20 Sudeley Street, Brighton

Fell one Eucalyptus. (The tree does not meet the criteria for a tree preservation order.)

Applicant: Ben McWalter
Approved on 04 Nov 2014

HANOVER & ELM GROVE

Application No: **BH2014/03467**
Brighton & Preston Cemetery, The Lodge, 99 Hartington Road, Brighton

Elm and three Sycamores (overhanging the south end of the block of flats on May Road) - remove low branches to a height of 6m and cut back overhanging branches by up to 2m to reduce interference and nuisance. Sycamore (by John Chapman's grave) - remove three stems that overhang the grave to reduce interference and nuisance. Two Sycamores (overhanging rear garden of 5 May Road) – cut overhanging branches back to the boundary and reduce remaining crowns by 2m to reduce interference and nuisance.

Applicant: Mrs Janet Bonwick
Approved on 04 Nov 2014

Application No: **BH2014/03565**
Brighton & Preston Cemetery, The Lodge, 99 Hartington Road, Brighton

Fell dead Cherry.

Applicant: Mrs Janet Bonwick

Approved on 04 Nov 2014

MOULSECOOMB & BEVENDEAN

Application No: BH2014/03688

29 Tenantry Road, Brighton

T1 Sycamore - reduce size of crown evenly all over the crown removing a maximum of 1.5m growth from longest limbs, resulting in a tree approx. 20% smaller in dimensions.

Applicant: Ms Marcella Helm

Refused on 18 Nov 2014

ROTTINGDEAN COASTAL

Application No: BH2014/03541

9 Wilkinson Close, Rottingdean

3no Sycamores located along rear boundary within rear garden - crown reduce each tree no more than 30% to suitable growth points.

Applicant: Mr Sam Spiers

Approved on 04 Nov 2014

BRUNSWICK AND ADELAIDE

Application No: BH2014/03604

49 Selborne Road, Hove

Mulberry - 2m crown reduction for maintenance purposes.

Applicant: Mrs Frances Mortlock

Approved on 10 Nov 2014

CENTRAL HOVE

Application No: BH2014/03275

Claremont, 46 St. Aubyns, Hove

3no Elms remove marked branches and subsidiary stems.

Applicant: Mr Simon Harris
Approved on 04 Nov 2014

Application No: BH2014/03472
12 Ventnor Villas, Hove

Fell T1 Sycamore and T2 Pear. (No public visibility, thus no public amenity value.)

Applicant: Miss Kate Elliot
Approved on 18 Nov 2014

Application No: BH2014/03662
Lorraine Court, Osborne Villas, Hove

Ash Tree (north of building) - cut top to 5ft below the flats' gutter and cut any branches overhanging 63 Osborne Villas back to the boundary.

Applicant: Mr Tom Fellows
Approved on 18 Nov 2014

Application No: BH2014/03726
Flat 1b, 26 St Aubyns, Hove

T1 Sycamore - prune back to boundary to suitable growth; T2 Sycamore - prune back to boundary to suitable growth, reduce height by 1m, sides by 0.5m to suitable growth; T3 Sycamore - prune back to boundary to suitable growth; T5 & T6 Sycamores - prune back to boundary to suitable growth.

Applicant: Mr G Place
Approved on 10 Nov 2014

Application No: BH2014/03728
Flat 1b, 26 St Aubyns, Hove

Fell group of Sycamores (T4). (T4 has no public amenity value.)

Applicant: Mr G Place
Approved on 10 Nov 2014

GOLDSMID

Application No: BH2014/03312
18 Denmark Villas, Hove

Fell T1 Wild Cherry. (Tree has very limited public amenity value.)

Applicant: Mr Richard O Brien
Approved on 10 Nov 2014

Application No: BH2014/03404
50 Cromwell Road, Hove

2no Elms (G1) in rear garden, left-hand side - reduce back from property by 2 metres, reduce in the branches growing towards No. 50 by up to 2 metres, sever ivy at base, removing a 1 metre section.

Applicant: Ms Bottin
Approved on 04 Nov 2014

HANGLETON & KNOLL

Application No: BH2014/03535
Hangleton Manor Inn, Hangleton Valley Drive, Hove

2no Sycamores (T1 & T2) - lift canopies on both Sycamores to a maximum height of 5.5m above ground level; 2no Yews (T3) - reduce height for maintenance by 3m.

Applicant: Mr A Platen-Mills
Approved on 18 Nov 2014

NORTH PORTSLADE

Application No: BH2014/03559
Elliott Court, Crest Way, Portslade

T1 Sycamore - reduce back from property by 2 metres.

Applicant: Ms Beach
Approved on 04 Nov 2014

HOVE PARK

Application No: BH2014/03403
4 Kestrel Close, Hove

Fell pollarded Elm (T1) adjacent to garages & No 4. (The decay at the base renders this tree too hazardous to retain.)

Applicant: Ms Cowie

Approved on 04 Nov 2014

Application No: BH2014/03569

Brighton & Hove High School, Radinden Manor Road, Hove

G3 5no Elms, Sycamore T4, Sycamore T5, Holm Oak T15, Holm Oak T18, Holm Oak T20 - lift crown over highway to 2.5 metres over footway and 5.2 metres over carriageway; Ornamental Cherry T21 - lift crown over footway to 2.5 metres.

Applicant: Mr G O'Flanagan

Approved on 04 Nov 2014

WESTBOURNE

Application No: BH2014/03231

1 New Church Road, Hove

Fell one Elm. (Tree is causing significant structural damage.)

Applicant: Mr Stephen Lawrence

Approved on 18 Nov 2014

Application No: BH2014/03388

1 New Church Road, Hove

T1 Elm, T2 Elm, T3 Elm (all located on the boundary with Sackville Road) - prune away from the adjacent building; reduce the crown of trees only on the side nearest building to give 2.5 metres clearance from building; prune crown to blend reduced limbs and keep natural shape.

Applicant: Mr Stephen Lawrence

Approved on 04 Nov 2014

NEW APPEALS RECEIVED**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****GOLDSMID**

BH2014/01422

25 Hove Park Villas Hove

Erection of 1no two bedroom detached dwelling to rear of existing property.

APPEAL LODGED

31/10/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****GOLDSMID**

BH2014/01421

25 Hove Park Villas Hove

Application for variation of condition 2 of application BH2013/00255 (Demolition of existing rear conservatory and erection of part single storey, part two storey rear extension and alterations including changes to fenestration. Loft conversion with dormers to front, side and rear and rooflights to sides to create additional flat) to allow amendments to the approved drawings to allow alterations to layout of gardens, bike storage and waste storage facilities.

APPEAL LODGED

31/10/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOLLINGDEAN & STANMER**

BH2014/02497

40 Park Road Brighton

Erection of single storey rear extension. (Part retrospective).

APPEAL LODGED

05/11/2014

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****PATCHAM**

BH2014/00985

9 Ridgeside Avenue Brighton

Demolition of existing garage and erection of 1no two bedroom dwelling.

APPEAL LODGED

06/11/2014

APPLICATION DECISION LEVEL

Delegated

WARD

APPEAL APP NUMBER

ADDRESS

Brighton

DEVELOPMENT DESCRIPTION

ROTTINGDEAN COASTAL

BH2014/00723

Rear of 23 Falmer Road Rottingdean

Application for variation of condition 3 of application BH2012/03676 to require a Final/Post Construction Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code level 3 to be submitted to, and approved in writing by, the Local Planning Authority.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

12/11/2014

APPLICATION DECISION LEVEL

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

GOLDSMID

BH2014/02830

Flat 4 61 Goldstone Villas Hove

Insertion of rooflights to front and rear roof slopes.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

14/11/2014

APPLICATION DECISION LEVEL

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

EAST BRIGHTON

BH2014/01754

19 Sudeley Street Brighton

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

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

14/11/2014

APPLICATION DECISION LEVEL

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

HANGLETON & KNOLL

BH2014/02414

126 Stapley Road Hove

Erection of conservatory and single storey extension to the rear.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

14/11/2014

APPLICATION DECISION LEVEL

WARD

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

WITHDEAN

BH2014/02688

16 Mill Rise Brighton

Erection of roof extension including new

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

front dormer.
APPEAL LODGED
17/11/2014
Delegated

WARD
APPEAL APP NUMBER
ADDRESS
DEVELOPMENT DESCRIPTION

HANOVER & ELM GROVE
BH2013/03755
146 Islingword Road Brighton
Demolition of existing shop (A1) and
erection of a three storey dwelling house
(C3).

APPEAL STATUS
APPEAL RECEIVED DATE
APPLICATION DECISION LEVEL

APPEAL LODGED
19/11/2014



**Brighton & Hove
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
10th December 2014**

There are currently no Planning Inquiries or Hearings to report

APPEAL DECISIONS

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G – 21 ROWAN AVENUE, HOVE – HANGLETON & KNOLL	321
Ref: 2013/0422 - Appeal against enforcement notice for Without planning permission to [<i>sic</i>] change of use from residential to a mixed use for residential and dog breeding: The requirements of the notice are:	

1. Permanently reduce the number of dogs which are kept on the premises to no more than 3.
2. Demolish the kennels and associated accommodation apart from the wire kennel which is situated nearest the host property.
3. Remove all demolished materials and rubble from the site.

The appeal is allowed on ground (d) and the enforcement notice is corrected and quashed and costs refused.



Appeal Decision

Site visit made on 30 September 2014

by Diane Fleming BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 October 2014

Appeal Ref: APP/Q1445/A/14/2221244

Halstead Scaffolding Ltd, Kingsthorpe Road, Hove, East Sussex BN3 5HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Damian Sablon, Danworth Holdings Ltd, against the decision of Brighton & Hove City Council.
 - The application, Ref BH2013/01646, dated 21 May 2013, was refused by notice dated 9 June 2014.
 - The development proposed is a mixed use development including 440 sq m of commercial and 26 residential units.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline and the decision notice makes it clear that approval is also sought, at this stage, for the scale of the development, as accepted by the appellant, but not for access, appearance, layout and landscaping. The officer's report to committee and the decision notice also make it clear that all the submitted drawings are illustrative only. I have therefore dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area; and ii) the living conditions of the occupants of Kingsthorpe Road, having regard to outlook.

Reasons

Character and appearance

4. The appeal site comprises a roughly rectangular piece of land currently used as a scaffolding storage yard. It has a long frontage to Kingsthorpe Road and is mainly open except for a two storey building at one end of the site and a tall, single storey building at the other end of the site. The rear of the site backs onto a railway line embankment which has many mature trees. The site is not entirely level there being a slight dip in the middle. The appeal site abuts a dwelling house on one side and a single storey building on the other. However adjacent to the single storey building there is a five storey office building known as Rayford House. This sits in an elevated position overlooking the surrounding area.

5. Opposite the site there are two storey houses. The immediate area is largely residential in character comprising mainly two storey, terraced housing. Kingsthorpe Road leads into School Road. There are a number of two storey commercial units along one side of this road and two schools opposite.
6. The illustrative plans show a proposal for a single building, three to four storeys in height. It would be set back from the road and set in slightly from the side boundaries. The four storey element would occupy the middle portion of the site and would extend over about half the frontage length. The plans show the height of the building to vary between 8 – 14m. Kingsthorpe Road is not particularly wide and it slopes gently down from west to east.
7. I consider a three to four storey building would have a dramatic effect on the surrounding area. This is because, other than Rayford House, which is not typical for the area, development in the area is domestic in scale. Commercial buildings in School Road maintain this character and even the two schools with their modern additions are two storeys in height. Also immediately adjoining the site on one side is a modest, Victorian dwelling and at the other end of the site there is a flat roof, single storey commercial building.
8. Across the road some of the dwellings are marginally set below the level of the pavement. This has the effect of reducing their height. I therefore consider in this context a three to four storey building would appear significantly out of place. This would be even more so as from a distance the proposed scale would not be seen against a backdrop of similar buildings but against an open skyline across the cemetery which lies beyond the railway line.
9. The appellant has referred to Rayford House in support of his proposals. However this is not appropriate as there is nothing similar in height in the immediate area and it is not sited next to the appeal site. Furthermore I find it would not have the same effect on the character and appearance of the area as the proposed development. This is because it is situated on a much larger site and it does not have a long frontage to the road in fact, it is set back from the road. Although its slab level is well above the height of the road there is plenty of space around the building to reduce its impact on the residential development diagonally opposite.
10. I therefore conclude that the proposed development would have an adverse effect on the character and appearance of the area. The development would not accord with Policies QD1 and QD2 of the Brighton & Hove Local Plan 2005 (saved policies post 2007) (LP). These seek to ensure that development is of a high standard of design that takes into account and emphasises the positive qualities of the local neighbourhood and local characteristics such as height and scale. I find these policies do not conflict with the objectives of the National Planning Policy Framework (the Framework) which requires good design that reflects the identity of local surroundings (Part 7). I therefore give them significant weight.

Living conditions

11. The appeal site lies on the north side of Kingsthorpe Road. There are nine houses that directly overlook the site, one house that flanks the site and another house on the south side of Kingsthorpe Road that is side on to the development. Adjacent to the nine houses there is a block of four, purpose built, two storey flats that would also be affected by the development.

12. The design of all of these dwellings is modest in terms of height and proportion. The dwellings are sited close to the back edge of the pavement and the majority have large windows that serve habitable rooms which overlook the appeal site. In this context, given the width of Kingsthorpe Road which is not unduly wide, and the limited depth of the appeal site, I consider a three to four storey development would appear excessively large. It would dominate and seriously erode the outlook for the occupiers of these dwellings especially as four of the houses are set partially below the height of the pavement.
13. The appellant is of the view that there is sufficient distance between the edge of his site and the front elevation of the houses opposite. However he also suggests that the proposed balconies would be screened to prevent overlooking. I find that this indicates that the scale of the development would not be acceptable as it implies that the distance between the site and the neighbouring houses is insufficient if balconies have to be screened.
14. Overall I conclude that the scale of the proposal would result in an unneighbourly development and for these reasons it would have an adverse effect on the living conditions of the occupants of Kingsthorpe Road, having regard to outlook. I find it would not accord with Policies QD2 and QD27 of the LP. These seek amongst other matters to protect residential amenity. It would also not accord with one of the Core Principles of the Framework, that planning should always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

15. I have seen a copy of a signed and dated S106 Unilateral Undertaking which would provide for contributions towards recreational open space, education and sustainable transport in connection with the proposal. However the agreement would not address my fundamental concerns about the scale of the scheme and has thus not had a significant bearing on my decision.

Conclusion

16. For the above reasons, and having regard to all other matters raised, including those in the letters in opposition to the scheme, I conclude that the appeal should be dismissed.

D Fleming

INSPECTOR

Appeal Decision

Site visit made on 24 October 2014

by S Holden BSc MSc CEng MICE TPP MRTPI FCIHT

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 October 2014

Appeal Ref: APP/Q1445/D/14/2225321
45 Benett Drive, Hove, East Sussex BN3 6US

- 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 Keely Smith against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01321 was refused by notice dated 22 July 2014.
 - The development proposed is alterations and extensions to existing detached dwelling, new two storey rear extension, reconfiguration of roof to remove box dormers and low-level extension to side of house over the garage.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. A scheme for enlarging and altering No 45 which included a two storey rear extension and reconfiguration of the roof, was granted planning permission in April, following the submission of revised plans, Ref: BH/2014/00063. Works to implement this scheme were underway at the time of my site visit. The only difference between the approved scheme and the appeal proposal relates to the addition of a side extension above the existing garage. I have therefore confined my considerations to an assessment of the effects of this side extension.

Main issues

3. The main issues are the effects of the proposed side extension on:
 - a) the character and appearance of the area;
 - b) the living conditions of the occupant of No 47 in respect of visual intrusion and loss of outlook.

Reasons

Character and appearance

4. Benett Drive comprises a variety of dwellings dating from the 1950s including bungalows, chalet bungalows and two-storey houses. The size of the gaps between them varies, but in many places is far from generous. Nevertheless, the presence of these gaps contributes to the character of the street scene. There is a staggered building line along the north side of the street, so No 45 is

sited to the rear of No 47. Both properties are orientated at an acute angle to the road.

5. The outer wall of the garage of No 45 forms the shared boundary with No 47; the flank wall of No 47 is only 1m from this boundary. The proportions of the existing garage are small when compared with the dwellings on either side. This, combined with its flat roof, prevents the detached houses appearing to form a terrace. At present there is an important gap at first floor level between these adjoining houses providing a view between them and glimpses of the vegetation to the rear. This is particularly apparent when looking in a westerly direction along the street, giving a sense of spaciousness and reinforcing the prevailing character of the street with its detached properties.
6. The proposed extension above the garage would significantly increase the height of the wall along the shared boundary. Its cat slide roof would connect this enlarged wall with the eaves of the host property. The extension would therefore effectively fill the gap between Nos 45 and 47 at first floor level, leaving only 1m between the flank walls of the two houses. This would significantly reduce the space between them, resulting in them appearing cramped and creating a terraced effect along the street. The cat slide roof would elongate the revised pitched roof, resulting in the dwelling appearing lopsided, rather than integrating satisfactorily with the symmetrical features of the host property. The presence of vegetation and use of different colour treatment of the walls would not enable the retention of a sufficient visual break between the properties. Neither would they compensate for the loss of the gap at first floor level. The proposal would therefore be an incongruous addition that would give rise to the dwellings along this stretch of Bennett Drive appearing cramped.
7. The Council adopted a Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12) in June 2013. This sets out the Council's approach to the design of two-storey side extensions and is a matter to which I attach significant weight. SPD12 advises that side extensions can harm the appearance of the street scene by excessively infilling the rhythm of spaces between buildings. This can create a terracing effect and disrupt the sense of space and separation between buildings, to the detriment of the character of the street. SPD12 seeks to protect these spaces from encroachment by development. I accept that the proposed extension would be subservient to the dwelling as a whole due to its size and set-back from the front elevation. However, it would not provide the minimum requirement of a 1m gap between the side boundary and the extension and would infill the gap between the two houses. The proposal would therefore be contrary to the aims of this guidance.
8. I conclude that the proposal would be harmful to the character and appearance of the area, contrary to saved Policy QD14 of the Brighton & Hove Local Plan and the advice of SPD12. This policy and the SPD12 seek high quality design that respects its setting, including taking account of the space between and around buildings.

Living conditions

9. The front elevation of No 45 is almost in line with the rear elevation of No 47 due to the staggered building line. The existing garage of No 45 therefore projects along the shared boundary beyond the rear elevation of No 47. The approved two-storey extension currently under construction has already added

to the bulk of the dwelling and is clearly visible from the garden of No 47. However, as it is separated from the shared boundary by the width of the garage, it has not given rise to a harmful sense of enclosure for the occupant of this adjoining property.

10. The proposed first floor addition above the garage would significantly increase the height of the wall that forms the shared boundary. This additional height, combined with the bulk of the cat slide roof, would appear overbearing and visually intrusive, adversely affecting the outlook from within the house. It would also increase the sense of enclosure within the house and on the patio immediately to the rear of No 47. I do not consider that the replacement of the existing flat roof of the garage with a cat slide roof that would extend to the eaves would reduce this harm. The proposal would therefore make the house and garden of No 47 less pleasant places to be.
11. I note that these neighbours did not raise any objection to the scheme. However, it is my duty to consider the effects of the proposal on them and any future occupants, by ensuring that their amenity is not unacceptably affected by development on an immediately adjoining site.
12. I conclude that the proposed side extension would be an un-neighbourly form of development that would be harmful to the living conditions of the occupants of No 47, arising from visual intrusion and loss of outlook. It would be contrary to saved Policies QD14(b) and QD27 of the Local Plan, which seeks to protect the City's residents from unacceptable loss of amenity arising from development proposals.

Other matters

13. I appreciate that the family wishes to provide a physiotherapy room for their daughter, who has special needs. However, these personal circumstances are likely to be short-term compared to permanent alterations to a dwelling. They are not a justification for permitting a development that would be harmful to the wider street scene and the amenity of neighbours, and therefore carry little weight in my assessment of the scheme.
14. I note the applicant's concerns about the Council's handling of her application. This is not a matter for me to consider in the context of this appeal, which is confined to determining the scheme on its individual planning merits in the light of current planning policy. However, I am satisfied that the Council provided an adequate explanation of its decision, having regard to its adopted policies and guidance.

Conclusion

15. I acknowledge the efforts made to design a scheme that would comply with some aspects of the development plan. However, these do not diminish the harm I have found to the character and appearance of the area and the living conditions of the occupants of No 47. For these reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR



Appeal Decision

Site visit made on 27 October 2014

by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 October 2014

Appeal Ref: APP/Q1445/D/14/2225254

52 Bates Road, Brighton, East Sussex, United Kingdom BN1 6PG

- 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 Rebecca Moberly against the decision of Brighton & Hove City Council.
 - The application Ref BH2114/01720, dated 26 May 2014, was refused by notice dated 3 July 2014.
 - The development proposed is erection of bicycle storage shed.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a bicycle storage shed at 52 Bates Road, Brighton, East Sussex, United Kingdom BN1 6PG in accordance with the terms of the application Ref BH2114/01720, dated 26 May 2014 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Block plan, Existing elevations and floor plans, Proposed elevations and floor plans, Bike Storage Shed proposed east and west elevations.
 - 3) The bicycle storage shed hereby approved shall be of timber construction with a green painted finish and thereafter retained as approved.
 - 4) The trellis and climbing plant(s) as indicated on the elevational drawings hereby approved shall be installed/planted in the first planting season following the completion of the bicycle shed. Any 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 for any variation.

Main issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Bates Road is lined for the most part by handsome Edwardian terraced housing set behind short front gardens or privacy strips. The houses are mostly constructed in brick with square bays and feature gables. On the south side of the road the majority of houses have a basement but on the north side of the road the short front gardens of the houses including that of no 52 are set above pavement level. Thus there is a significant difference in height between the pavement and the enclosed front gardens, particularly toward the west end of the street. But no 52 is located towards the eastern end of the and here the difference in pavement height and the height of the front gardens is minimal, with a step up of about 20-30cm.
4. There appear to be no back alleys or external access to the back garden. Accordingly there would seem to be no alternative for the storage of bicycles other than to carry them through the houses. On the day of my visit most houses had their bins and recycling containers on the street waiting to be collected. Where these were not on-street I saw that they appeared to be stored on the front garden strip. I accept that my view of the street scene was a snap shot in time and the clutter was probably at a maximum. But in my opinion there is a significant likelihood that in the absence of rear access, the front gardens are used for storage and I also saw a few bicycles under tarpaulins. Photographs submitted with the appeal and the comments of neighbours tend to confirm that the privacy strips are regularly used in this way.
5. I agree that the proposed storage shed would be prominent in the street. It is also unfortunate that the siting of the shed would partially obscure the ground floor bay window and thus there is some conflict with *Brighton and Hove Local Plan* (LP) Policy QD14. However this impact needs to be weighed against the benefits of the development. In this respect I consider that the shed would provide a neat and secure solution for bicycle storage and this in turn would encourage the use of sustainable transport which is supported by the LP Policy QD2. I also consider that the circumstances at the appeal site are atypical in this road because the privacy strip is not significantly elevated and this would mean that the shed would be less prominent than in other front gardens in the vicinity. I saw the storage shed at no 56, which is also at the eastern end of the street, but have given this little weight in my decision because the Council say that it may be unauthorised.
6. I therefore find that the limited visual impact of the cycle shed would be outweighed by benefits including a reduction in clutter and because it would encourage the use of sustainable transport. Thus on balance the effect on the character and appearance of the area would be acceptable. I also consider that the development would be in the spirit of the sustainable development which is supported by the National Planning Policy Framework.

Conclusion and conditions

7. For the reasons I have given and having taken into account all other matters raised I conclude that the appeal should succeed.
8. In addition to the standard implementation condition it is necessary, for the avoidance of doubt and in the interests of proper planning, to define the plans with which the scheme should accord. I also agree it is appropriate to specify

the materials in the interests of ensuring a high quality of development.
Finally in order to soften the outline of the structure the implementation and retention of landscaping is necessary.

Sukie Tamplin

INSPECTOR

Appeal Decision

Site visit made on 27 October 2014

by Sukie Tamplin DipTP Pg Dip Arch Cons IHBC MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 October 2014

Appeal Ref: APP/Q1445/D/14/2221388

41 Hangleton Close, Hove BN3 8LT

- 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 T Bolingbroke against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01170 was refused by notice dated 18 June 2014.
 - The development proposed is a single storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 41 Hangleton Close, Hove BN3 8LT in accordance with the terms of the application Ref BH2014/01170 dated 11 April 2014, and the plans submitted with it, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, Block plan, T-01 (Elevations), T-02 (Elevations and floor plans).
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) The hedge alongside the carriageway shall be retained at a height not less than 1.8 m.

Main issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Hangleton Close consists mainly of detached and semi-detached chalet bungalows set well back from the road. The character of the road is suburban and the quality of the townscape is enhanced by grassy verges, street trees and generous planting of gardens. No 41 is located on an inside corner of the T shaped cul-de-sac, and thus has a wide plot with much of its garden to the side. Nos 41 and 42 have a common building line but this is at an angle to those on either side. The front gardens of both bungalows have significant privacy because of the high box hedges abutting the pavement.

4. The proposed extension would occupy some of the side garden and for the first part would continue the building line of nos 41 and 42. But because of the alignment of the corner plot the development cranks around to follow the line of the road. Consequently the western end of the development would be in front of the front building line of the bungalow to the west, no 40. But the effect on the street scene would be minimal because both the side boundary wall and the double gates on the north-west corner would screen the development when viewed from the cul-de-sac. Moreover the substantial box hedge, currently in excess of 2m in height around the garden would screen most if not all the development.
5. Policy QD14 of the *Brighton and Hove Local Plan* (LP) says that development should take account of the existing space around buildings and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect. This guidance is underpinned by the SPD12¹ which has similar aims. But in the case before me, not only would a significant gap be maintained but this would be greater, even after the construction of the proposed building, than many other spaces between buildings in this cul-de-sac.
6. Consequently I find that the development would not harm the character and appearance of the area nor undermine the aims of LP Policy QD14 and SPD12.

Conclusion and conditions

7. For the reasons I have given and having taken into account all other matters raised I conclude the appeal should succeed.
8. In addition to the standard implementation condition it is necessary, for the avoidance of doubt and in the interests of proper planning, to define the plans with which the scheme should accord. I also agree it is appropriate to require materials matching those of the host dwelling in the interests of ensuring a high quality of development.
9. Finally to ensure that the verdant character of the street scene is maintained I consider that a condition to require the retention of the hedge is necessary. It would be enforceable and satisfy the other tests of Paragraph 206 of the National Planning Policy Framework.

Sukie Tamplin

INSPECTOR

¹ Design Guide for Extensions and Alterations

Appeal Decision

Site visit made on 24 October 2014

by **S Holden BSc MSc CEng MICE TPP MRTPI FCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30 October 2014

Appeal Ref: APP/Q1445/D/14/2225663
37 Hawkhurst Road, Brighton, BN1 9GF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Peter & Sonia Mathers against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/01192 was refused by notice dated 25 June 2014.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host property and the surrounding area.

Reasons

3. Hawkhurst Road is characterised by modest, two-storey semi-detached and terraced dwellings. The houses have generously proportioned front gardens and the street layout includes grass verges and expanses of open space with occasional mature trees. These features give the area an open and spacious appearance.
4. No 37 is an end terrace, two-storey dwelling with a pitched roof. It has an existing, single-storey element with a flat roof that projects just over 1m from the front elevation. The proposal would replace this with a part single, part two-storey extension. The flat roofed, single-storey element would be wider and would project further from the front elevation. The proposed first floor of the extension would be almost flush with the front elevation. The extension as a whole would project 2.5m beyond the rear elevation. A hipped section of roof would link the main ridge to a smaller, hipped roof on the rear of the side extension.
5. Single storey front projections are a common feature on the estate, providing a sense of uniformity to the groups of properties. The increased width and depth proposed at No 37 would therefore be out of character with one of the distinguishing features of the original houses in the locality.
6. The proposed extension would significantly increase the depth of the side elevation of the house. The new flank wall would comprise a large expanse of render that would be visible through the gap between Nos 35 and 37. In my view the proposed placement of the windows would not enhance its appearance or add interest. Consequently, the proposal would appear to be a large and bulky addition that would not respect the features or proportions of the original dwelling.

7. No 37 is in a prominent position within the street scene and can be seen by anyone travelling south along Hawkhurst Road round the long sweeping left hand bend. The houses in this section of the street are characterised by their simple pitched roofs. The alterations to the roof to accommodate the proposed extension would create a complex roof shape incorporating different angles and heights. Consequently, it would appear to be an incongruous addition that would fail to reflect the shape and style of the roof of the host property or those elsewhere on the estate. I consider this would adversely affect the appearance of No 37, the terrace of which it is a part, and its relationship with No 35.
8. The gaps between the houses in Hawkhurst Road are an important feature of the area that contributes to its character. Their regularity and consistency provide a sense of continuity, uniformity and rhythm to the street scene. The proposed extension would significantly reduce the gap between Nos 35 and 37, at first floor level. This would make the houses appear more cramped, to the detriment of the area as a whole.
9. Taken together these factors demonstrate that the proposal would be a poor design that would not be acceptable in its context. It would appear to be a bulky and poorly articulated addition. It would neither be subordinate to the existing dwelling, nor respect its features or those of the surrounding street scene.
10. The appellant drew my attention to a nearby house that had been extended in a similar manner to that which he is proposing for No 37. However, I have no details as to when this property was extended, or how the Council assessed it at that time. In any event, it is not directly comparable with the appeal scheme as it does not include a front projection and is in a less prominent location in the street scene.
11. The Council adopted its Supplementary Planning Document: *Design Guide for Extensions and Alterations* (SPD12) in June 2013. This sets out the Council's approach to the design of two-storey side extensions and is a matter to which I attach significant weight. SPD12 advises that extensions should not dominate or detract from the original building or the character of an area. They should play a 'supporting role' that respects the design, scale and proportions of the host property with a roof that complements the original. In my view the proposal would not accord with this advice.
12. I conclude that the proposed extension would be harmful to the character and appearance of the host property and the surrounding area. It would be contrary to saved Policy QD14 of the Brighton & Hove Local Plan, which seeks high quality design that respects its setting, and the specific advice and guidance set out in SPD12.
13. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Sheila Holden
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: 11 November 2014

Appeal Ref: APP/Q1445/E/14/2213119

Flat 4, 159 Marine Parade, Brighton, East Sussex, BN2 1EJ.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Peter Klein against the decision of Brighton and Hove City Council.
 - The application Ref BH2013/01463, dated 9 May 2013, was refused by notice dated 5 August 2013.
 - The works proposed are described as *a) minor alterations to internal studwork of an already converted property b) new removable glazed panels behind existing balcony balustrade to comply with current health and safety requirements.*
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Decision

1. I dismiss the appeal in so far as it relates to the installation of the proposed new removable glazed panels behind existing balcony balustrade to comply with current health and safety requirements.
2. The appeal is allowed and listed building consent is granted in so far as it relates to the minor alterations to internal studwork of an already converted property at Flat 4, 159 Marine Parade, Brighton, East Sussex, BN2 1EJ in accordance with the terms of the application Ref. BH2013/01463, dated 9 May 2013 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

3. I consider the main issues to be the effect of the proposed works on the special architectural and historic interest and setting of the grade II listed property, and whether the works would serve to preserve or enhance the character or appearance of the East Cliff Conservation Area.

Reasons

4. The property the subject of this appeal is part of an early C19 terrace of houses (numbered 159 to 161 inclusive), listed grade II and located in a prominent corner position in the East Cliff Conservation Area. The property has been subdivided into flats and this appeal relates to flat 4, which is located on the first floor with balconies on the south and west elevations. As I saw the flat has been the subject of a number of significant internal alterations such that it now has a contemporary feel.
-

5. In my view, the special architectural and historic interest of the listed building relates to the history of its development, its external design and detailing, the relatively undisturbed external appearance of the building and its setting as part of the terrace.
6. The appellant proposes two alterations. Firstly, minor alterations to internal studwork including the replacement of the door between the hallway and main reception room and, secondly, the installation of glazed screens behind the original balcony railings of the south-facing balcony. I shall consider each of the works in turn.

Internal alterations

7. From the Council's evidence I note that it considers that the internal alterations proposed to the layout of the flat are acceptable, with the exception of the design of the door between the hall and main reception room. Based on what I have read and my observations on site I would concur with its findings in respect of the proposed layout. Accordingly, in respect of these works I shall consider only the design and installation of the new door.
8. In respect of the proposed door, which I saw installed, this is of a simple modern design comprising three glazed panels. I accept that the door is not an historically correct replica of a typical internal door of the period of the house. However, in my judgement, bearing in mind all the earlier alterations and the contemporary feel of the flat, I do not consider that the installation of a replica door here would serve to better reveal the special architectural and historic interest of the property, even if one could be certain that every detail was both historically correct and the door was typical of the doors installed in the original house. Indeed in the context of the flat such a door would stand out as an incongruous and somewhat alien intrusion. Further, by reason of its overly modern design the door as installed would not mislead even the most casual of observers into thinking that it was original. Accordingly, in my judgement, it does not have any adverse effect on the architectural and historic character or appearance of the interior of the flat.
9. I therefore conclude in respect of this element of the works that the door, together with the other internal alterations, would not cause harm to the special architectural and historic interest of the grade II listed building. The works therefore comply with the objectives of saved Policy HE1 of the Brighton and Hove Local Plan (Adopted 2005) (LP).

Glazed screens

10. The appellant proposes to install 1.1 metre high screens behind the existing balustrade. He contends that the panels are required because the existing balustrade is not of sufficient height to meet current Building Regulations.
11. The screens to the west and south sides of the balcony would comprise 12mm low-iron glass panels (the front screen being made up of two panels), set in an aluminium channel bolted to the balcony deck. The existing balcony is some 1.5 metres deep and I have no doubt that the appellant is correct in his assertion that it was the intention of the designer that it should be used as outside space rather than merely a pleasing decorative addition to the building's façade. The existing balustrade is very low by modern standards and I can

appreciate that there may be a risk that a small child might climb on it or slip through the ironwork. I also accept that the proposed glass screen may be less visually intrusive than the alterations carried out to other nearby balustrades identified by the appellant. I am also aware of the various alterations that have been carried out to not only the balconies themselves, but also the balustrades of a number of neighbouring listed buildings. However, there is nothing before me to indicate the circumstances of these alterations, or whether they have been approved.

12. I can fully understand and I am sympathetic to the appellant's wish to make the balustrade as safe as possible. However, I consider that the installation of a permanent glass screen as proposed would, despite the use of low-iron glass, nevertheless change the appearance of the existing balustrade and what would clearly be a contemporary intervention would be visible both from inside and outside the building and the wider conservation area. The glazed screens would adversely impact upon the architectural and historic character and appearance of the listed building itself, the setting of the group of which it is a part and thereby on the character and appearance of the conservation area.
13. Furthermore, and while each application would be considered on its own merits, if the screens were allowed here then the Council would find it difficult to resist their installation elsewhere. The cumulative effect would in turn cause significant visual harm to this and other listed buildings, their setting and thereby the character and appearance of the conservation area.
14. Mindful of the need to ensure that the balcony is safe to use, and while it would be for the Council to consider any alternative proposals in the first instance, I believe that there may well be alternative design solutions open to the appellant that would be less damaging to the heritage assets than the screens now proposed.
15. The National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of designated heritage assets, which include conservation areas and listed buildings. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
16. Given the harm that has been identified I conclude that the public benefits would not outweigh this harm, or the conflict that the works to the balustrade would have with the statutory requirements of Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework and LP Policy HE1 as they relate to the quality of development, the preservation of the fabric and setting of listed buildings, and the preservation or enhancement of the character or appearance of conservation areas.
17. I therefore conclude in respect of this part of the proposal that the works would cause harm to the special architectural and historic interest and setting of the grade II listed property, and thereby would fail to preserve or enhance the character or appearance of the East Cliff Conservation Area.

Conditions

18. The Council has not proposed any conditions in the event that I was minded to allow this appeal. I do not consider that any conditions are necessary other than the standard time limit condition and, for the avoidance of doubt and in the interests of proper planning, a condition requiring the internal works to be carried out in accordance with the approved plans.

Conclusions

19. I consider that the two parts of the proposal are clearly severable, being physically and functionally independent and that a split decision is therefore appropriate. For the reasons given above, and having regard to all other matters raised, I consider that the appeal should be dismissed in so far as it relates to the proposed glazed screens behind the original balcony railings, but should be allowed in so far as it relates to the proposed minor internal alterations including the door between the reception room and hall.

Philip Willmer

INSPECTOR

Schedule of conditions – listed building consent

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby authorised shall be carried out in accordance with the following plans in so far as they relate to the minor alterations to internal studwork including the door between the hall and main reception room: drawings numbered MP-01, 02, 03, 04A and 07.



Appeal Decision

Hearing held and site visit made on 7 October 2014

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 November 2014

Appeal Ref: APP/Q1445/C/13/2208935

21 Rowan Avenue, Hove, East Sussex BN3 7JF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Jessica Yates against an enforcement notice issued by Brighton and Hove City Council.
- The Council's reference is 2013/0422.
- The notice was issued on 11 October 2013.
- The breach of planning control as alleged in the notice is: 'Without planning permission to [*sic*] change of use from residential to a mixed use for residential and dog breeding'.
- The requirements of the notice are:
 1. Permanently reduce the number of dogs which are kept on the premises to no more than 3.
 2. Demolish the kennels and associated accommodation apart from the wire kennel which is situated nearest the host property.
 3. Remove all demolished materials and rubble from the site.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(c), (d), (f) and (g) of the 1990 Act as amended.

Summary of Decision: The appeal is allowed on ground (d) and the enforcement notice is corrected and quashed.

Procedural matters

1. At the Hearing an application for costs was made by Mrs Jessica Yates against Brighton and Hove City Council. This application is the subject of a separate decision.
2. The Appellant specifically requested that, in the event that her appeal succeeded on grounds (c) or (d), I should grant a Certificate of Lawful Use or Development (LDC) pursuant to section 177(1)(c) of the 1990 Act as amended. However, no fees have been paid on the subject appeal and I am mindful that an application to the Council for a LDC would require a fee to be paid in accordance with the Fees Regulations¹.
3. Having said this, the Regulations are silent on the question of whether a LDC granted on a section 174 appeal carries a fee. The Appellant perceives this as a 'quirk in the law' which would allow me to grant a LDC in this case. Nonetheless, I note that Regulation 10(13) of the Fees Regulations provides that *save where the 177(1)(c) powers are exercised*, the fees in respect of a

¹ The Town and Country Planning (Fees For Applications, Deemed Applications, Requests And Site Visits) (England) Regulations 2012 as amended.

deemed planning application (DPA)² shall be refunded to the Appellant. This suggests to me that, although not expressly stated, there is an expectation that the fees payable for the DPA should be appropriated to the LDC instead of being refunded and, accordingly, that there is no expectation that a LDC should be issued in the absence of a fee. Additionally, it is pertinent that the exercise of section 177(1)(c) powers is entirely at the discretion of the Inspector.

4. In any event, I am mindful that the question of whether the 'dog breeding' component of the mixed use alleged in this case has intensified at some point so as to alter the balance of the mix so significantly that a material change of use was triggered within the relevant period by means of that intensification has not been explored in this case³. This being so, I am not in a position to declare the mixed use lawful on the date that the enforcement notice was issued, irrespective of the success of the appeal on ground (d). In such circumstances, it is not appropriate to issue a LDC, regardless of whether or not a fee is payable, and I decline to do so.
5. Several local residents have raised objections that go to the planning merits of the alleged mixed use, focussing on issues such as the adverse effect that noise caused by barking dogs has had on their living conditions. However, in the absence of an appeal (a) consideration of planning merits falls outside my remit. Such matters have therefore informed my determination of the appeal only insofar as they might be indicative of a material change of use of the property.

The notice

6. The Appellant's contention that the enforcement notice is so fundamentally flawed that it is beyond correction is unsubstantiated. Whether the Council has correctly applied the tests of incidental use arising from case law in framing the notice or identified a reasonable threshold at which a material change of use might be held to have taken place has no fundamental implications for the validity of the notice *per se*. Instead, such matters fall neatly within the parameters of the appeal on ground (c) and it would have been open to me to quash the notice on that ground had I found it appropriate to do so.
7. Moreover, there can be no question that requirement 1 of the notice makes clear to the Appellant what she is expected to do in order to comply. Whether it is unduly stringent in seeking a reduction in the number of dogs kept on the premises to no more than three or lacking in appropriate qualification would be a matter for me to address in determining the appeal on ground (f), had it been necessary for me to do so. Contrary to the Appellant's assertion, no injustice would arise from building caveats or qualification into the requirement along the lines discussed at the Hearing, as long as the result was not more onerous to the Appellant than the notice as issued⁴.

² An application for planning permission deemed to have been made under section 177(5) of the 1990 Act as amended in association with an appeal against an enforcement notice on ground (a).

³ Where an enforcement notice relies on a material change of use by intensification it must say so (*RB Kensington & Chelsea v Mia Carla Ltd* [1981] JPL 50). The subject notice does not and, consequently, exploration of such a possibility falls outside my remit.

⁴ Although the parties failed to provide me at the Hearing with a definition of an 'adult dog' which might be used for qualification purposes in distinguishing between adults and puppies, I am satisfied that the Appellant has provided sufficient written evidence for such purposes in her written submissions. The Appellant's assertion that numbers specified in a planning enforcement notice should include *all* dogs kept at the premises, whether adults or puppies, is drawn from non-planning legislation and is therefore ill-founded.

8. Nor does the Council's failure to discuss matters in the wake of the Appellant's response to its Planning Contravention Notice before issuing the enforcement notice invalidate the latter. Irrespective of whether such a step would constitute good practice, it is not a statutory requirement. I am therefore satisfied that the enforcement notice is not beyond correction and that, accordingly, the grounds of appeal pursuant to section 174 of the 1990 Act as amended remain before me to consider, insofar as it is necessary for me to do so.
9. Notwithstanding my decision to quash the enforcement notice, it is incumbent upon me to correct it as best I can before doing so, within the scope of the powers available to me under section 176(1) of the 1990 Act as amended. In this regard I have identified some correctable flaws which fall outside the parameters of the section 174 grounds of appeal.
10. The previous use of the appeal property and the residential component of the alleged mixed use would be more accurately described by the term 'dwellinghouse' in the alleged breach of planning control. Moreover, the allegation should more properly refer to a *material* change of use, that being the act of development as defined by statute. There is also a grammatical error within the allegation.
11. Accordingly, the notice will be corrected at section 3 to read: 'Without planning permission, a material change of use of the Property from use as a dwellinghouse to a mixed use comprising use as a dwellinghouse and use for dog breeding'. To facilitate this, the appeal site should be designated 'the Property' in section 2 of the notice rather than 'the Land'.
12. The word 'Permanently' at the beginning of requirement 1 in section 5 of the notice is superfluous in the light of the provisions of section 181 of the 1990 Act as amended and will therefore be deleted. The 'wire kennel' referred to in requirement 2 is more properly described as a 'wire cage'. Requirement 3 should include the words 'arising from compliance with requirements 1 and 2' and, for consistency with section 2 of the notice as amended, refer to 'the Property' rather than 'the site'. The notice will be corrected accordingly.
13. No injustice arises from any of the above corrections.

The appeal on ground (c)

14. In appealing against the enforcement notice on ground (c) the onus of proof is firmly on the Appellant to demonstrate on the balance of probabilities that, on the date that the notice was issued, the matter alleged in the notice did not constitute a breach of planning control. To this end, the Appellant contends that dog breeding was in fact incidental to the primary use of the appeal property as a dwellinghouse, rather than a distinct component of a mixed use that required express planning permission.
15. At the Hearing the Appellant confirmed that on the date that the notice was issued eight adult dogs, but no puppies, were being kept at the appeal property. All were German Shepherds used for breeding. Up to three of these dogs were also used in association with Mr Yates' security business. Six were accommodated in purpose-built kennels in the back garden and two in the house, but none was kept solely as a domestic pet. This is consistent with the

- Appellant's written submissions and is not contradicted or rendered less than probable by any other evidence before me.
16. The Appellant contends that the keeping of dogs on this scale and for such purposes was incidental to a primary use of the property as a dwellinghouse, rather than a distinguishable component of a mixed use. Her argument in this regard stems from the judgment in *Main v SSETR & S Oxon DC* [1999] JPL 195, in which it was found that ancillary or incidental⁵ uses are not distinguished by scale but, rather, by a functional relationship with the primary use. This finding is interpreted by the Appellant as an indicator that the scale of an activity cannot preclude a use from enjoying 'incidental' status as long as a functional relationship with the primary use is maintained.
 17. The Council is thus accused of focussing erroneously on the number of dogs at the appeal property and failing to pay sufficient regard to the functional relationship between dog breeding and residential use, such that there is no legal authority for the construction of the enforcement notice. The Appellant suggests that only if a 'dog breeding' planning unit separate from the dwellinghouse could have been identified would it have been possible for the notice to stand.
 18. There is no dispute between the parties that the appeal property as used on 11 October 2013 comprised a single planning unit and, applying the tests arising from the judgment in *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207, I concur. Nor do I disagree with the Appellant that there is a functional relationship between dog breeding and residential activity in this case, by simple reason of the fact the dogs are accommodated in part within the dwelling itself and are looked after by those that reside there.
 19. Nonetheless, on my reading of the *Main* judgment I find nothing therein to support the manner in which the Appellant has attempted to apply it in this case. On the contrary, the Appellant has paid insufficient regard to the specific context in which the concepts of scale and functionality were being addressed in that particular judgment. *Main* concerned a scrap metal yard where, amongst other things, the site was also used in part as a haulage depot. The Inspector had concluded that as haulage activities were relatively small and low key, they were 'ancillary' to the scrap yard.
 20. However, the Court found that the Inspector had misdirected himself in law as to the proper meaning of the term 'ancillary' by disregarding the fact that the haulage activities were not functionally related to the operation of the scrap yard. The point thus established was that, no matter how small-scale an activity is, there must be a functional relationship with a primary use for it to be ancillary to the latter rather than a distinct component of a mixed use (albeit that a mixed use may not exist if the activity is so low key as to be *de minimis*).
 21. This is quite different to saying, as the Appellant seems to imply, that a functional relationship alone is sufficient to secure ancillary status irrespective of scale. This being so, the Appellant is wrong to suggest that *Main* supersedes the Court's decision in *Wallington v SSW & Montgomeryshire DC* [1991] PL 942. Accordingly, I find no reason to question the soundness of my colleague's

⁵ The terms 'incidental' and 'ancillary' are interchangeable for the purposes of this appeal.

- conclusion on a similar appeal cited by the Council (APP/P4605/C/13/2197328 & 2197329), in which he followed the *Wallington* approach.
22. The Appellant also refers me to paragraph E.4 of Class E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended (the GPDO). This stipulates that, for the purposes of that Class, the term 'purpose incidental to the enjoyment of the dwellinghouse as such' includes the keeping of pet animal or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse without imposing a limit on the number of animals.
 23. However, Class E is of limited relevance to this appeal, being strictly limited to defining permitted development rights for the erection of outbuildings and similar structures within the curtilages of dwellinghouses. This being so, it could only apply to the kennels in the rear garden of No 21 rather than the use of the planning unit as a whole. In any event, in the light of *Wallington* the mere absence from Class E of a numerical restriction cannot reasonably be interpreted as an endorsement that the keeping of a limitless number of animals in domestic kennels, irrespective of species, property size and other relevant considerations, would be lawful.
 24. In *Wallington* it was held that activities such as the keeping of dogs in large numbers will amount to a material change of use if outside what could normally be expected to occur within a dwellinghouse and its curtilage. Scale is therefore an essential determinative of what might be held to be 'normal' and I do not find the Council to have disregarded functionality in this case by reason of its focus on numbers. Nonetheless, in *Wallington* the Inspector was not defining the level at which a material change of use would be involved but, in upholding a requirement in an enforcement notice that the number of dogs be reduced to no more than six, found simply that the six dog limit was not excessive in the circumstances of that particular case.
 25. The number of dogs that might trigger a material change of use is a matter of fact and degree and will differ from case to case depending on, amongst other things, the type and size of the dwellinghouse and the curtilage concerned. Additional considerations, such as the size of the dogs and the effect of physical changes made to accommodate them on the character of the property may also need to be factored in when determining whether or not the circumstances in question could 'normally' be expected to occur within such a setting. Indeed, similar principles apply to the identification of any incidental use, as confirmed by the judgment in *Pêche d'Or Investments v SSE* [1996] JPL 311.
 26. In this instance the Council had concluded that keeping three dogs at the appeal property, irrespective of size or purpose, represented the upper threshold of a use incidental to the dwellinghouse, as reflected by the stipulation to reduce numbers accordingly in requirement 1 of the enforcement notice. This stance was amended at the Hearing to three adult dogs plus an indeterminate number of puppies, albeit that a formal distinction between adult and puppy was not forthcoming. In marked contrast, the Appellant advanced the view that, should it be determined that numbers were relevant to incidental status, ten adult dogs plus puppies should be the appropriate threshold.
 27. I will revisit this question when addressing the appeal on ground (d). However, for the purpose of ground (c) it is sufficient for me to focus on the situation

- that existed on the date that the enforcement notice was issued and apply my own judgment to whether the keeping of eight adult dogs amounted to an incidental activity. In doing so, I am mindful that in *Wallington* it was found by the Court that the keeping of six dogs in a detached cottage in a relatively isolated village location, where the property was large enough to accommodate 16 dogs indoors and a further 25 outside, was seen by the Court as a 'generous' estimate of the number which might normally be kept in such a setting.
28. By contrast, the appeal property is a small mid-terraced house on an urban residential estate. Although the rear garden is sizeable for a dwelling of this nature, it accommodates a substantial kennels complex, capable of accommodating six dogs, which spans its full width and essentially divides it into two. The kennels alone were not capable of housing all the dogs present at the property in October 2013, some of which had to be kept indoors.
 29. Applying my own judgment and experience, I consider it beyond question that the keeping of so many large dogs in such a confined and restricted setting cannot 'normally' be expected to occur within a dwellinghouse of this kind and its curtilage. Indeed, I will go so far as to say that the numbers of dogs alone was sufficient in this case to create a mixed use that required express planning permission, given the amount of noise they would be likely to cause and irrespective of any change in character brought about by the kennels themselves or comings and goings generated by any business-related aspect of the breeding activity.
 30. Although no noise data has been provided by any party, it is a matter of common sense that several large dogs kept at a small residential property are more likely than not to generate noise significantly greater than would usually be associated with a dwellinghouse and thus change the character of the property, especially when accommodated outside. The numerous objections from neighbours point to this and I experienced it for myself when visiting No 21. The concept of a statutory nuisance pursuant to the Environmental Protection Act 1990 falls outside the remit of planning legislation and is not therefore an appropriate measure of character change in a planning context.
 31. I give no credence to the Appellant's assertion, made in the context of requesting a LDC, that 10 dogs plus offspring should be regarded as an incidental use. This claim is unsubstantiated and entirely without foundation. On the contrary, I find that, at the time that the enforcement notice was issued, the lesser number of dogs then kept in association with breeding was such that the activity could not reasonably be held to be incidental to the enjoyment of a dwellinghouse as such. It was therefore a distinct component of a mixed use, as alleged in the notice, and did not fall outside the definition of 'development' by reason of section 55(2)(d) of the 1990 Act as amended.
 32. The keeping of dogs, for whatever purpose, is not otherwise permitted development pursuant to the GPDO, nor does it fall within the parameters of any planning permission granted by the Council. I therefore conclude on the balance of probabilities that the matter stated in the enforcement notice amounted to a breach of planning control. Accordingly, the appeal on ground (c) fails.

The appeal on ground (d)

33. In appealing against the enforcement notice on ground (d) the onus of proof is firmly on the Appellant to demonstrate on the balance of probabilities that, at the date when the notice was issued, no enforcement action could be taken against the stated breach of planning control by reason of the passage of time. In this case, the Appellant must show that the material change of use from a dwellinghouse to the subject mixed use occurred more than ten years before the notice was issued (hereinafter referred to as 'the relevant period') and that the mixed use was continuous thereafter.
34. The material date is therefore 11 October 2003. It must also be borne in mind that the judgment in *Gabbitas v SSE & Newham LBC* [1985] JPL 630 makes it clear that if the local planning authority has no evidence of its own, or from others, to contradict or otherwise make the Appellant's version of events less than probable, there is no good reason to dismiss an appeal on ground (d), provided the Appellant's evidence alone is sufficiently precise and unambiguous.
35. In demonstrating her case, the Appellant relies primarily on a statutory declaration in which she sets out, in meticulous detail, the dates of tenure to the nearest month of every adult dog kept at the appeal property during her period of occupancy, which began in September 1998. Taking this evidence at face value, it appears that a maximum of 11 adult dogs have been kept at any one time during the relevant period (at several points going back as far as 2003) and a minimum of six (for a spell of three months from September to December 2004). All were German Shepherds or Rottweilers.
36. According to the Appellant, most of these dogs were registered with the Kennel Club. It is evident from the Kennel Club records before me, which I have no reason not to accept as authentic, that many more dogs than referred to in the declaration are listed as having been bred or owned by the Appellant over the years. At the Hearing it was confirmed that these were puppies born at the property, registered with the Club and sold on shortly afterwards.
37. I cannot fault the precision and unambiguousness of the Appellant's evidence and, this being so, turn to consider whether any other evidence before me contradicts her version of events or renders it less than probable. The Council and others present very little evidence which might conceivably do this. The former points out that the Kennel Club registration documentation before me is far from comprehensive. However, having regard to *Gabbitas*, corroboration in documentary form is not necessarily required to demonstrate the Appellant's case.
38. My attention is also drawn to the fact that evidence from the Appellant's accountant regarding tax liability dates back only to 2004. However, this in itself does not contradict the detailed claim made on oath that dogs were being bred at the property before that date, particularly when one bears in mind the Appellant's sworn statement that the activity is looked upon as a hobby rather than a commercial enterprise and that she often loses money when breeding a litter. In any event, business activity is but one potential determinant of when a material change of use from a dwellinghouse might have occurred. As *Wallington* demonstrates, numbers of dogs alone can be sufficient to trigger this.

39. This being so, I attach little credence to the view that a material change of use from a dwellinghouse (as distinct from one triggered by the intensification of the dog breeding component of a mixed use) occurred at some time between 2010 and 2012. The Council's conclusion to this effect is based on the fact that the Appellant did not join the Kennel Club's Assured Breeders Scheme until 2012 and that the neighbour complaints increased during that period. I appreciate that either might potentially mark a step change in dog breeding practice at the property. However, nothing before me suggests that was so significant as to trigger a departure from a low key, incidental activity.
40. Notably, there is no evidence of a significant change in the number of dogs during this two year spell. Moreover, whilst there may well have been a rise in the level of disturbance caused by dogs at the appeal property in recent years, to which several neighbours attest, this is unquantified and, if it has occurred, could be attributable to a variety of potential reasons. These might include an intensification of dog breeding activity (as distinct from a material change from a primary dwellinghouse use) or something as simple as a change in neighbour or the individual characters of the dogs themselves.
41. One neighbour who attended the Hearing reported observing only three dogs in the property's garden some years ago, but could not attribute his observation to a particular time within the relevant period. Nor was he in a position to confirm that those were the only dogs present within the property as a whole. There is general agreement between the parties that the existing kennels in the rear garden were constructed in 2006. However, no one disputes that they replaced original kennels erected in 2002 and utilised the same concrete base. Therefore, whilst the replacement development may be indicative of an intensification in dog-breeding activity in or around 2006, it was not necessarily the trigger for an initial material change of use from a dwellinghouse.
42. Slightly more tangible is an entry in the Council's records to the effect that, in or around February 2004, animal welfare officers reported to the environmental health section that three dogs were being kept in kennels in the garden of the appeal property and one indoors. However, this is nothing more than a two-line entry in the Council's documentation. The officers are not named, no written record of their findings or the nature/thoroughness of their investigation has been submitted and no Council officer with contemporary knowledge of the incident attended the Hearing. By contrast, the Appellant's statutory declaration records 10 adult dogs being kept at the premises at that time and names them all. By my reckoning, all but two appear in the submitted Kennel Club records.
43. I am mindful that the animal welfare officers may not have gained access to the whole of the property and that, at the time of their visit, dogs may have been sent elsewhere for breeding purposes or have been out with Mr Yates in connection with his security business. Mindful that the Appellant's evidence of dog breeding history is given on oath, is far more detailed than the Council's records and largely substantiated by documentation, I find on balance that it has greater substance and reliability than the Council's evidence to the contrary and that there is no good reason to question its accuracy. I therefore attribute substantial weight to it.
44. Accordingly I accept that, in all likelihood, at least six adult dogs were kept at the appeal property at all times during the relevant period and used in

association with breeding. I find that all six dogs that the Appellant claims were present from September to December 2004 are documented in the Kennel Club records before me and, moreover, that all were adults by that time. Having regard to *Wallington* I am mindful that, as I have already explained, the Inspector found simply that the keeping of six dogs was not excessive in the circumstances of that particular case rather than marking the threshold at which a material change of use took place. Moreover, that property was in all likelihood larger than 21 Rowan Avenue, yet six was still considered by the Court to be a generous measure of normality.

45. This being so, and again applying my own judgment to the particular circumstances of this case, I find the dwellinghouse to be of such limited size that the keeping of six adult German Shepherds or Rottweilers would have exceeded what would normally be expected to occur within its confines. Bearing in mind the level of noise likely to be caused by large dogs being kept outside and the effect of this on the character of the property it follows that, on the balance of probabilities, dog breeding activity was a distinct component of a mixed use requiring planning permission, rather than something incidental to the primary use of a dwellinghouse, continuously throughout the relevant period.
46. I cannot rule out the possibility that fluctuations in the level of dog breeding or other changes at the property may have, at some point, resulted in significant intensification of the dog breeding activity within the relevant period amounting to a further material change of use. However, no such possibility is alleged in the enforcement notice and, this being so and having regard to *Mia Carla*, it is not a matter for me.
47. I conclude that the Appellant has fulfilled the burden of proof in demonstrating that the material change of use from a dwellinghouse to the alleged mixed use took place prior to the beginning of the relevant period rather than during it and that a mixed residential/dog breeding use was continuous thereafter. It follows that no enforcement action could be taken against that change of use by the time that the notice was issued and, accordingly, the appeal on ground (d) succeeds.

Conclusion

48. For the reasons given above I conclude that the appeal should succeed on ground (d). Accordingly, the enforcement notice will be corrected and quashed. In these circumstances the appeals on grounds (f) and (g) do not need to be considered.

Formal decision

49. It is directed that the enforcement notice be corrected by:
 - (i) in section 2, the deletion of the word 'Land' and the substitution therefor of the word 'Property';
 - (ii) the deletion of the wording of section 3 in its entirety, with the exception of the heading, and the substitution therefor of the words 'Without planning permission, a material change of use of the Property from use as a dwellinghouse to a mixed use comprising use as a dwellinghouse and use for dog breeding.';
 - (iii) in requirement 1 in section 5, the deletion of the words 'Permanently reduce' and the substitution therefor of the word 'Reduce';

- (iv) in requirement 2 in section 5, the deletion of the word 'kennel' and the substitution therefor of the word 'cage'; and
- (v) in requirement 3 in section 5, the deletion of the words 'from the site' and the substitution therefor of the words 'arising from compliance with requirements 1 and 2 from the Property'.

50. Subject to these corrections, the appeal is allowed and the enforcement notice is quashed.

Alan Woolnough

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Simon Brett MRTPI	Managing Director, Brett Incorporated Ltd
Jessica Yates	Appellant
Anthony Yates	Appellant's husband

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Gest	Manager, Planning Investigations and Enforcement Team, Brighton and Hove City Council
Robin Hodgetts	Senior Planning Investigations Officer, Brighton and Hove City Council

INTERESTED PERSONS:

Fred Cooper	Local resident
Andrew Marcou	Local resident

DOCUMENT SUBMITTED AT THE HEARING

- 1 Letter to the Planning Inspectorate from Mr Brett, dated 7 April 2014, submitted by the Appellant

PLAN

- A Plan attached to the enforcement notice



Costs Decision

Hearing held and site visit made on 7 October 2014

by Alan Woolnough BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 November 2014

Costs application in relation to Appeal Ref: APP/Q1445/C/13/2208935 21 Rowan Avenue, Hove, East Sussex BN3 7JF

- The application is made under the Town and Country Planning Act 1990, sections 174, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mrs Jessica Yates for a full award of costs against Brighton and Hove City Council.
 - The Hearing was in connection with an appeal against an enforcement notice alleging: 'Without planning permission to [*sic*] change of use from residential to a mixed use for residential and dog breeding'.
-

Formal Decision

1. The application for an award of costs is refused.

The Submissions for Mrs Yates

2. A full award of costs is sought by Mrs Yates against the perceived unreasonable behaviour of the Council in issuing the subject enforcement notice and defending it on appeal. The Applicant makes no reference to the costs guidance contained in the DCLG's Planning Practice Guidance (PPG) or the costs circular¹ it has replaced. Nonetheless, I have had regard to the PPG in determining the application.
3. The costs application was made primarily in writing prior to the Hearing (in the Applicant's 'grounds of appeal' letter dated 14 November 2013 and, subsequently, in section 4 of her Hearing statement). That being so, I need summarise only the supplementary and final comments made orally at the Hearing itself, as follows.
4. There are so many inconsistencies in the Council's case and its approach to the enforcement notice that confusion has arisen over various matters. This also applies, to an extent, to the Council's representations at the Hearing. Indeed, local residents have expressed concern that the Council is not acting in their best interests.
5. The Council implies that its planners have pursued this case on behalf of environmental health. However, the environmental health officer's notes suggest that there was no basis for environmental health to take action. The corporate approach seems to be that 'any which way' of preventing the breeding of dogs at the appeal property is acceptable. An award of costs

¹ Circular 03/2009: The award of costs in planning and other proceedings, cancelled on 6 March 2014.

relating to unreasonable behaviour in pursuing enforcement action and the content of notice itself is therefore justified.

The Response by the Council

6. The nature of the breach of planning control is complex, to the extent that it has warranted a full day of discussion at the Hearing. The case was referred to the Council's planning officers by environmental health colleagues, for whom it had been a longstanding issue. The Council's general approach to taking planning enforcement action has thus been founded on, amongst other things, the research of environmental health and the Applicant's response to the Council's Planning Contravention Notice.
7. Much reference has been made to the specifics of the enforcement notice and its particular requirements. However, the notice was based in part on an appeal decision relating to a case elsewhere, where an enforcement notice framed in similar terms was upheld by the Inspector². The Council has not therefore behaved unreasonably in pursuing enforcement action and unnecessary or wasted expense has not been incurred.

Reasoning

8. The PPG advises that costs may be awarded where a party has behaved unreasonably and the unreasonable behaviour has directly caused another party applying for costs to incur unnecessary or wasted expense in the appeal process.
9. As part of the costs application the Applicant has challenged the expediency of issuing the enforcement notice. However, expediency is dependent on whether the alleged breach of planning control is harmful in planning terms to interests of acknowledged importance, yet no argument to that effect has been made on the Applicant's behalf by means of an appeal against the notice on ground (a). In the absence of a ground (a) case, I have not been able to assess the planning merits of the subject use and examine matters such as whether the consequences of dog breeding *per se*, as distinct from the keeping of several large dogs at the property, justified enforcement action. Such arguments cannot therefore form the basis for an award of costs in this case.
10. Contrary to the Applicant's assertion, there is no sound reason why an appeal on ground (a) could not have been pursued, irrespective of her concerns regarding the validity or fairness of the enforcement notice. Such an appeal would only have fallen to be determined in circumstances where arguments on validity and the appeal on ground (c) had failed (in tandem with the failure of the case on ground (d)). Consequently, the question of whether there had been a material change to a mixed use, as distinct from the continuation activity incidental to a primary use as a dwellinghouse, would already have been explored.
11. Moreover, the apparent assumption that a grant of planning permission on ground (a) would inevitably be subject to a condition restricting the number of dogs at the appeal property to three is ill-founded. In granting permission the Inspector is not bound by the requirements of the enforcement notice. The scope of the deemed planning application associated with an appeal on ground (a) is defined by the wording of the alleged breach of planning control set out

² Appeal decisions ref nos APP/P4605/C/13/2197328 & 2197329.

- in the notice, not its requirements. Accordingly, there would have been no disadvantage to the Applicant in seeking a planning permission, other than the payment of a fee. In any event, the Applicant would have enjoyed a further right of appeal against any condition that might be imposed.
12. I give no credence to the suggestion that a perceived problem of the kind targeted by the notice should have been pursued by environmental health under the provisions of the Environmental Protection Act 1990. A breach of planning control has clearly occurred, as reflected in my finding on ground (c). In such circumstances it is a matter of logic that it must be possible to remedy that breach by means within the parameters of planning enforcement legislation, irrespective of whether there might be other ways of pursuing the matter.
 13. Turning to the specific wording of the alleged breach of planning control, there is no reason why this should necessarily distinguish between dog breeding undertaken on a commercial basis and that which might be pursued as a domestic hobby. I have explained in the context of determining the appeal on ground (c) that the keeping of a large number of dogs at a residential property can be subject to planning control, irrespective of whether there is a functional relationship between that activity and residential use, and need not repeat my reasoning here.
 14. In this case, the notice targets all types of dog breeding carried on at the property, without qualification, and falls to be considered and challenged on that basis. It is not unreasonable to word the allegation in this way, as the *Mansi* doctrine³ essentially ensures that a notice cannot take effect against a lawful incidental use. Had my determination of the appeal progressed as far as the case on ground (f), it would have been open to me to consider varying the requirements of the notice so as to accord with *Mansi*, in the event that I found shortcomings in that regard.
 15. The Applicant expresses the view that requirement 1 of the notice is excessive in specifying a reduction in the number of dogs kept at the property to three without drawing distinction between adults and puppies, dogs kept for breeding and as domestic pets and different sizes of dog. Having allowed the appeal on ground (d) there has been no need for me to address this question in determining the appeal, where it would have fallen to be addressed under ground (f). Nonetheless, I am still able to consider, in the context of this costs decision, the principles that would have applied to a ground (f) determination.
 16. There are no relevant permitted development rights that apply in this case to levels of use. Nor is there any threshold defined by statute, case law or guidance that draws a firm distinction between the keeping of dogs on a scale that requires planning permission and that which could be held to be incidental to the enjoyment of the dwellinghouse as such. An assessment of where the line should be drawn is therefore a matter of fact and degree and requires judgment to be exercised by the decision-maker.
 17. In this case, the Council initially determined that three dogs, irrespective of age, size or purpose, was the relevant limit, but conceded at the Hearing that puppies need not be included in the count. Even had I determined the appeal on ground (f) and found that a reduction to three dogs plus puppies, without

³ A long-established principle arising from the judgment in *Mansi v Elstree RDC* [1964] 16 P&CR 215.

- further qualification, exceeded what was necessary to remedy the breach of planning control, the fact that the Council had concluded otherwise is not in itself unreasonable in circumstances where setting a dividing line is essentially a subjective exercise. Moreover, in issuing a notice of this kind it would have been impractical to build in distinctions between dogs kept for breeding and as household pets, given that some animals could be held to fulfil both roles and any such differences would be difficult to discern for purposes of monitoring and enforcement.
18. Nor would it have been sensible to specify that the numerical limit should apply only to certain sizes or breeds of dog, despite the fact that a group of small dogs would be less likely to trigger a material change of use than the same number of large dogs. The permutations in this regard are almost endless and would be virtually impossible to incorporate into the requirements of a notice. Indeed, it is notable that no such distinctions were drawn in the enforcement notice upheld by the Court in the case of *Wallington v SSW & Montgomeryshire DC* [1991] PL 942. It is also pertinent that numerous appeal decisions made in the wake of *Wallington*, including the example referred to by the Council in its response to this costs application, have not sought to qualify requirements in this way.
 19. The question of whether or not a distinction should have been drawn in the notice between puppies and adult dogs is more finely balanced. Although I have not been required to determine the appeal on ground (f), it is nonetheless reasonable to conclude for the purposes of this costs decision that, in this particular case, the keeping of three dogs at the appeal property would be incidental to the enjoyment of the dwellinghouse as such. However, given that the dogs are used for breeding, it is highly likely that such a low threshold would be breached whenever a litter, which on the Applicant's evidence generally comprises five to ten German Shepherd puppies, was born.
 20. Following discussion of the matter at the Hearing the Council acknowledged this difficulty and conceded that puppies need not be subject to the limitation on numbers imposed by requirement 1 of the notice. Nonetheless, the Appellant had by then devoted text in her statements and time at the Hearing to the absence of a distinction between puppies and adult dogs from the notice as issued. I have therefore considered, for the purposes of this costs decision, whether this omission was so illogical or perverse that it amounted to unreasonable behaviour on the part of the Council.
 21. I am mindful that a single litter would be kept in the house rather than the garden and would be unlikely to generate significant noise or other activity discernible from outside the appeal property, even taking into account the viewings of potential purchasers. On the evidence before me there is no good reason why newly-born puppies need be retained at the property for more than a few weeks before being re-homed. I therefore find that, in all likelihood, the short periods of time for which puppies would swell the numbers of dogs beyond three would be *de minimis* for the purposes of planning enforcement such that, overall, dog breeding at the property on that limited scale would remain incidental to the primary residential use.
 22. I also note that neither the *Wallington* notice nor the example cited by the Council excluded puppies from the requirements and that the latter specifically concerned dog breeding. Moreover, *Cord v SSE* [1981] JPL 40 makes it clear

that obvious integral or ancillary activity need not be given special protection in the requirements of a notice. This is not to say that, had I determined the appeal on ground (f), I would have agreed with the stringency of the Council's initial approach. Nonetheless, I am content that the strict terms of requirement 1 stemmed legitimately from a subjective judgment rather than a flaw in the notice and did not preclude the continuation of dog breeding on an incidental scale.

Conclusion

23. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

Alan Woolnough

INSPECTOR

