





**Brighton & Hove
City Council**

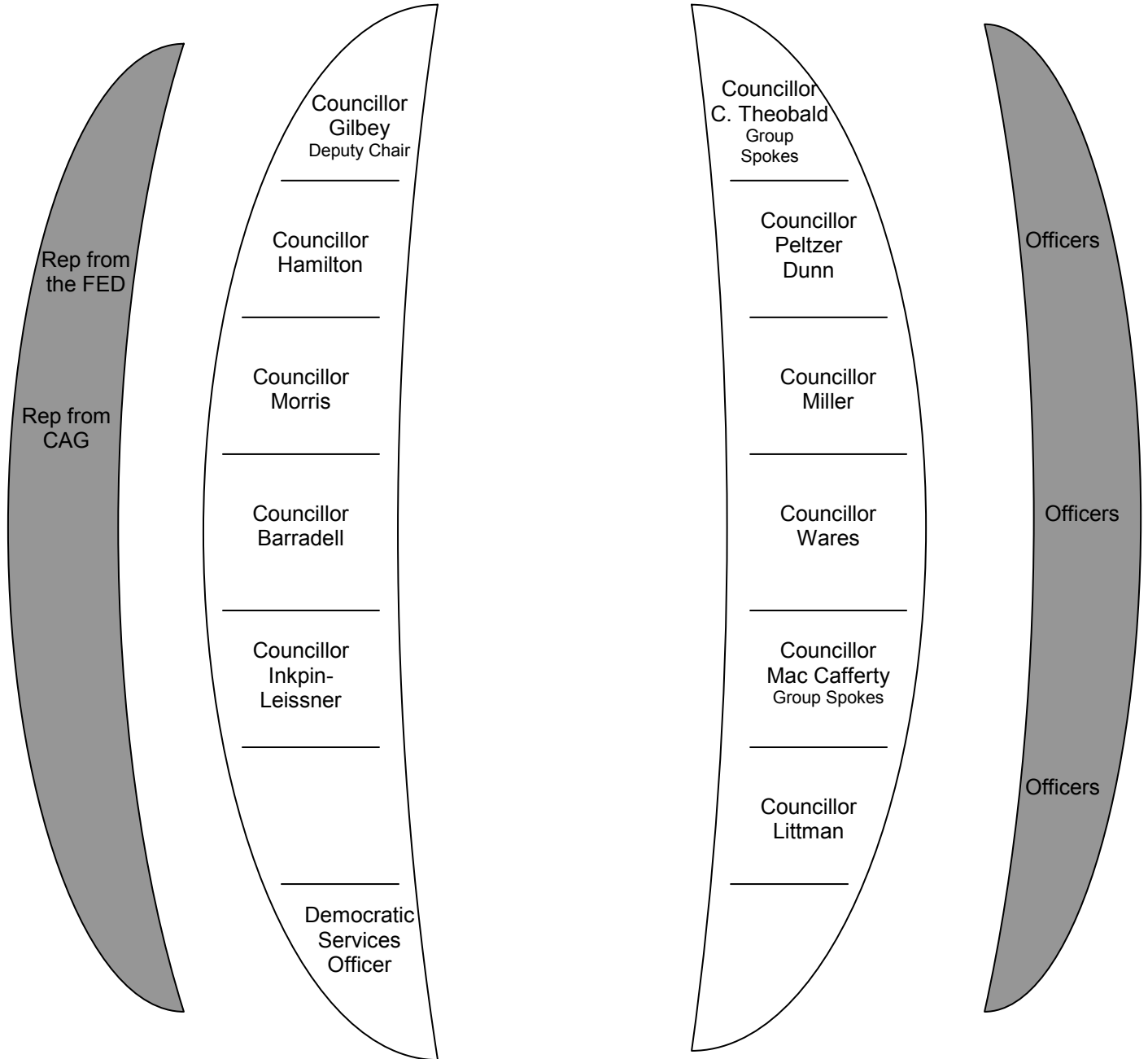
Planning Committee

Title:	Planning Committee
Date:	15 July 2015
Time:	2.00pm
Venue	The Ronuk Hall, The Ronuk Hall, Portslade Town Hall
Members:	<p>Councillors: Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Hamilton, Inkpin-Leissner, Littman, Miller, Morris, Peltzer Dunn and Wares</p> <p>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Penny Jennings Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

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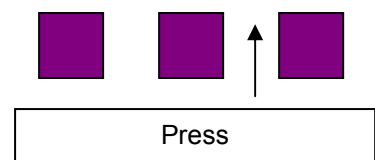
Democratic Services: Planning Committee

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



AGENDA

25 PROCEDURAL BUSINESS

(a) Declaration of Substitutes: Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.

(b) Declarations of Interest or Lobbying

- (a) Disclosable pecuniary interests;
- (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'.

PLANNING COMMITTEE

- 26 MINUTES OF THE MEETING HELD ON 3 JUNE 2015** **1 - 10**
Minutes of the meeting held on 3 June 2015 (copy attached)
- 27 MINUTES OF THE PREVIOUS MEETING** **11 - 26**
Minutes of the meeting held on 24 June 2015 (copy attached).
- 28 CHAIR'S COMMUNICATIONS**
- 29 PUBLIC QUESTIONS**
Written Questions: to receive any questions submitted by the due date of 12 noon on 8 July 2015.
- 30 APPLICATION BH2007/01591, EBENEZER CHAPEL, RICHMOND PARADE, BRIGHTON** **27 - 34**
Request for a variation of a Section 106 agreement dated 31 March 2008 signed in association with BH2007/01591 – Report of the Executive Director of Environment Development and Housing (copy attached)
- 31 APPLICATION BH2008/01148, BLOCK K OFFICE DEVELOPMENT, BRIGHTON STATION SITE, BRIGHTON** **35 - 44**
Request for a Deed of Variation to Section 106 Agreement dated 17 June 2010 associated with planning permission BH2008/01148 – Report of the Executive Director of Environment, Development and Housing (copy attached)
- 32 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**
- 33 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 BH2015/00395, 251-253 Preston Road, Brighton - Full Planning** **45 - 70**
Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 25no apartments (C3). Erection of 7no single dwelling houses (C3) to rear of site to provide a total of 32no residential units,

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incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.

RECOMMENDATION – REFUSE

Ward Affected: Withdean

MINOR APPLICATIONS

B BH2014/01031, Marlborough House, 54 Old Steine, Brighton 71 - 90 - Full Planning

Change of use from offices (B1) to single dwelling house (C3) with associated alterations including infill of some rear windows, replacement of rooflights and insertion of rear dormer.

RECOMMENDATION – GRANT

Ward Affected:Regency

C BH2014/01032, Marlborough House, 54 Old Steine, Brighton 91 - 108 - Listed Building Consent

Change of use from offices (B1) to single dwelling house (C3) with associated internal alterations to layout and external alterations including infill of some rear windows, replacement of rooflights and insertion of rear dormer.

RECOMMENDATION – GRANT

Ward Affected:Regency

D BH2015/00195, 132 Longhill Road, Brighton - Full Planning 109 - 124

Erection of 1no two bedroom detached dwelling with detached garage and 1no three bedroom detached dwelling with revised access from Wanderdown Road, Brighton with associated landscaping and works.

RECOMMENDATION – GRANT

Ward Affected: Rottingdean Coastal

E BH2015/01472,Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House Clarendon Road & Garages 1-48 Ellen Street, Hove - Council Development 125 - 144

Installation of insulated rendering to all elevations, new coverings to roof and replacement of existing windows and doors with double glazed UPVC units. Installation of windows and louvered smoke vents to existing open stairwells to Clarendon House, Ellen House and Goldstone House and alterations including repair and remedial works.

RECOMMENDATION – REFUSE

Ward Affected: Goldsmid

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- F BH2015/01291, 3 Sylvester Way, Hove - Householder Planning Consent** **145 - 156**
Erection of single storey front, side and rear extension.
RECOMMENDATION – REFUSE
Ward Affected: Hangleton & Knoll

- 34 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

- 35 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS** **157 - 158**
(copy attached).
- 36 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)** **159 - 292**
(copy attached)
- 37 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE** **293 - 296**
(copy attached).
- 38 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES** **297 - 298**
(copy attached).
- 39 APPEAL DECISIONS** **299 - 332**
(copy attached).

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

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

PLANNING COMMITTEE

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

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

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

Date of Publication - Tuesday, 7 July 2015

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 3 JUNE 2015****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Allen, Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller and Wares

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager), Nicola Hurley (Planning Manager – Applications), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

PART ONE**1 PROCEDURAL BUSINESS**

1.1 The Chair welcomed everyone to the first meeting of the Planning Committee in the 2015/16 Municipal year. Particular welcome was extended to new and returning Members on the Committee, and the Chair stated she was looking forward to working with colleagues in the future.

(A) Declarations of substitutes

1.2 Councillor Allen was present in substitution for Councillor Morris and Councillor Bennett was present in substitution for Councillor Peltzer Dunn.

(B) Declarations of interests

1.3 The Chair declared interests in respect of applications BH2015/00439 – 68 Davigdor Road and BH2015/01083 – 14 Sandringham Close as she has worked professionally with the applicant and agent respectively. The Chair confirmed that she was of an open mind and she would remain present during the consideration and vote on each application.

(C) Exclusion of the press and public

1.4 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.

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

(D) Use of mobile phones and tablets

- 1.6 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 'airplane mode'.

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 13 May 2015 as a correct record.

3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair gave the following communications:

"I'm sure it hasn't escaped anyone's notice that there was an election last month; congratulations to you all on your success in getting re-elected or, like me, elected for the first time. We're very fortunate on this committee to have a good mix of old and new hands and I'm happy to say that there's a lot of enthusiasm from both for what is often considered to be a dull subject. But far from it, Planning is one of the more important functions of the Council. Every time we make a decision here or under delegated powers, be it a major scheme or a modest rear extension, it can help to stimulate our economy and make a positive difference to peoples' lives. I'd like us all to remember that.

I'd like to thank members who attended yesterday's site visits which I know will be extremely helpful in making our decisions today. After the site visits, most of us attended a presentation of two schemes that will be coming in as major applications in the near future. Again, they were very helpful and informative. I'd like to encourage all members to attend these in future. Thanks very much to the officers for organising the presentation and for staying that little bit later than expected."

4 PUBLIC QUESTIONS

- 4.1 There were none.

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

- 5.1 There were no further requests for site visits in relation to matters listed on the agenda.

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**A BH2015/00513 - The Brighton Wheel, Upper Esplanade, Daltons Bastion, Madeira Drive, Brighton - Removal or Variation of Condition**

6.1 This application was deferred from the agenda.

B BH2015/00439 - 68 Davigdor Road, Hove - Full Planning - Conversion of first floor flat and loft to create 3 no. flats including rear dormers and balcony, side dormer and front rooflights, removal of chimney stacks and additional rear window and doors at first floor level.

- (1) It was noted that the application had been deferred from the previous meeting to allow a site visit to take place.
- (2) The Planning Manager (Applications), Nicola Hurley, introduced the applications by reference to photographs, plans and elevational drawings. The site related to a two-storey property of the southern side of Davigdor Road. The application sought permission to convert the existing flat into three flats: two on the first floor and one in the converted loft space – the scheme sought other alterations including balconies, dormers and roof lights. Attention was drawn to the additional representations and the main considerations related to principle of the use, the standard of the proposed accommodation, the impact, traffic and sustainability considerations.
- (3) The application was seeking the sub-division of the unit, and the applicant had provided information in the form of estate agents' details, photographs and layouts to demonstrate that the property had four bedrooms as originally built. Although the downstairs neighbours had refuted this and submitted some additional estate agents' details to counter this case the Local Planning Authority was satisfied that this was not the case on the balance of all the evidence provided. As two of the proposed units would be two bedroom properties this was in compliance with policy. The proposed alterations were similar to those undertaken at No. 66 and whilst these works had been completed before the adoption of SPD 12 the relevant guidance on roof alterations in relation to both applications had been the same at this time. The guidance required the dormer to align, but given the size and scale they were considered acceptable. It was noted that the bedroom on the second floor would have some loss of space due to the roof slopes, but this was not considered sufficient reason to warrant refusal. Transport and sustainability matters were considered acceptable, and the application was recommendation for approval for the reasons set out in the report.

Questions for Officers

- (4) In response to Councillor Barradell it was explained that the relevant section of policy confirmed that the number of bedrooms should be considered by the standard of when the building was originally constructed.
- (5) In response to Councillor Miller it was clarified that there was currently no access to the loft space, and therefore, this area would not have been used in the calculation of floor space, only the space on the first floor. Following a further query it was confirmed by

the Senior Solicitor, Hilary, Woodward, that as far as she was aware there was no legal definition or defined size of a bedroom.

- (6) In response to queries from Councillor C. Theobald it was confirmed that soundproofing fell outside the remit of the Committee and would be captured through Building Control legislation. In relation to the previous refusal of the scheme this had been due to the inaccuracy of the plans; the size of the bedrooms in the proposed second floor flat were also confirmed.
- (7) Councillor C. Theobald asked further questions about soundproofing, and the Senior Solicitor, Hilary Woodward, highlighted the advice received from the Building Control section that the works must achieve Building Control standards (these less onerous than for a new build), a series of sound tests would be undertaken before any sign-off and these results must be presented to the Authority for Building Control records. In response to a further point in relation to soundproofing from Councillor Miller the Planning & Building Control Applications Manager explained that she had taken advice from the Building Control Manager that standards for soundproofing needed to be achieved.
- (8) In response to Councillor Inkpin-Leissner it was explained the details from the estate agent were one of a number of pieces of evidence that had been submitted by the applicant; the Case Officer had also undertaken a site visit and was satisfied that the building was four bedrooms as originally built – there was also history of a similar layout at No. 66.
- (9) In response to Councillor Barradell it was confirmed that Officers were of the view that the impact on the amenity of the neighbouring property downstairs was not so significant to warrant refusal. In response to a further query the Planning Manager clarified the policy hurdles that needed to be overcome in this type of conversion.
- (10) Councillor Inkpin-Leissner asked specific questions in relation to the construction period; in response Officers clarified that these were not material consideration on a scheme of this size. The Chair clarified that such issues were controlled through Environmental Health legislation which had to power to operate much more reactively; breaches of notices served by Environment Health would be a criminal offence.
- (11) In response to Councillor Gilbey it was explained that a conversion would not be expected to meet the same level for lifetime homes standards as new builds; where this would be partially met appropriate conditions would be attached.
- (12) In response to Councillor Miller it was confirmed that there was no off-street parking associated with the property; the units on the lower ground floor were in use as workshops.

Debate and Decision Making Process

- (13) Councillor Wares noted he was satisfied that the property was originally built with four bedrooms; in relation to the concerns expressed about soundproofing he was satisfied with the assurance received from Officers, and he would support the Officer recommendation.

- (14) Councillor C. Theobald felt the application was borderline acceptable, and she acknowledged to amenity concerns for the downstairs neighbour. On balance she would support the Officer recommendation.
- (15) Councillor Inkpin-Leissner noted that the fourth bedroom could have been a nursery and Officers confirmed that a nursery would be classed as a bedroom..
- (16) Councillor Miller stated he was of the view that the property had originally been built with four bedrooms; whilst he had concerns in relation to soundproofing he acknowledged there was an appropriate route to deal with any issues through Environment Protection. He went on to add that the proposed alterations would improve the building and there was a need for more homes in the city.
- (17) Councillor Mac Cafferty acknowledged the concerns of neighbours; however, he was confident that there was appropriate legislation to protect residents and amenity – for these reasons he would support the Officer recommendation.
- (18) In response to a query from Councillor Barradell Officers confirmed the roof lights on the front of the property were in compliance with policy. Councillor Barradell went on to acknowledge that similar alterations had been undertaken next door, and her only reservation related to the property being the only one on the street with roof lights at the front.
- (19) Councillor Littman acknowledged the concerns expressed by the downstairs neighbour, but he felt there were no planning grounds to refuse the application.
- (20) Councillor Inkpin-Leissner noted he would support the Officer recommendation.
- (21) The Chair stated on balance she felt there was sufficient evidence to prove the property had originally been built with four bedrooms; she felt the amenity concerned could be addressed by other legislation to protect this.
- (22) A vote was taken and the Officer recommendation that Planning permission be granted was unanimously carried.

6.2 **RESOLVED:** 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.

C BH2015/01083 - 14 Sandringham Close, Hove - Householder Planning Consent - Erection of single storey side and rear extension, demolition of rear garage and associated alterations.

- (1) It was noted that the application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The

site related to a semi-detached property on the northern side of the road. Planning permission was sought for a single side and rear extension. The relevant policy in relation to the application was SPD 12 for householder alterations; this guidance stated that extensions should respect the design and scale of the building. It was considered that the proposed extension would be unsympathetic; the proposed roof line would be awkward and disjointed and most affect the properties to the east and west, in particular it was considered that the impact on No. 15 would be unacceptable and overbearing. For these reasons the application was recommended for refusal.

Public Speaker(s) and Questions

- (3) Prof. Alan Phillips spoke in support of the application in his capacity as the architect for the scheme. He used visuals to demonstrate what could be built at the site under permitted development rights, and it was noted that similar additions had been made elsewhere in the street. The scheme sought to allow the property to have a larger kitchen, and there was only one section of the scheme that could not be permitted under permitted development rights.. At a nearby site on Elizabeth Avenue a similar scheme for a wraparound extension on an identical host property had been granted consent. It was concluded that the scheme would not harm the character of the area, and the Committee were asked to approve it.
- (4) Prof. Phillips confirmed for Councillor C. Theobald that the similar scheme at 46 Elizabeth Avenue had been refused by the Local Planning Authority, but granted permission at appeal.
- (5) In response to Councillor Wares Officers provided the Committee with the proposed elevational drawings for the scheme at Elizabeth Avenue.

Questions for Officers

- (6) In response to Councillor Mac Cafferty the visuals of the current and proposed footprint were shown to the Committee. In response to a further question it was explained that the application could not be achieved through permitted development as there was one aspect that needed planning permission.
- (7) In response to Councillor Barradell it was explained that matters of amenity could only be considered with a prior approval application if there were objections; where a planning application was required the Local Planning Authority was able to consider all relevant matters included amenity.
- (8) It was confirmed for Councillor Inkpin-Leissner that whilst the applicant could technically undertake the scheme in a piecemeal approach; this would be unlikely because of the finished internal configuration the scheme sought to achieve.
- (9) In response to Councillor Wares it was clarified that whilst a larger rear extension would be possible under permitted development, without the wraparound element, there would still be the right of objection from neighbours. When neighbours objected Officers were able to consider amenity issues, and there could be no guarantee that such a scheme would get permission.

- (10) In response to Councillor Bennett the depth of the extension and the distance to the rear wall of the scheme at 46 Elizabeth Avenue were clarified.
- (11) It was confirmed for Councillor Mac Cafferty that the permitted development elements were not listed in the planning history as they had not been the subject of a planning application – the works to No. 13 were listed in the report as they had.
- (12) In response to Councillor Gilbey it was explained that the application at 46 Elizabeth had not had the amenity issues associated with this scheme. Every application was considered on its merits and it was the view of Officers that this scheme was harmful to both design and amenity.
- (13) In response to Councillor Littman it was confirmed that the scheme at 46 Elizabeth was refused for reasons relating to over-dominance and poor design.

Debate and Decision Making Process

- (14) Councillor Mac Cafferty stated that he was of the view the harm to the building had already been caused through permitted development alterations to the roof; the scheme before the Committee would not harm neighbouring amenity, and did not feel awkward or disjointed. For these reasons he would not support the Officer recommendation.
- (15) Councillor Barradell stated that properties in the street already had a number of extensions and additions; she stated that she was minded to not support the Officer recommendation.
- (16) Councillor Littman also noted he was minded to not support the Officer recommendation and made reference to the support from immediate neighbours.
- (17) Councillor C. Theobald noted the harm that had been caused to the building through the permitted development alterations; she stated she could see the merits of both sides of the argument, but felt the policy was clear on these types of alterations. For these reasons she would support the Officer recommendation.
- (18) Councillor Miller noted he would be voting against the Officer recommendation as he agreed with the points raised by Councillors Mac Cafferty and Barradell; he felt the application was an opportunity to actually improve the amenity.
- (19) Councillor Allen noted that it was often important these older types of homes be adapted to suit modern living.
- (20) Councillor Inkpin-Leissner noted that much of the scheme would be permissible through permitted development rights; for this reason he would not support the Officer recommendation.
- (21) Councillor Bennett stated she would not support the Officer recommendation.
- (22) Councillor Gilbey stated the roof was overbearing and too large.

- (23) The Chair stated that the cumulative impact of the proposal was too great, and she would support the Officer recommendation to prevent undermining the SPD.
- (24) A vote was taken and the Officer recommendation that permission be refused was not carried on a vote of 4 in support with 8 against. The reason for approval was proposed by Councillor Mac Cafferty and these were seconded by Councillor Inkpin-Leissner. The reason was then read to the Committee to confirm it reflected what had been discussed. A recorded vote then taken and Councillors: Mac Cafferty, Barradell, Bennett, Inkpin-Leissner, Littman, Miller, Allen and Wares voted that planning permission be granted and Councillors: Cattell, Gilbey, C. Theobald and Hamilton voted that planning permission be refused.
- 6.3 **RESOLVED:** That the Committee has considered the Officer recommendation, but resolved to **GRANT** planning permission for the following reason, and subject to additional conditions for standard time, materials to match existing and drawings:
- i. The proposed development would not harm the building or the amenity of neighbouring occupiers, and neither would it create unduly prominent extensions. The proposed development does not therefore contravene policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.

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

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

8 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

- 9.1 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 Chair and Deputy Chair 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.]

10 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

11 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

12 APPEAL DECISIONS

12.1 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 3.30pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 24 JUNE 2015****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

Present: Councillors Gilbey (Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Allen, Barradell, Bennett, Hamilton, Littman, Miller, Morris, Robins and Wares

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

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager); Nicola Hurley (Planning Manager – Applications); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

PART ONE**13 PROCEDURAL BUSINESS****(A) Declarations of substitutes**

13.1 Councillor Allen was present in substitution for Councillor Inkpin-Leissner and Councillor Robins was present in substitution for Councillor Cattell.

(B) Declarations of interests

13.2 Councillor Morris declared an interest in respect of application A) BH2015/00513, Brighton Wheel, Upper Esplanade, Daltons Bastion, Madeira Drive, Brighton. He explained he had discussed the application with local residents prior to being elected in May 2015; however, he confirmed he remained of a neutral mind and would remain present during the consideration and vote on this application.

13.3 Councillor Morris also declared an interest in respect of application E) BH2015/00360, 38 Queen's Gardens, Brighton. He explained he lived in the area, but had not expressed a view in relation to the application. He confirmed he remained of a neutral mind and would remain present during the consideration and vote on this application.

13.4 Councillor Littman declared an interest in respect of application A) BH2015/00513, Brighton Wheel, Upper Esplanade, Daltons Bastion, Madeira Drive, Brighton. He

explained he had been the Deputy Chair of the Policy & Resources Committee, holding the Finance Portfolio, at the time the loan was agreed for the nearby i360. He confirmed he remained of a neutral mind and would remain present during the consideration and vote on this application.

(C) Exclusion of the press and public

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

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

(D) Use of mobile phones and tablets

13.7 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 ‘airplane mode’.

14 MINUTES OF THE PREVIOUS MEETING

14.1 It was noted there were some formatting issues with the minutes and it was agreed these should be deferred to the next meeting to allow this to be rectified.

15 CHAIR'S COMMUNICATIONS

15.1 The Deputy Chair, acting as the Chair for the meeting, noted that application C) BH2014/03875 22 Carden Avenue, Brighton had been deferred following the receipt of late representations raising new material considerations. It was expected the application would be considered at the following meeting.

16 PUBLIC QUESTIONS

16.1 There were none.

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

17.1 There were no further requests for site visits in matters listed on the agenda.

18 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2015/00513, Brighton Wheel, Upper Esplanade, Daltons Bastion, Madeira Drive, Brighton- Removal or variation of condition - Application for variation of condition 3 of application BH2011/00764 (Erection of a 45 metre high observation wheel including extension of promenade over beach, new beach deck, ancillary plant, queuing areas, ticket booths and merchandise kiosk (for a temporary period of 5 years,

except beach deck which is permanent)) to extend the temporary period for a further five years until 19 May 2021.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Maria Seale, introduced the application and gave a presentation with reference to plans and photographs. The application had been deferred from the previous meeting following the receipt of a late representation referencing recent planning case law; during the deferral Officers had also received clarification from Historic England and the report had been updated. The applicant was seeking a further temporary permission for five years as the current permission expired in 2016. The original permission was granted as temporary for the following reasons: to safeguard the visual amenity of the area; to ensure the future strategic planning of the seafront and allow the operation of the wheel to be monitored. These considerations needed to be again assessed with the new permission; the application was deemed acceptable in terms of positive impact on the local economy and tourism. As stated in the report matters relating to the i360 were not material to the consideration of this application. The main policy changes relating to this application were the City Plan, which was at a late stage of formal adoption, and the NPPF. The City Plan policies were given significant weight, and it was noted that the Corporate Seafront Strategy was at a very early stage and limited weight was placed on it in terms of planning decisions.
- (3) It was considered that the 2011 application had been compliant with policy, and this was the case with the City Plan as the application added to the tourism offer in the city and served to help regenerate this area of the seafront. This area of the seafront was already identified for sports facilities and family attractions; and the NPPF was also given significant weight in terms of the application supporting economic growth. Whilst the Wheel had not been as successful as the applicant had originally envisaged it did contribute to regeneration and was considered a tourism asset to the city.
- (4) The site was located in the East Cliff Conservation Area and there were a number of listed buildings located near to the site. The main heritage considerations were set out in the report and the Council had been mindful of its statutory role to protect heritage sites and conservation areas. The NPPF gave weight to the preservation of heritage assets, and stated that where substantial harm would be caused an application would normally be refused unless there were substantial public benefits. There had been a number of concerns in relation to the visual impact of the Wheel; it was acknowledged that some harm was caused, but Officers were of the view this was not substantial and Historic England had also noted they did consider the harm to be *significant*. There had been no objection from either the CAG or the local amenity society, and the temporary nature of the scheme allowed any harm to be undone. It was also considered that the harm was outweighed by the economic and tourist benefits to the city. In conclusion it was noted that the relationship with the surrounding area was the same as when the original permission was granted and there had been no operational issues; the wheel was not considered to cause substantial harm and the application was recommended to be minded to grant for the reasons set out in the report.

Public Speaker(s) and Questions

- (5) Glynn Jones spoke in objection to the scheme; he confirmed he was representing local residents in the vicinity of the application site. He noted the Kingscliffe Society was the amenity group for the area and represented local residents that were of the view that the scheme had a harmful impact on their lives, and at no point had the homes of any residents been visited to assess the impact. The NPPF stated that the harm should be balanced against the public benefits of the scheme. The Wheel would 'tower' above the Volks Railway redevelopment scheme, and the claims in relation to the economic benefits were refuted as the Wheel did not bring any new tourists to the city, and it was noted that the Economic Partnership had queried the benefits. It requested that if permission were granted this should only be until the opening of the i360 following which the area should be turned into green space.
- (6) In response to Councillor Robins the speaker clarified he had made reference to a proposed Volks Railway/Aquarium redevelopment.
- (7) In response to Councillor Miller the speaker used a visual imagine to clarify that some residents had completely lost their sea views as a result of the scheme.
- (8) Ian Coomber spoke in support of the application in his capacity as the agent acting on behalf of the applicant. He reiterated points made in the Officer presentation that the temporary permission had been to assess harm and that consideration of matters in relation to the i360 were not material to the scheme. He commended the robust and comprehensive Officer report; he stated that the application adhered to policy and there were no planning reasons before the Committee to refuse the application. He made reference to the increased level of support for the retention of the Wheel, and noted there had been no objection from the CAG or Historic England. Visit Brighton also welcomed the scheme on the grounds that it added to the tourist offer in the city. Further temporary planning permission was appropriate, and the Committee were invited to support the application to maintain the tourist offer and the contribution towards regeneration.
- (9) In response to Councillor Barradell the speaker explained that a permanent permission had not been sought as the Wheel was movable and could operate from a different global location. In response to a further query from Councillor Morris the speaker explained that the five additional years would allow further assessment of the scheme to take place.
- (10) In response to Councillor Littman the speaker confirmed the Wheel had been in operation in Cape Town prior to its operation in Brighton.
- (11) In response to Councillor Miller the speaker confirmed that the Committee could add conditions in relation to maintenance of the structures at the base of the site if they were minded to grant consent.

Questions for Officers

- (12) In response to Councillor Robins the Case Officer confirmed that some weight had been attached to the letters of support from outside of the city as the application site related to a tourist attraction.
- (13) In response to Councillor C. Theobald the Planning & Building Control Applications Manager, Jeanette Walsh, confirmed that a 10 year temporary consent had been given for a climbing wall, and this was on the basis of the case made by the applicant.
- (14) In response to Councillor Barradell the Senior Solicitor, Hilary Woodward, confirmed that issues relating to competition between businesses were not a material consideration; in relation to representations received it was explained that the content gave them weight, not simply the number received.
- (15) It was confirmed for Councillor Morris that both the application before the Committee and the 2011 application had been subject to the same consultation with local residents.
- (16) In response to Councillor Wares the Senior Solicitor confirmed that the original permission was granted as temporary for 5 years; this differed from a trial period for the scheme.
- (17) In response to Mr Gowans the Case Officer confirmed that the setting of a listed building, the view to it and around it would be considered rather than the view from a listed building.
- (18) In response to Councillor Miller the Case Officer explained that Historic England had sent the Local Planning Authority a standard non-intervention letter; this indicated they were of the view the matter should be determined at local level with input from local specialists. The response also indicated that Historic England were not of the view the scheme would cause substantial harm.
- (19) The Senior Solicitor confirmed that any revenue raised from rents at the site was not a material consideration.
- (20) In response to the Chair the Senior Solicitor clarified that the Council would be acting in different capacities in relation to the application: as Local Planning Authority; as highway authority and as land owner. It was important the Committee understand they should only consider the matter in their capacity as the Local Planning Authority; any other matters in relation to the lease and highway licence were separate to the considerations before the Committee.
- (21) The Case Officer also confirmed for the Chair that the Seafront Strategy had been given very limited weight.
- (22) In response to Councillor Mac Cafferty the Planning & Building Control Applications Manager explained that the issue of temporary consent and the length of time for which this was suitable was a matter of judgment. In this instance Officers were recommending that it was acceptable to extend the consent for a further five years;

however, it was in the gift of the Committee to amend this length if they felt a shorter consent was acceptable on balance.

- (23) In response to Councillor Morris the Senior Solicitor explained that for the consent to go ahead the Council as landlord would have to enter into a new or extended lease with the operator.
- (24) In response to questions from Councillor Barradell Officers explained the following: the Committee could take a view on the length of consent if they were minded to grant permission – a further temporary consent was also considered acceptable on balance as both the City Plan and Seafront Strategy were not both fully adopted yet. The nearest residential property was 95 metres from the site, and Officers in Environmental Protection had visited nearby properties when the 2011 consent was considered to look at light issues. It was clarified there had been no highways or noise complaints; no breach of planning conditions and the overall there was no harm to amenity.
- (25) In response to Councillor Mac Cafferty it was confirmed that the Committee could be minded to attach a condition for full details of all the structures at the base of the development.
- (26) In response to Councillor Morris it was confirmed that Officers were not aware of any bids in relation to the Volks Railway and Officers were of the view that this was not a material consideration.
- (27) In response to Councillor Miller the Senior Solicitor confirmed there was nothing to prevent the Local Planning Authority granting a further temporary consent; in each case the authority had to consider the law and current policy to come to a decision. In relation to the difference between harm and substantial the Case Officer clarified this was a matter of judgement.
- (28) The Senior Solicitor confirmed that it would not be possible to prevent the applicant coming back for a further temporary consent in the future as in doing so the Council would be seen to fetter its discretion, and the authority had a statutory duty to determine planning applications as the Local Planning Authority.

Debate and Decision Making Process

- (29) Councillor Mac Cafferty stated he was willing to support the application, but felt the Committee should consider a reduction in the length of the consent to one or two years; he also felt an additional condition in relation to the base structures was necessary.
- (30) Councillor Hamilton noted his role as the Deputy Chair of the Policy & Resources Committee, with the portfolio for finance; he stated for these reasons he would take no further part in the debate and abstain from the vote.
- (31) Mr Gowans noted that the CAG had no objection on conservation grounds; the structure was felt to be light and breezy and it was not considered harmful.

- (32) Councillor Barradell stated she was finding the decision difficult as she was of the view that residents had believed the Wheel would only be in operation for five years; she felt one or two years would be more appropriate, but would not support a five year consent.
- (33) Councillor Morris stated he would support a two year consent.
- (34) In response to Councillor Robins the Senior Solicitor explained it was matter for him if he felt his position on the Economic Development & Culture Committee would preclude him taking part in the decision before the Committee.
- (35) Councillor Littman stated that at the time of the original five year consent it was believed it would be unlikely the operators would stay for the full five years. He noted that both the Seafront Team and the Economic Development objected to the application; he also felt there was sufficient policy within the NPPF to refuse the application. For this reasons he felt unable to support the Officer recommendation.
- (36) Councillor Wares felt that granting a one or two year consent would simply mean that the application would be back before the Committee in a short period of time; he highlighted that the report stated the development was not suitable to be permanent, and felt there was little additional monitoring that was necessary beyond what had already taken place.
- (37) Councillor Miller stated he did not believe that the Wheel offered a great deal as a tourist attraction; he disagreed with the position of CAG in relation to the harm. He was of the view that it detracted from the area, and a two year consent would be too long.
- (38) Councillor C. Theobald stated that she liked the appearance of the Wheel, but was disappointed that it was underused; she noted her concern with the objection from the Economic Partnership and Tourist Alliance and noted that many of the supporters did not live near the wheel itself. The nearby residents found it intrusive especially during the night when it was lit up; on balance she felt she would not be able to support the Officer recommendation.
- (39) The Chair noted she understood the position of residents, but she was of the view that it was not substantially harmful.
- (40) Councillor Mac Cafferty proposed that the recommendation be amended to propose consent for two years instead of five.
- (41) The Committee moved to the vote and firstly took a vote on whether to grant a new permission at all; pending the outcome of that vote they could then seek a further vote on the number of years for the consent.
- (42) A vote was taken and the Committee agreed to not grant a new permission on a vote of 4 in support, 6 against and 2 abstentions. Reasons were then proposed to refuse the application by Councillor Littman and these were seconded by Councillor Barradell. A short recess was then held to allow the Chair, Councillor Littman, Councillor Barradell, the Planning & Building Control Applications Manager and the Senior Solicitor and the Case Officer to draft the reasons in full. These reasons were then

read to the Committee and it was agreed that they properly reflected those that had been put forward by Councillor Littman. A recorded vote was then taken and Councillors: Robins, C. Theobald, Barradell, Bennett, Littman and Miller voted that permission be refused; Councillors: Gilbey, Mac Cafferty, Morris and Wares voted that permission not be refused and Councillor Hamilton and Allen abstained from the vote.

18.1 **RESOLVED** – That the Committee has taken into account the Officer recommendation but resolves to **REFUSE** planning permission for the reasons set out below:

- i) The proposed development would have a detrimental impact on the amenity of residents in the vicinity of the Wheel contrary to policy QD27 of the Brighton and Hove Local Plan 2005. In addition, the Local Planning Authority is not convinced that granting a temporary consent supports the strategic objectives of the regeneration of the seafront set out in policies CP5, SA1 and SO17 of the Brighton & Hove City Plan Part One (Submission Document).
- ii) The Wheel, by virtue of its siting, height, scale and design would be overly dominant and would fail to preserve the setting of the nearby listed buildings and the East Cliff Conservation Area, causing harm that would not be outweighed by the economic benefits of the proposal, contrary to policies HE3 and HE6 of the Brighton & Hove Local Plan 2005 and policy CP15 of the Brighton & Hove City Plan Part One (Submission Document) and the National Planning Policy Framework.

B BH2015/00481, 77 Grand Parade, Brighton - Full Planning - Change of use from offices (B1) to holiday lets (Sui Generis). (Retrospective)

- (1) The Planning Applications Manager, Nicola Hurley, introduced the application with reference to photographs, plans and elevational drawings. The application site was located on the eastern side of Grand Parade on the junction with Edward Street. The premises were currently in use as an unauthorised holiday let, and the application sought permission for a change of use from offices to a holiday let (sui generis). The main considerations related to the principle of the use, impact on the conservation area, impact of neighbouring amenity, highways matters, parking and sustainability. Policy resisted the loss of office sites within the city unless they were redundant, and new hotels were favoured in the core hotel area of the city. This application followed a previous approval for a change of use to a guest house; however, not all the conditions had been discharged and the permission was therefore not implemented.
- (2) The current use had been operating for three years, and in this context the loss of the office use was considered acceptable. It was noted that the site was located outside of the core hotel area, and just outside of the central Brighton area. The principle of the tourist accommodation had been established, and the use accorded with policy. There were no external changes required and as such no impact on the conservation area. The amenity impact had already been assessed as acceptable as part of the guest house application; however, it was acknowledged that this type of holiday let had the potential to cause greater impact on amenity, but the Environmental Protection Team had not raised any objections. There was a condition attached in relation to the use of the outdoor rear yard to restrict use for emergencies only, and the application required

the submission of a full management plan. For the reasons outlined in the report the application was recommended for approval.

Questions for Officers

- (3) In response to Councillor Barradell the Planning Applications Manager explained that the Authority did not currently have details of refuse storage; whilst the Transport Team were recommending cycle storage in the rear yard Officers were of the view that this was not appropriate due to amenity concerns.
- (4) In response to Councillor Mac Cafferty the details of the split decision (BH2014/01790) in the relevant history section of the report were outlined.
- (5) The location of the dining room on the ground floor was confirmed for Councillor C. Theobald.
- (6) In response to Councillor Wares it was explained that the Local Planning Authority would follow up to make sure that all conditions were adhered to, and there would be a time limit in the consent for submission. It was also added that the Committee could add an additional recommendation that the application be referred to the Planning Enforcement Team for monitoring.
- (7) In response to Councillor Mac Cafferty it was explained that the previous permission in relation to the change of use to a guest house had submitted extensive marketing information to show the site was no longer viable for office use. As the site had been in operation for three years and the marketing information had already been submitted it was considered unnecessary to seek any further information. In response to a further query it was explained that a retrospective application was entirely lawful, but this was at the owners' risk.
- (8) In response to Councillor Mac Cafferty it was clarified that there were conditions which could be attached in relation to noise concerns; there had been some noise complaints at the premises, but these had been closed without any statutory notices being issued.
- (9) In response to Councillor Robins Officers noted that they did not believe the site had ever been in use as a guest house as the permission was never fully implemented. Councillor Robins also raised the matter of a Brighton holiday rental association which had been a recommendation from a recent scrutiny panel; Officers noted that were not aware of any association, but did not believe this would be material to the application.
- (10) In response to Councillor Barradell it was confirmed that there was no formal mechanism to recharge enforcement costs as this work was met as part of the overall cost of the service; recharges could only be considered where the matter was being brought before a court; however, the costs of monitoring were not significant from a service perspective. In response to a further query it was clarified that the occupancy rate was between 1-34 people, and the applicant had submitted information that the average occupancy was 20 people.
- (11) In response to Councillor Barradell it was acknowledged that preventing access to the rear garden would displace noise issues from smokers to the front of the premises;

however, this was further from residential properties and the traffic noise would lessen the impact.

- (12) In response to Councillor Hamilton it was explained that the occupancy rates and periods could be enforced by requesting booking records.
- (13) It was confirmed for Councillor Wares that if the Committee were minded to refuse the application the guest house permission could not be used as the permission had lapsed without being fully implemented. The use could revert back to offices, but the applicant would also have the right of appeal.
- (14) In response to Councillor Allen it was clarified that the management plan would contain information in relation to: length of occupancy; use of facilities; contact details; check in procedures and guest behaviour expectations – these were all considered fairly typical and appropriate for a management plans. Where nearby residents had concerns and complaints these could be referred to Environmental Protection.
- (15) In response to Councillor Littman it was explained that the Local Planning Authority often relied on residents to report breaches of conditions for monitoring. Officers would then have the power to serve a breach of condition notice; this could lead to enforcement or even a prosecution.
- (16) In response to Councillor Robins it was confirmed that fire safety was a building control matter and not a material consideration in relation to the application. It was also clarified that it was not illegal to operate without planning permission, but this was at the owners' risk.
- (17) In response to concerns raised by Councillor Morris it was explained that the Committee needed to consider whether they were of the view the management plan was robust and could be used to enforce conditions; Officers would not recommend the application for approval if they were of the view this was not enforceable. The Planning & Building Control Applications Manager also added that the Committee could recommend that the application be minded to grant subject to the submission of a more robust management plan.
- (18) It was confirmed for the Chair that the premises was not suitable for permanent living accommodation due to the existing configuration. It was also confirmed that bookings could be on an individual or group basis.
- (19) It response to Councillor Barradell it was confirmed that there was no planning policy in relation to this type of holiday accommodation. The application would not set a precedent for other similar types of accommodation to operate for some time without the appropriate permission. Officers did not have information relating the number of enforcement investigations at this premises; however, it was confirmed that the application had come forward due to an enforcement investigation. It was also confirmed for Councillor Bennett that Officers did not have information relating to the involvement of community support officers.

Debate and Decision Making Process

- (20) Councillor Morris stated that holiday lets were a real problem in this area and he felt that the fire regulations could not be properly monitored; he asked that the Committee refuse the application.
- (21) Councillor Mac Cafferty noted the concerns raised by the Ward Councillors in relation to loss of amenity. He was not assured that the proposed use did not contradict the protection of amenity. He felt that proper policy was needed in relation to this type of holiday let. Councillor Mac Cafferty stated that he would not support the Officer recommendation.
- (22) Councillor Morris stated he agreed with Councillor Mac Cafferty as local residents and business were affected by this type of scheme.
- (23) Councillor Barradell stated her view that there was information missing from the report, and noted she would have liked additional information on complaints. She was of the view that 34 people staying in this property would not be safe, and she found the decision difficult to take without fire safety information. She felt the scheme would set a precedent and she could not support the Officer recommendation.
- (24) Councillor Wares noted his concerns given the close proximity to residential properties. He felt the location was wholly inappropriate and was not confident that the applicant would comply with the permission.
- (25) Councillor C. Theobald noted her concerns in relation to the fire regulations; she noted the current operation was unsupervised and there was no contact number for nearby residents.
- (26) Councillor Allen stated his view that the enforcement of problems would be difficult due to the short-term stays of those letting the property.
- (27) Before the Committee moved to the vote the Planning & Building Control Applicants Manager confirmed that matters relating to fire regulations were not material to the application.
- (28) A vote was taken by the 12 Members present and the Officer recommendation that the Committee grant permission was not a carried by a unanimous vote against. Councillor Mac Cafferty proposed reasons to refuse the application and these were seconded by Councillor Morris. A short recess was then held to allow the Chair, Councillor Mac Cafferty, Councillor Morris, the Planning & Building Control Applications Manager; the Planning Applications Manager and the Senior Solicitor to draft the reasons for refusal in full. These reasons were then read to the Committee and it was agreed that they accurately reflected those put forward by Councillor Mac Cafferty. A recorded vote was then taken and Councillors; Gilbey, C. Theobald, Mac Cafferty, Barradell, Hamilton, Morris, Allen, Littman, Miller, and Wares voted that planning permission be refused.
- 18.2 **RESOLVED** – That the Committee has taken into account the Officer recommendation but resolves to **REFUSE** planning permission for the reasons set out below:

- i) The development by reason of its intensity of use and scale of development in terms of numbers of guests would have a significant detrimental impact on the amenities of neighbouring occupiers contrary to policy QD27 of the Brighton & Hove Local Plan 2005.
- ii) The proposed development is likely to result in a significant adverse impact on the residential amenity of neighbouring occupiers due to the prevailing number of existing holiday lets and guest houses within the vicinity of the site, contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan 2005.

Note: Councillor Robins and Councillor Bennett left the meeting between the initial vote on the application and the recorded vote that followed.

C BH2014/03875, 22 Carden Avenue, Brighton - Full Planning - Demolition of existing day care centre (D1) and erection of two storey care home (C2).

18.3 The application was deferred.

D BH2014/02767, Land rear of Kingsway, Hove - Full Planning - Redevelopment of site to provide replacement retail showroom on ground floor and 8 no flats on the upper floors with associated bike and bin storage and conversion of part of rear garden at 377 Kingsway into a communal garden for both 377 and 379 Kingsway.

- (1) It was noted that the Application had been the subject of a site visit prior the meeting.
- (2) The Planning Applications Manager introduced the report by reference to photographs, plans and elevational drawings. The existing site contained a two-storey building which was currently vacant. Permission was sought for demolition and redevelopment of a four-storey building with a ground floor retail unit and eight residential units. Amendments had been received during the life of the application with changes to the fenestration, and the configuration of the residential units was outlined to the Committee. Whilst there would be a loss of commercial space at the site this was balanced against the modern and better facilities that would be provided. It was considered that the site could carry the size and scale of the proposed development as this was in line with neighbouring properties and the scheme reduced in height along Errol Road to reflect the change in building heights. The residential units would be a mix of one and two-bedroom and there would be a communal garden to the rear of the development. The proposed management plan would serve to reduce noise and disturbance, and the application was recommended to be minded to grant, subject to a s106 agreement, for the reasons outlined in the report.

Questions for Officers

- (3) In response to Councillor Mac Cafferty it was agreed it would be appropriate to propose that the materials condition be agreed by the Planning & Building Control Applications Manager in consultation with the Chair, Deputy Chair and two Group Spokespersons.
- (4) In response to Councillor Littman the access to the residential accommodation was confirmed using the plans.

- (5) It was confirmed for Councillor Barradell that the red line on the site plan related to the edge of the application site whilst the blue line was the land in ownership of the applicant.
- (6) Councillor Miller noted the comments in report that the applicant provide six-month season tickets to residents as there was no parking on the site.
- (7) In response to Councillor C. Theobald the location of the lift and the refuse storage was clarified.

Debate and Decision Making Process

- (8) Councillor Mac Cafferty highlighted his view that the scheme should use marine grade steel.
- (9) Councillor C. Theobald stated that the proposals would improve the site, but she was disappointed there was no off-street parking given the location.
- (10) Councillor Miller noted his support for the provision of the bus tickets for six-months as suggested in the report.
- (11) Councillor Mac Cafferty noted his support for the scheme – subject to the informative in relation to the materials.
- (12) A vote was taken by the ten Members present and the Officer recommendation that permission was granted was carried on a vote of 9 in support with 1 against.

18.4 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation and agrees with the reasons for the recommendation set in the report and resolves to be **MINDED TO GRANT** planning permission subject to the conditions in the report and the additional conditions in relation to bus permits and materials.

Note: Councillors Bennett and Robins were not present during the consideration and vote on this application.

E BH2015/00360, 38 Queens Gardens, Brighton- Full Planning - Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4). (Retrospective).

- (1) The Planning Applications Manager introduced the application by reference to photographs, plans and elevational drawings. The application site related to a two-storey property located in the North Laine Conservation Area, and the application sought permission to change to change to C4 use as a small house in multiple-occupancy. The main considerations related to the principle of the change of use; the impact on the conservation area; the standard of the accommodation; transport and sustainability. The property had a shared kitchen and bathroom between the three bedrooms. Policy CP21 specifically addressed such applications and stated that they should be refused if more than 10% of surrounding properties were in use as HMOs. This mapping exercise had been undertaken and only 3.8% of nearby properties were

in use as HMOs – 4 units out of 105. In terms of amenity the application was considered acceptable, and was recommended for approval for the reasons set out in the report.

Questions for Officers

- (1) Councillor Miller noted that any unlawful HMOs would not be taken into account in policy terms as a material consideration.

Debate and Decision Making Process

- (2) Councillor Morris stated that he was in receipt of information that the actual number of HMOs in the street was higher. In response Officers explained that information on HMOs was gathered from licensed HMOs through the Housing Department; planning records and Council Tax records.
- (3) Councillor Miller noted that any illegal HMOs would not be a material consideration.
- (4) Councillor Morris noted that residents were concerned about these types of HMOs.
- (5) Before the vote was taken the Planning & Building Control Applications Manager confirmed the retrospective nature of the application should have no bearing on the Committee's decision.
- (6) A vote was taken by the 10 Members present and the Officer recommendation that permission be granted was carried on a vote of 9 in support with 1 abstention.

18.5 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation and agrees with the reasons for the recommendation set in the report and resolves to **GRANT** planning permission subject to the conditions in the report.

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

19.1 There were no further requests for site visits in matters listed on the agenda.

20 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

21.1 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.]

22 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

23 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

24 APPEAL DECISIONS

24.1 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 5.51pm

Signed

Chair

Dated this

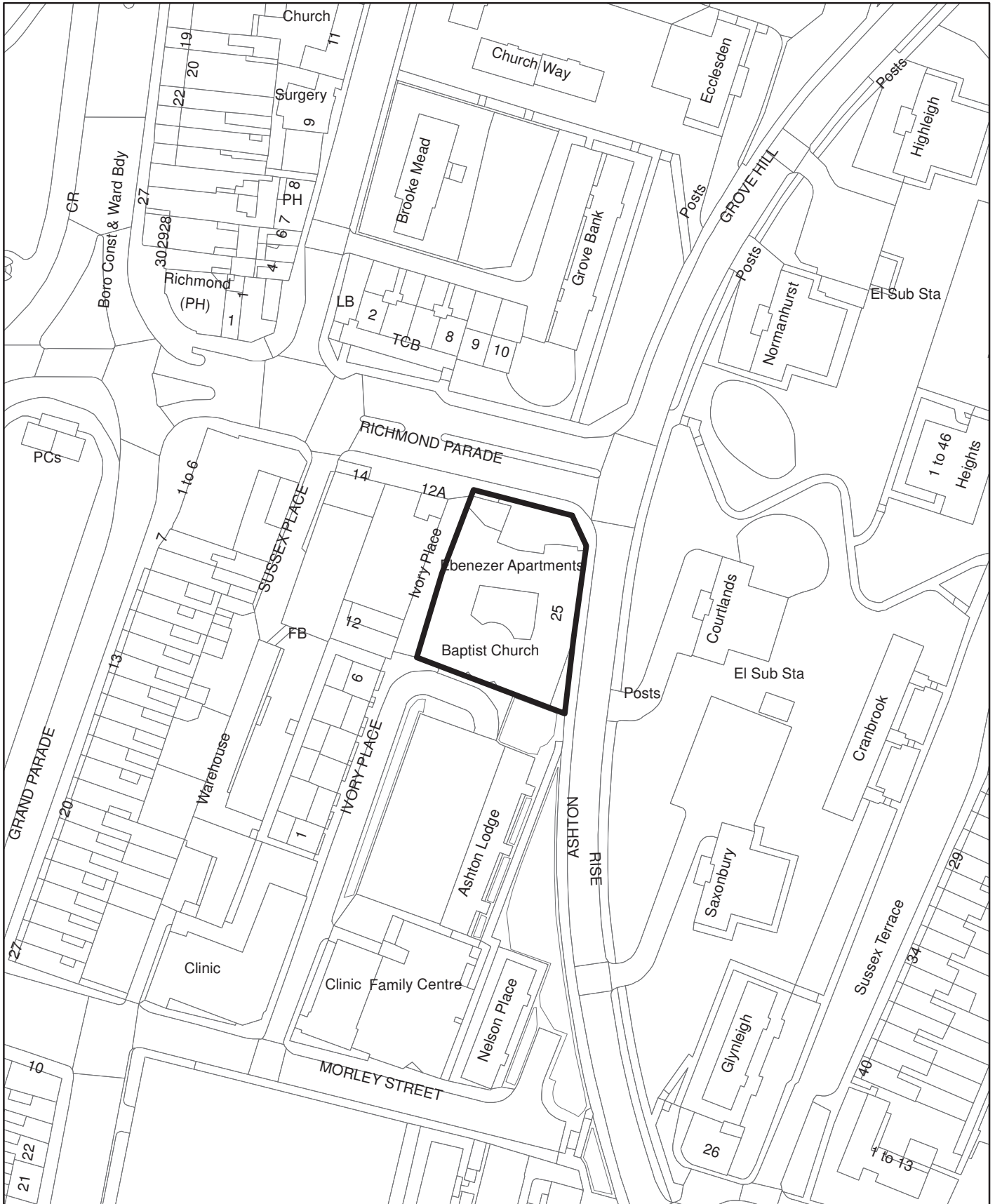
day of

**Ebenezer Chapel, Richmond Parade,
Brighton**

**Request for a variation of s106 dated 31
March 2008 signed in association with
BH2007/01591**

15 JULY 2015

Ebenezer Chapel, Richmond Parade, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

PLANNING COMMITTEE LIST- 15 JULY 2015

Subject:	Ebenezer Chapel, Richmond Parade, Brighton Request for a variation of s106 dated 31 March 2008 signed in association with BH2007/01591.	
Date of Meeting:	15 July 2015	
Report of:	Acting Head of City Planning and Development	
Contact Officer:	Kathryn Boggiano	Tel: 292138
Wards Affected:	Queen's Park, Hanover and Elm Grove, St Peter's and North Laine	

1. PURPOSE OF THE REPORT:

- 1.1 To consider a request for a variation to the s106 Planning Agreement.

2. RECOMMENDATIONS:

- 2.1 That the Committee resolves to allow the completion of a variation to the s106 planning agreement dated 31 March 2008 relating to Ebenezer Chapel, Richmond Parade, Brighton to allow residents of the development to apply for residents' parking permits.

3. BACKGROUND INFORMATION:

- 3.1 Application BH2007/01591 granted planning permission for the redevelopment of the site to provide the following:
- Six-storey building with basement, forming a new church, 49 self-contained flats (of which 26 are for affordable housing), basement car parking for 5 vehicles, cycle parking, church store and refuse store;
 - The proposed residential accommodation comprised 1 one-bedroom wheelchair flat, 2 two-bedroom wheelchair flats, 22 one-bedroom flats, 21 two-bedroom flats and 3 three-bedroom flats.
- 3.2 Limited parking was provided with the scheme, with 5 vehicular spaces provided for residents on-site, three of which were disabled parking bays in connection with the wheelchair accessible flats. Cycle parking for 64 bikes was approved within the basement and ground floors.
- 3.3 The Council's Transport Sustainable Transport Team had no objections to the development provided it was 'car free'. However, Grove Hill, Ashton Rise and Richmond Parade were not within a Controlled Parking Zone. Ivory Place to the south of the building was however in the CPZ. Therefore, when the original application was presented to Planning Committee, officers were of the view that the Council could not enforce that the development was genuinely 'car free' even if the developer entered into a Section 106 Agreement requiring that none of the flats were eligible for a parking permit. This was because residents could park on other streets immediately adjacent to the building (Richmond Parade, Grove Hill and Ashton Rise) where there were no parking restrictions.
- 3.4 Parking was considered to be congested in the area at the time of the planning application and due to the lack of the controls which were needed in order to

genuinely make the development to be car free, it was considered that the proposal would lead to additional on street parking in the area to the detriment of highway safety. Therefore it was considered that the proposal was contrary to policy TR1 and TR7 of the Local Plan and refusal was recommended (the highway reason being one of five recommended reasons for refusal).

- 3.5 However, the recommendation was overturned at Planning Committee subject to a Section 106 requirement with one of the obligations being that the development was made car free and residents were not eligible for a residents parking permit. Other obligations including the requirement for the developer to fund two years membership of the car club for residents, funding a car club space outside the development and to complete a Travel Plan. The developer also contributed £98,000 towards sustainable transport infrastructure in the area.
- 3.6 As a result of the requirement for the development to be car free, residents in the southern block (21 flats nos 25 to 49) were not eligible for a parking permit for the CPZ. However these residents could park on adjacent streets where there were no restrictions. The remaining flats were (nos 1 to 24) were not made ineligible for a parking permit until September 2012. At this time the CPZ was extended and included Richmond Parade, Grove Hill and Ashton Rise.

4 PROPOSAL

- 4.1 Prime Architecture on behalf of the residents and the freeholder, The Grace Baptist Charities Limited, have requested a variation of the s106 attached to application BH2007/01591 to remove the requirement for occupants of the development to be ineligible for parking permits.

5 CONSULTATION:

- 5.1 **Sustainable Transport: No objection.**
The Highway Authority has no objections to the proposed variation to the S106 agreement for the above development to allow residents of the development to have access to a residents parking permit.
- 5.2 At the time of construction CPZ Zone C was considered to cover half of the development, the southern side. This is indicated on the attached plan. Therefore in 2008 flats 25-49 with an address of 24 Ivory Place were included in a TRO to ensure they were car free. The remaining flats (flats 1-24) were not considered to be in a CPZ as there access fronted Richmond Parade, so therefore were not included in the TRO.
- 5.3 In September 2012 Zone C was extended northwards and incorporated the remaining extent of Ebenezer Apartments. Therefore a TRO was advertised in September 2012 that made the remaining flats in Ebenezer Apartments (flats 1-24) car free as well, even though the CPZ was not considered to be operational at the time the CPZ was assessed.

- 5.4 The freeholder has now approached the Council requesting that the TRO is amended so that the residents can obtain parking permits.
- 5.5 The car free requirement within the S106 agreement was applied to the original permission as there were perceived issues in relation to levels of parking stress in the area at the time of the assessment of the application.
- 5.6 Overspill parking from the development, based on 2011 Census data and the existing 5 spaces provided onsite, would likely be 11-15 vehicles. Officers note that the surrounding parking zone (Zone C) does not have a waiting list, with current permits issued at 86% of the limit. As such, the addition of 11-15 vehicles into surrounding streets would not result in appreciable or harmful increased parking pressure. Indeed it would likely reduce parking pressure in the nearby streets that sit outside the city's parking zones.
- 5.7 It is approximately five years since the completion of the development giving the levels of car parking in the local area to be established. The problems in relation to parking stress envisaged at application stage have not materialised in the local area. Given the degree of separation between the completion of the development and the establishment of the CPZ around the whole of the site, it cannot be reasonably argued that making residents ineligible for parking permits mitigates the impacts of the development as approved in 2008.
- 5.8 Additionally, since assessment of the original application further guidance through the National Planning Policy Framework (NPPF) has been published and advises that development should only be refused on transport grounds where the residual cumulative impacts are severe. In light of this and given the intervening years it is not considered that restricting the residents of the development from obtaining future parking permits is now reasonable or supportable.

6 COMMENT:

- 6.1 The application was granted on 31 March 2008 following completion of a Section 106 agreement that, amongst other provisions, restricted the eligibility of residents of the housing units for parking permits. The rationale for the restriction was based on the scheme providing only five on-site parking spaces for the development, and the concerns regarding parking stress in the area.
- 6.2 The development was completed and occupied in 2009/2010. In reality all residents who have a car, have been able to park on the streets immediately outside the building which were not within the CPZ (Richmond Parade, Grove Hill and Ashton Rise). However the CPZ was extended, and the TRO was advertised in September 2012 which required that all residents within the building were ineligible for a parking permit. Therefore all the residents within the building, who had always been able to park their cars outside the development, were no longer able to park near to where they lived.
- 6.3 Prime Architecture have requested the car-free restriction be dropped on the basis that it is inconveniencing residents who have to walk a considerable distance from their vehicles to their homes. This is particularly troublesome for

residents who work outside of the city and/or have child care commitments that require car ownership. They further argue that the restriction is causing more car journeys and increasing parking demand outside the CPZ in neighbouring areas. They also argue that parking demand in the immediate area is low and there are frequently large numbers of free spaces within resident only bays within 100 metres of the site. Prime Architecture also highlight the confusion over the past few years over whether or not the development is car free with some residents being able to obtain permits until as recently as 2014.

- 6.4 It is recognised that there would have been confusion when residents were purchasing flats within the building, as not all flats had been made car free and therefore residents would not have been aware that they would not be eligible for a parking permit if the CPZ was extended in the future. It is also noted that the initial concerns relating to parking stress in the area have not materialised and that there is capacity within the network for the residents to park. It is also noted that in the first four years all residents were able to park on the non CPZ streets immediately outside the building (with the exception of Ashton Rise) which was within the CPZ.
- 6.5 The Councils' Sustainable Transport Team have re-examined the case for the site to be made car-free and concluded that such a restriction is no longer necessary to make the development acceptable. Sustainable Transport officers have forecast that overspill parking from the development, based on 2011 Census data and the existing 5 spaces provided on site, would likely be 11-15 vehicles. Officers note that the surrounding parking zone (Zone C) does not have a waiting list, with current permits issued at 86% of the limit. As such, the addition of 11-15 vehicles into surrounding streets would not result in appreciable or harmful increased parking pressure. Indeed it would likely reduce parking pressure in the nearby streets that sit outside the city's parking zones.
- 6.6 Advice has been sought from the Head of Law on the proposed variation and the Senior Planning Solicitor has advised as follows:
- *“Section 106A of the Town and Country Planning Act 1990 provides that section 106 obligations may be modified or discharged either by agreement between the parties at any time or by formal application in accordance with statutory criteria. There is no statutory guidance on what tests should be applied by a local planning authority when determining the less formal type of application to discharge or modify but the test on the more formal application is whether the obligation serves a useful purpose. It would therefore seem to be appropriate that the “useful purpose” test could be applied to the current application.*
 - *Moreover, legislation introduced in 2010, namely the Community Infrastructure Levy Regulations 2010, Regulation 122, requires, inter alia, that a planning obligation may only be imposed when it is necessary to make the development acceptable in planning terms. Although the obligation in question is now of course being reconsidered as opposed to being “imposed” it would be reasonable to consider the application to vary in the context of whether the obligation is “necessary”.*”
- 6.7 For these reasons it is not considered necessary for the car-free restriction to remain and a variation to the s106 Obligation is therefore recommended.

7 FINANCIAL & OTHER IMPLICATIONS:

- 7.1 Financial Implications:
None identified.
- 7.2 Legal Implications:
Lawyer Consulted: Hilary Woodward
Legal implications as above.
- 7.3 Equalities Implications:
None identified.
- 7.5 Sustainability Implications:
None identified.
- 7.6 Crime & Disorder Implications:
None identified.
- 7.7 Risk and Opportunity Management Implications:
None identified.
- 7.8 Corporate / Citywide Implications:
None identified.

8 CONCLUSION

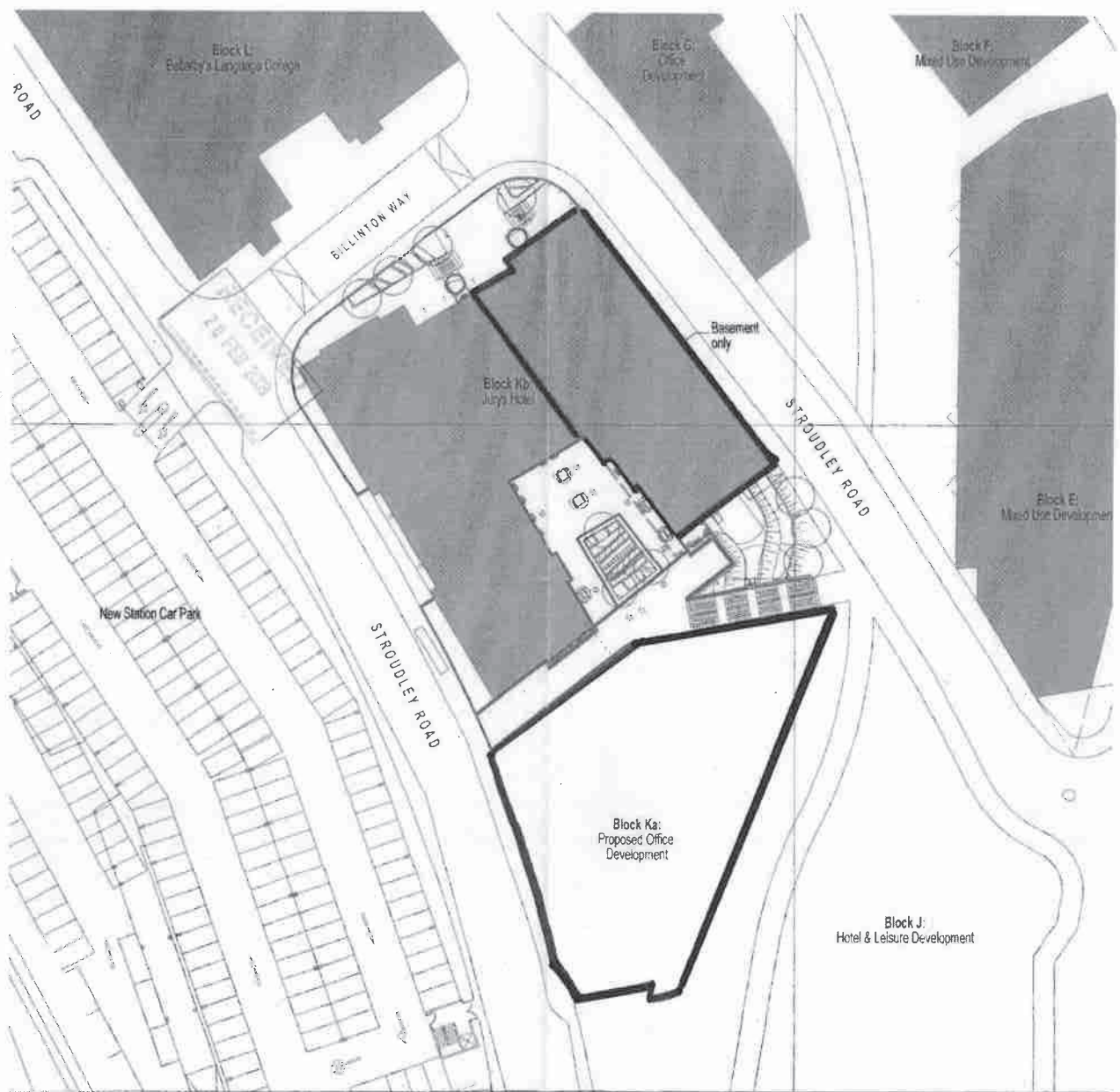
- 8.1 The applicant has applied to vary the signed s106 agreement as set out at 4.1 of this report.
- 8.2 The proposed amendments are considered to be acceptable for the reasons as detailed above.
- 8.3 Therefore, the recommendation is for the s106 agreement be varied to allow residents of the development to apply for residents' parking permits.

Block K office development, Brighton Station Site

**Request for a Deed of Variation to Section
106 Agreement dated 17/06/10 associated
with planning permission BH2008/01148**

15 JULY 2015

Site Location Plan



PLANNING COMMITTEE LIST- 15 JULY 2015

Subject:	Block K office development, Brighton Station Site Request for a Deed of Variation to Section 106 Agreement dated 17/6/10 associated with planning permission BH2008/01148	
Date of Meeting:	15 th July 2015	
Report of:	Rob Fraser, Acting Head of City Planning & Development	
Contact Officer:	Maria Seale	Tel: 292175
Ward(s) affected:	St Peter's & North Laine	

1. PURPOSE OF REPORT:

- 1.1 To consider a request for a variation to the s106 Planning Agreement.

2. RECOMMENDATION:

- 2.1 That the Committee resolves to allow the completion of a variation to the s106 planning agreement dated 17.6.10 relating to Block K, Brighton Station Site to allow clause 3.18 relating to public disabled access to the car park to be deleted and Schedule 1, Part 1 (4) relating to grey-water provision to be omitted.

3. BACKGROUND INFORMATION:

- 3.1 The site lies within the Brighton Station redevelopment site known as the New England Quarter (NEQ). The NEQ was subject to a development brief (SPG3) and masterplan and permission has been granted for several blocks and uses, the majority of which have been built. The site is north/east of the grade II* listed station and is on sloping land. The site is an office block currently under construction. See appendix 1 for site location plan.
- 3.2 The site forms the part of a larger site known as Block K. The northern part of the site has been developed as the Jurys Inn Hotel. A separate planning permission was subsequently granted for an office block on the southern part of Block K. The planning history of the office block is as follows:
 - BH2008/01148 Block K: Office development including public open space and landscaping. Approved 17/7/10.
 - BH2005/05142 Block K: Mixed use development incorporating a 5/6 storey 3 star hotel to north providing 234 bedroom, ancillary facilities (C1) and a 4 storey office development (B1), public open space, piazza and landscaped garden. Approved 3/4/06 (a further application to vary conditions of this 2005 permission was approved 10/7/07 ref BH2007/01377). The BH2005/05142 permission was only partly implemented (the Jurys Inn hotel).
 - BH2001/01811/OA NEQ Masterplan outline permission given with certain reserved matters determined for mixed use development. Approved 9/9/03.

- 3.3 The Planning Committee was Minded to Grant application BH2008/01148 at the meeting on 24/9/09, and subsequently planning permission was issued after a Section 106 legal Agreement was signed on 17/6/10.
- 3.4 The application included a basement car park under the hotel of 18 spaces, which included a number of disabled parking spaces, which was to serve part of the travel demand created by both the office and hotel developments. The car park was to be used primarily by the office. A financial contribution was also secured towards enhancement of sustainable modes in the area to help meet the total demand created for travel.
- 3.5 The application included a number of sustainable features, and committed to delivering an overall standard of BREEAM 'Excellent'. This was secured through the Section 106 Agreement. This high level of sustainability was in accordance with the SPG3 brief and subsequent masterplan which sought to ensure developments within the NEQ were an exemplar of 21st century sustainable urban development.
- 3.6 The Heads of Terms of the s106 as set out in the committee report of 24/9/09 included, amongst other things, the requirement to provide access for members of the public who are disabled blue badge holders through the lift in the car park located in the basement of the hotel to the hotel plaza, the public open space and the Local Area of Play (LAP). This was to increase accessibility due to the difference in ground levels across the NEQ. The Heads of Terms also included a requirement to provide a grey-water system in the development as part of a wider package of sustainable features. As these 2 requirements were listed as Heads of Terms, committee approval is required to vary or omit them.

4. **THE PROPOSAL:**

- 4.1 The developer (McAleer & Rushe) have made a formal request for a Deed of Variation to the Section 106 Agreement to:
 - delete clause 3.18 which seeks to provide access for general members of the public who are disabled blue badge holders through the car park located in the basement of the hotel to access the plaza and open/play space.
 - remove the obligation to provide a grey-water system in the development as stated in in Schedule 1, Part 1 (4).
- 4.2 The reasons why the developer is making this request are discussed in section 6 below.

5. **CONSULTATION:**

- 5.1 **Access comments:** Comment. To ensure a robust management system is in place at all times means that if it is not followed a wheelchair user/s could be left in the stairwell. Egress upwards for a disabled person in a wheelchair is uncommon and poses some manual handling issues. i.e. ensuring that adequately trained staff are available at all times to carry a wheelchair user upwards. Some wheelchair users cannot do a transfer from their chair and BC are not aware of an egress chair that will negotiate a flight of stairs upwards. As such a wheelchair user could be trapped in the stair should a fire take place in the car park that they cannot pass to get to the ramped entrance. The distance of

travel to the ramped exit and to a place of safety outside the building seems reasonable and the difference in levels appears to be around 0.5m which again is not unreasonable for a wheelchair user to negotiate should the need arise. The premise under the Building Regulations is that a person should be able wherever possible to make their escape by their own unaided efforts. The proposed travel distance to a final exit attempts to achieve this premise. It is not reasonable to suggest that training/guidance will be given to members of the public on means of escape protocols. It would probably be better to put better signage up in the basement that is easy to see and understand.

- 5.2 **Sustainability:** The omission of grey-water is agreed. To date the information submitted demonstrates the development is on course to meet the sustainability clauses in the S106 Agreement in terms of carbon reduction, BREEAM etc. Given that the applicant has demonstrated that rainwater harvesting is being taken forward on this site, it is considered that grey-water recycling in addition would be overly onerous. The rainwater system will help achieve the required water credits in BREEAM and further information has been requested in this regard. The applicant has demonstrated that the development is on course to meet BREEAM 'excellent', which is welcomed particularly as it is understood the building, which was submitted for planning in 2008, was not designed to meet the 2011 BREEAM excellent standards and additional improvements have therefore had to be made. These include enhancement of fabric and glazing with low U values to minimise heating demand, glazing with low g values and shading systems employed to reduce cooling demand, lighting installation and VRF plant (variable air conditioning) selected to meet this demand with high efficiency and introduction of roof mounted PV's. A Design Stage BREEAM certificate has been requested as confirmation.
- 5.3 **Transport Planning:** As there is an alternative access to the hotel plaza, open space and play area (via the flat access at Stroudley Road) the Highway Authority has no objections to the proposed variation of this clause to omit public use of the lift in the basement car park. The applicant has demonstrated that there is a large number of available disabled parking which is not time limited in close proximity of the site.

6 COMMENT:

- 6.1 Section 106A of the Town and Country Planning Act 1990 provides that section 106 obligations may be modified or discharged either by agreement between the parties at any time or by formal application in accordance with statutory criteria. There is no statutory guidance on what tests should be applied by a local planning authority when determining the less formal type of application to discharge or modify but the test on the more formal application is whether the obligation serves a useful purpose.
- 6.2 Moreover, legislation introduced in 2010, namely the Community Infrastructure Levy Regulations 2010, Regulation 122, requires, inter alia, that a planning obligation may only be imposed when it is necessary to make the development acceptable in planning terms. Although the obligation in question is now of course being reconsidered as opposed to being "imposed" it would be reasonable to consider the application to vary in the context of whether the obligation is "necessary".

- 6.3 When judging whether a proposed variation to a s106 is acceptable in planning terms, the broader context of planning policies in the Development Plan and other relevant material considerations including the National Planning Policy Framework (NPPF) and the emerging Brighton & Hove City Plan Part One (submission document) have been considered.
- 6.4 Public Disabled Access
The applicant states that the main reasons they are seeking removal of clause 3.18 is for practical reasons relating to security and fire safety.
- 6.5 The basement car park is to be used solely by office workers (who will have pre-approved secure key fobs), and the applicant claims that unrestricted use of this private, secure car park by the general public (who are blue badge users) would be a security risk to the hotel.
- 6.6 The applicant has sought the services of a fire consultant and state that unrestricted public access to the basement car park would also compromise safety as the public would not be able to be trained in the fire protocols for using the space, unlike office workers.
- 6.7 When considering the original planning application for the whole of Block K (2005) the intention was to try and ensure the NEQ masterplan area as a whole was as accessible as possible, given the many changes in ground levels within it. At the time it was felt necessary to secure public access through the hotel car park for people to have a more direct route from the east to the hotel plaza, open space and play area. The possibility of an external stair lift was also considered but discounted at the time.
- 6.8 Both accessibility and the prevention of crime are planning considerations. These issues were considered at the time of the original application. The applicant's concerns regarding safety and security now are, however, recognised. Public use of a lift within a secure private car park is rather unusual and not ideal. Since permission for Site K was granted, further developments have increased the accessibility of the NEQ. The adjacent Site J in particular includes an external lift within the public realm which will be an unadopted public highway which allows direct access from the lower Fleet Street level to the east to the station. The Council's Highways Team confirm that they raise no objection to the proposal as level access can be provided to the hotel plaza, open space and play area from the upper level at Stroudley Road. In addition, the development of Site J incorporates another, equipped, play area at the lower level on Fleet Street with level access.
- 6.9 Fire safety is covered by Building Regulations and is not usually a planning consideration. The practicalities of meeting Building Regulations can however have knock on effects for planning, and in this case it was not possible to anticipate all relevant issues at the planning application stage. The Council's Building Control team confirm that it is reasonable for the applicant to cite the impracticalities of aiding disabled users in the event of fire, particularly if the original stair refuge was to be used. They do, however, note that unaided escape could be satisfactorily made through the main exit provided this is adequately

signed, notwithstanding that the public would not be as aware of the protocols as the office workers would be.

6.10 Access through the NEQ will inevitably involve compromise in certain areas given the significant difference in ground levels across it. The NEQ as a whole is now considered to be more accessible than at the time Block K was first approved as further blocks have been built. On balance, it is considered that the main reason the s106 variation should be agreed is because the wider NEQ is now more accessible, and the security case put forward by the applicant is agreed with to a limited extent. It is considered that the requirement for general public access to the basement car park lift would therefore not meet the 'useful purpose' tests of the S106 and is not necessary to make the development acceptable in planning terms.

6.11 Sustainability

The applicant states, via their sustainability consultant, that a rainwater only harvesting system is a safer option than a combined system with grey-water (which involves reusing hot water) as that introduces unnecessary health risks. They state that in some developments such as hotels the quantity of hot water would be greater than roof water so this additional health and safety risk could be accommodated and be managed by dedicated operational staff, however, in an office the amount of hot water would be far less than that from the roof. They do not consider a grey-water system to be appropriate for this building. The applicant has been in discussion with the council's Sustainability Officer who agrees this position and welcomes the incorporation of rainwater harvesting.

6.12 As can be seen in the comments made by the Sustainability Officer in para 5.2 above, the development incorporates a wide range of sustainable measures and is on course to meet BREEAM 'excellent' standard. This was one of the main aims of the s106 and there is therefore no objection to the required water scores and 'excellent' standard being achieved by means other than the incorporation of grey-water recycling. The Sustainability Officer agrees that to insist upon this in addition to the other measures would be overly onerous. The overall package of measures secured would still ensure the development meets the requirement of the original brief and masterplan for a high sustainable standard.

6.13 It is therefore considered that to insist on the provision of grey-water recycling would not serve a useful purpose and the development is acceptable in planning terms.

7 FINANCIAL & OTHER IMPLICATIONS:

7.1 Financial Implications:

The legal costs of preparing the Deed of Variation document will be borne by the developer.

7.2 Legal Implications:

Lawyer consulted: Hilary Woodward
Legal implications set out in 6.1-2.

7.3 Equalities Implications:

None identified.

- 7.5 Sustainability Implications:
None identified.
- 7.6 Crime & Disorder Implications:
None identified.
- 7.7 Risk and Opportunity Management Implications:
None identified.
- 7.8 Corporate / Citywide Implications:
None identified.

8. CONCLUSION

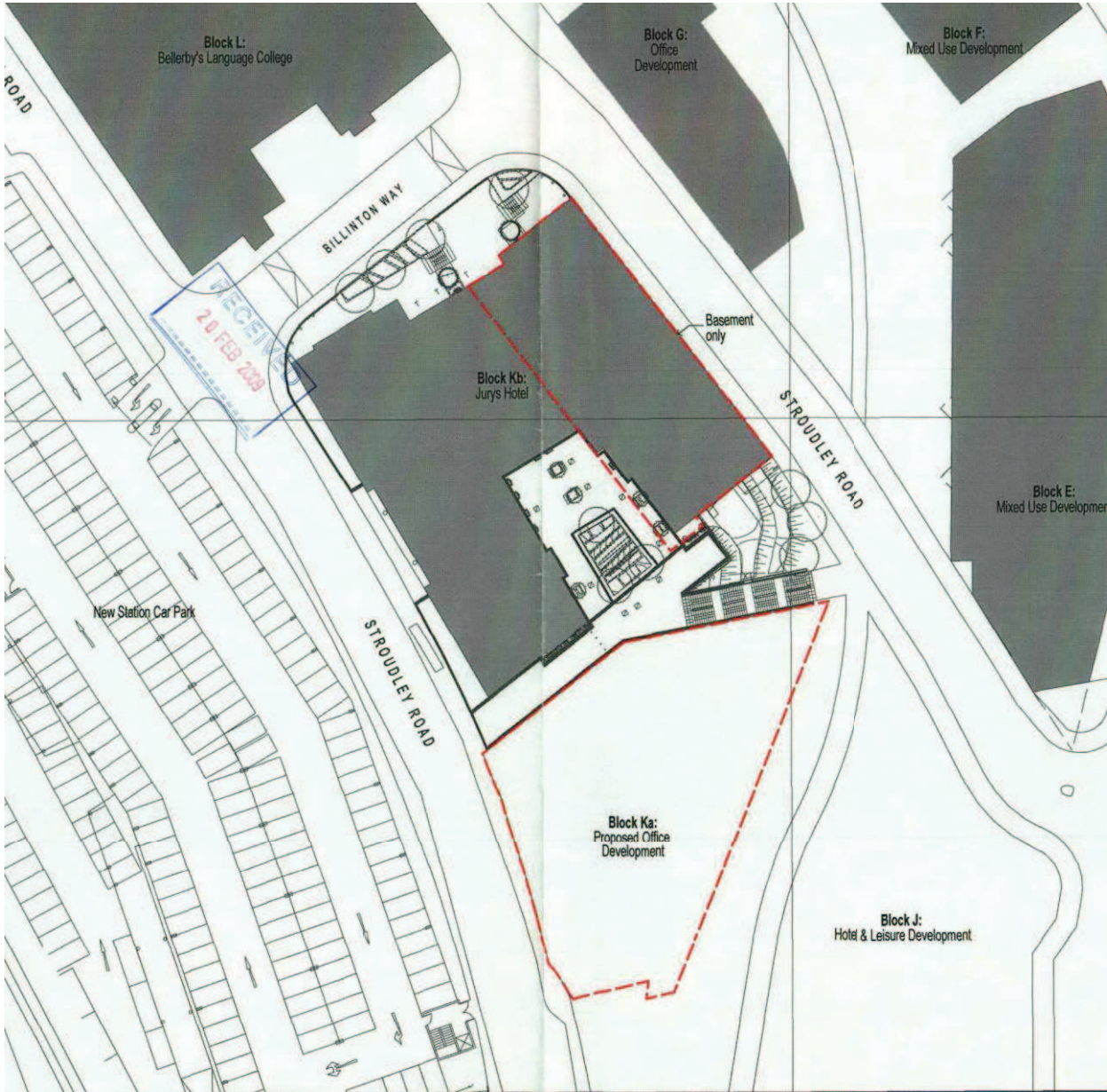
- 8.1 The applicant has applied to vary the signed s106 Agreement as set in section 4.1 of this report.
- 8.2 The proposed amendments are considered to be acceptable for the reasons detailed above.
- 8.3 Therefore, the recommendation is for the s106 to be varied to allow deletion of the requirements to a) provide access for the general public to the basement car park and b) provide grey-water recycling.

SUPPORTING DOCUMENTATION

Appendix 1: Site Location Plan

Background Documents: Planning permission BH2008/01148 and planning history of surrounding development sites within the NEQ.

Site Location Plan



ITEM A

251-253 Preston Road, Brighton

**BH2015/00395
Full planning**

15 JULY 2015

BH2015/00395 251-253 Preston Road, Brighton



Scale: 1:1,250

<u>No:</u>	BH2015/00395	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	251-253 Preston Road Brighton		
<u>Proposal:</u>	Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 25no apartments (C3). Erection of 7no single dwelling houses (C3) to rear of site to provide a total of 32no residential units, incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	16 February 2015
<u>Con Area:</u>	Preston Park	<u>Expiry Date:</u>	18 May 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Yelo Architects Ltd, Olivier House, 18 Marine Parade, Brighton BN2 1TL		
<u>Applicant:</u>	Southern Housing Group, Spire Court, Albion Way, Horsham RH12 1JW		

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 The application site comprises a pair of linked three-storey Victorian villas set in a substantial plot on the west side of Preston Road, at the junction with Clermont Road. The buildings are currently vacant having previously been in use by the City Council's Fostering and Adoption teams and the Child Protection Unit. A 2m high boundary wall fronts Preston Road and Clermont Road, punctuated by three main access points.
- 2.2 The site falls within the Preston Park Conservation Area. A number of mature trees sit throughout the site, of which 27 are covered by a Tree Preservation Order.
- 2.3 The adjacent buildings to the north and south along Preston Road form substantial mansions now converted into flats. A short terrace of modern flats sits to the rear/west, with Preston Park Hotel and a nursery school opposite to the east.

3 RELEVANT HISTORY

93/0764/CC/FP- Change of Use from a childrens community home to a mixed use childrens resource centre, comprising residential and non-residential social services for children. Approved 02/11/1993

81/276- Conversion/addition to form community home for residential accommodation for children with staff accommodation (reserved matters). Approved 31/03/1981

78/364- Outline application for the conversion of and additions to existing properties to form a community home providing residential and daycare accommodation for children together with staff accommodation. Approved 19/04/1978

50/581- Adaptation and use as a technical college. Deemed granted 08/08/1950.

4 THE APPLICATION

4.1 Planning permission is sought for the conversion of the two villas to form 25 one, two and three bedroom flats, including the demolition of the existing link and the erection of a new three storey link building. A further seven two-storey dwellings are proposed within the rear garden along with communal garden space.

4.2 Pre-Application Advice

The site was formerly owned and occupied by Brighton & Hove City Council, with the Estates department overseeing its disposal. A number of written bids for the site were submitted in mid 2013 with Estates officers identifying the current proposal as being preferred following consultation with a number of council officers including from the planning and heritage teams. The detail of the bids was limited, with no detailed plans. The sale of the site to the applicants was agreed at Policy and Resources Committee in January 2014 with the legal documentation completed in December 2014.

4.3 A formal request for pre-application advice from the Planning Authority was submitted on 8 December 2014. However the Local Planning Authority were unable to provide a response within the timeframe required by the applicants. The current planning application was subsequently submitted on 6 February 2015.

4.4 The Council's Statement of Community Involvement 2006 (now superseded by Statement of Community Involvement 2015- adopted March 2015) includes an expectation that applicants engage with local communities prior to submission. The applicants have stated that they undertook a public consultation with local residents and ward councillors by way of a public exhibition on 9 January, following the leafleting of residents of Clermont Road, Clermont Terrace and Preston Road on 19 December 2014. Four responses from the consultation are included in the submission, three of which expressed general support for the proposals. Concerns were though identified with the roof form of the houses within the rear gardens, which at the time were proposed to be flat roofed, and with the loss of trees.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Five (5)** letters of representation have been received from **Flat 1 & Flat 3 4 Clermont Road; 17D Clermont Terrace; 1 Clermont Court, Clermont Road; and 16a Palmeira Court, 25-28 Palmeira Square**, objecting to the application for the following reasons:
- There are too many properties on the development
 - Seven houses in the garden area is excessive
 - Increased congestion and parking pressure
 - Insufficient parking
 - Loss of trees, including its detrimental impact on wildlife and aesthetics of the area
- 5.2 **One (1)** letter of representation has been received from **Preston & Patcham Society**, supporting the proposed development subject to a suitably subservient brick colour being agreed
- 5.3 **Environment Agency: No objection.**
- 5.4 **East Sussex Fire and Rescue: No objection.**
- 5.5 **Southern Water: No objection.**
- 5.6 **County Archaeology: No objection.**
No objection subject to a Programme of Archaeological Works being secured by condition
- 5.7 **English Heritage: No objection**
- 5.8 **Conservation Advisory Group: No objection.**
The group recommend approval and suggest that other colours and textures should be considered for the link building between the two villas, bearing in mind it should be subservient to these buildings
- Internal:**
- 5.9 **Ecology: No objection.**
- 5.10 **Arboriculture: No objection.**
Twenty seven trees on and adjacent to the above site are covered by Tree Preservation Order (No 14) 1978. The Arboricultural Report submitted with the application is comprehensive and the Arboricultural Section is in full agreement with its contents.
- 5.11 Thirteen trees on site are recommended for removal on the grounds of Health and Safety regardless of whether development proceeds. Of these thirteen trees, three are covered by the above-mentioned TPO. Species include Shrub, 1 x Laburnum, 1 x Cherry, 2 x Lime, 1 x Tulip Tree, 1 x Pine, 2 x Beech, 1 x Holly, 4 x Robinia, 1 x Apple, 1 x Sycamore and 1 x Wellingtonia. Reasons for

removal include dead trees, extensive crown die-back, multi-stemmed trees with weak unions.

- 5.12 The three trees covered by the Preservation Order mentioned above are 1 x Holly (7m in height, extensive upper crown dieback), 1 x Robinia (17m in height, multi stemmed under 4m, decay in join in central stem, weak unions) and 1 x Wellingtonia (20 m in height, dead).
- 5.13 In addition to the above, a further 38 trees will need to be removed to facilitate the development, including two covered by the Preservation Order. 34 of these additional trees have been categorised as “C” trees in the tree survey submitted with the application. This means they are low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm. One tree, a Cypress, has been placed in this category that is covered by the TPO. This is a tall drawn up tree with a high crown and thin foliage. Four trees have been categorised as “B” trees in the tree survey submitted with the application. This means they are of moderate quality with an estimated remaining life expectancy of at least 20 years. One tree, a Robinia, has been placed in this category that is covered by the TPO. It is noted as being heavily ivy clad and crowded with deadwood present with internal amenity value only.
- 5.14 It is noted that the proposed scheme has been designed to retain all the key frontage and perimeter feature trees which have a wider public amenity value and contribute to the general landscape setting of the area. A comprehensive landscaping proposal has been submitted with the application that notes that 26 replacement trees will be planted to compensate those that will be lost. This includes 4 x Field Maple (*A. campestris*), 5 x *P. sylvestris* (Scots Pine), 6 x *A. lamarkii* (Snowy Mespil), 5 x *C. Pauls Scarlet* (Hawthorn) and 5 x *B. ermanii* (Silver Birch) and 1 x *P. subhirtella* (Winter flowering Cherry). All of these species appear to be appropriate for their given locations and the Arboricultural Section is satisfied with the landscaping proposals submitted.
- 5.15 Overall, the Arboricultural Section has no objection to the proposals in this application subject to suitable conditions being attached to any consent granted regarding protection of the trees that are to remain on site along with replacement planting as appropriate.
- 5.16 **Environmental Health:** No objection
- 5.17 **Heritage:** Objection
Statement of Significance
Two Victorian villas dating from c1870 occupy the application site which is located wholly within the Preston Park Conservation Area. Regrettably, an extension was erected c1950s linking the two villas and the link building is still in situ.
- 5.18 The villas stand in substantial grounds and the open space emphasises the grandeur of the buildings; and whilst the link extension is of no historic or architectural merit, it does maintain a subservient relationship with the villas.

- 5.19 The originally detached villas which were built as single dwellings are considered to positively contribute to the historic development of the area and to the character and appearance of the conservation area; therefore, the buildings and site are considered to be heritage assets.
- 5.20 The Proposal and Potential Impacts
The application is seeking consent for the demolition of the later two storey link building between the historic villas and the erection of a replacement 3no storey plus lower ground floor level extension; conversion, extension and refurbishment works to existing buildings to facilitate creation of 25 apartments (C3); and the erection of 7 single dwelling houses (C3) to rear of the site to provide a total of 32 residential units, incorporating provision of new car parking, cycle parking, refuse stores, landscaping, planting and other associated works.
- 5.21 The proposal to replace the existing link building with an extension of increased size, height, footprint and massing is considered inappropriate. The replacement 'link' would conflict and detract from the grandeur and architectural integrity of the villas and would obscure the hierarchy of the buildings. The link should ideally be demolished but any proposed works to the link should only serve to improve its aesthetics and not involve enlargement of the later and regrettable addition.
- 5.22 Section 7 of the Framework sets out that "good design is a key aspect of sustainable development" and further states that new development should "respond to local character and history". Unfortunately the proposed development of houses to the rear of the principal villas is contrary to the Framework.
- 5.23 The proposed houses are again considered inappropriate. The positioning of the dwellings shows no consideration of the historic development of the immediate context and would appear more like a suburban layout when it should read as a subservient mews-like development. In addition to the inappropriate positioning of the proposed houses, the scale (including size, height, massing and form), and materials proposed for the housing are also inappropriate. The development should be mews-like in character and appearance and should maintain a subservient relationship with the principal villas.
- 5.24 The proposed layout and positioning of the houses would erode the hierarchy of the buildings within the site; the principal villas should read as such with a clear area of open space and a mews-type development along the rear boundary of the site. The treatment of the rear of the site does not respond to the historic context and pattern of development and the proposed development would divorce the site. The proposal is thus contrary to the Framework where it is set out at para 137 that new development within conservation areas and within the setting of heritage assets should enhance or better reveal their significance.
- 5.25 The materials should also respond to the historic context and whilst brick is an appropriate material, the use of the cream white brick is odd; the brick would not

echo materials to surrounding developments and the finish would appear as an alien addition to the site which would not harmonise with the setting. Also, the proposed use of the brass coloured perforated screens and the brass coloured balustrades to the balcony detail would be incongruous additions to the development which would detract from the classical villas.

5.26 Furthermore, the proposal would not offer public benefits which would offset the harmful impact the development would have on the significance of the heritage assets and would again be contrary guidance set out in the Framework. The proposal would not therefore serve to preserve, enhance or better reveal the character and appearance of the conservation area or the historic and architectural integrity of the Victorian villas. The heritage team therefore objects to the proposal.

5.27 **Education: No objection.**

No objection subject to a contribution of £64,251 towards primary and secondary education

5.28 **Housing: No objection.**

The proposed scheme is a mixture of refurbishment and new build providing 32 residential units made up 25 apartments in refurbished buildings and 7 new build houses. The intention is that 12 or 13 (40%) of the properties will be provided as Affordable Housing – and 19 or 20 units will be market units. The scheme includes two 3 bedroom fully wheelchair accessible apartments. The Planning statement accompanying the application refers to the Vacant Building Credit whereby units provided within the floorspace of a vacant property returned to use can be exempt from the developers affordable housing obligation, which in this instance which would significantly reduce the number of affordable units that they have to provide - but they are still offering 40%.

5.29 This scheme includes 9 x 3 bedroom homes (7 houses and two wheelchair accessible apartments); 8 x 2 bed apartments and 15 x 1 bedroom apartments overall but the type and size of the affordable housing is not known. Tenure (rent or sale) is not specified for any of properties.

5.30 Brighton and Hove is a growing City with 273,000 people in 124,000 homes, with an additional 22,840 households (914 per annum) projected to 2033. Our affordable housing brief reflects the very pressing need for affordable homes in the City. We currently have over 19,000 people on the joint housing register waiting for affordable rented housing [Source: Housing Statistical Bulletin July to Sept 2014] and 434 applicants seeking to live in the city through the help to buy (shared ownership) programme.

5.31 The tenure mix and split proposed by the applicants is acceptable.

5.32 **Planning Policy: No objection**

The buildings on the site were originally used as a Nursery Training Centre (D1) and then as a Children's Community Home (C2). In 1993 planning consent was obtained for a mixed use children's resource centre comprising residential and non-residential social services for children (C2/D1). Prior to vacation by the

council the building was used by the City Council's Fostering and Adoption teams and the Child Protection Unit without residential use. Uses included offices for health and social services staff, therapeutic services, assessment and consultation provision, training and meeting rooms. Given the longstanding mix of several uses on the site the last lawful use of the site is considered to be sui-generis in nature.

- 5.33 Albeit that the last lawful use of the site is considered to be sui-generis in nature, several of the former uses provided important services and facilities of a community nature. As such it is reasonable to consider Policy HO20 'Retention of community facilities' from the 2005 adopted Local Plan. The policy seeks to resist the loss of community facilities but provides for certain exceptions. One of these (clause b) is where the community uses are relocated to a location which improves accessibility to its users. Information submitted with the planning application indicates that all the teams operating from Preston Road were successfully re-located to the Moulsecomb Hub at the end of 2012. This demonstrates compliance with clause b) of Policy HO20.
- 5.34 Where an exception applies, the policy indicates that the priority is for residential schemes which may include mixed use schemes such as live-work units. As such, a proposal for residential development is considered acceptable in principle.
- 5.35 Housing Provision
The proposed number of residential units (32 in total) and the general mix of new homes (a mix of apartments and houses of different unit sizes) is welcomed and would make a valuable contribution towards meeting the city's identified housing requirements in accordance with the City Plan policies CP1 and CP19 and 2005 adopted Local Plan policy HO3.
- 5.36 In terms of the housing unit size mix (Policy HO3 and CP19), the proposals are for 15 x1 bed; 8 x 2-bed apartments, 2 x 3-bed apartments and 7 x 3-bed houses. Although a range of unit sizes is welcomed, an improved mix would be to secure a better balance between the 1-bed and 2-bed units proposed.
- 5.37 The two Victorian Villas have been vacant for some time and development proposals are to convert and refurbish them for 14 (1 and 2- bed) residential apartments. As such, the government's new 'vacant building credit' introduced in the NPPG November 2014 (VBC) would apply to these buildings and the gross floorspace occupied by the existing link building in terms of the requirement for any affordable housing provision. In effect, under the November 2014 VBC provisions there would be no affordable housing requirement from this element of the proposed scheme (the existing gross floorspace).
- 5.38 The proposed new link would provide 11 apartments (a mix of 1,2,3 bed apartments) including two 3-bed wheelchair accessible units. Seven new 3-bed family houses are proposed to be constructed in the back gardens of the existing villas. The affordable housing requirement from these parts of the scheme would apply to the increased floorspace pertaining to the new link building (when compared to the old link building) and to the 7 new build houses.

- 5.39 The applicant has offered to include 40% affordable housing provision across the scheme which is equivalent to 12 to 13 dwelling units and this is to be welcomed. More information should be sought regarding the tenure mix of the affordable housing and where, within the different elements of the scheme, the affordable housing is likely to be secured.
- 5.40 **Sustainable Transport: No objection**
Recommended approval as the Highway Authority has no objections to this application subject to the inclusion of the necessary conditions and that the applicant enters into a S106 agreement to contribute towards pedestrian improvements and/or public transport improvements to the value of £20,000.
- 5.41 **Economic Development: No objection**
No objection subject to a contribution of £16,000 towards the Local Employment Scheme.
- 5.42 **City Clean: Comment**
City Clean would not wish drive into the site from Preston Road to service the development in the manner proposed. This impacts on the plans for the collection point for the houses.
- 5.43 Usual practice for the surrounding properties means City Clean can stop on Preston Road and take the bins through a gate and to the vehicle safely, which would be within their recommended distance of 25 metres. With the far left entrance on Preston Road, there is a dropped kerb in place and provided that there's a level pathway to the bin store, City Clean can go through the gate easily to service the bins for the South Villas.
- 5.44 The second entrance, nearest to the second bin store on the right for North Villas will not be safely serviceable from Preston Road. There are zig zags and a pedestrian crossing so a refuse vehicle is not able to stop there at all and there's no dropped kerb.
- 5.45 City Clean note the suggestion to remove 10m of parking spaces on one side of Clermont Road and 14m on the other side. This will not be necessary. City Clean suggest removing only one parking space on the right hand side of the entrance (facing towards Preston Road) as this will give enough space to safely move the refuse vehicle in and out of the gate on Clermont Road.
- 5.46 Refuse vehicles can safely reverse into Clermont Road's gate and this is where the refuse and recycling collection point for the houses should be relocated to, as well as the refuse store for the North Villas.
- 5.47 There is space to provide this along each boundary wall of the gates and City Clean could speedily service these whilst keeping operative and vehicle safety in mind, as well as adhering to their guidelines in the PAN05 regarding distances to the vehicle.

5.48 The individual houses will need a 140 litre wheeled bin each and 4x55 litre recycling boxes.

5.49 **Access:** No objection

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

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

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

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

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QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO7	Car free housing
HO13	Accessible housing and lifetime homes
EM5	Release of redundant office floorspace and conversions to other uses
HE6	Development within or affecting the setting of conservation areas

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
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP15	Heritage
CP19	Housing Mix
CP20	Affordable housing

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of conversion, the design of the proposed extension and new buildings and their impact on the appearance of the site and Preston Park Conservation Area, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, transport and sustainability matters.
- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position.

- 8.3 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 merits of the proposal are considered below.
- 8.4 **Principle of Change of Use:**
The villas at 251 & 253 Preston Road were originally constructed as single dwellings however they have not been in residential use for several decades, with planning records indicating use as a technical college from 1950, as a childrens community home from 1978, and as a childrens resource centre comprising residential and non-residential social services from 1993. The site was last occupied by the City Council's Fostering and Adoption teams and the Child Protection Unit as a mix of B1 and D1 uses. These uses included offices for health and social services staff, therapeutic services, assessment and consultation provision, training and meeting rooms. There was no residential use of the site. Given the longstanding mix of several uses on the site the last lawful use of the site is considered to be sui-generis in nature.
- 8.5 Policy HO20 of the Brighton & Hove Local Plan seeks the retention of community facilities unless one or more of four exception tests are met. These tests allow exceptions if the community use is replaced within a new development, is relocated to a location which improves its accessibility, nearby facilities are to be improved to accommodate the loss, or it can be demonstrated that the site is not needed for community use. In this instance the existing community use and services have been relocated to the Moulsecoomb Hub, a location with improved accessibility. As such both tests a) and b) of policy HO20 have been met. Where an exception has been met, policy HO20 attaches a priority to residential schemes. As such the return of the site to residential use is considered acceptable in principle.
- 8.6 **Design and Appearance:**
Policy QD1 states that all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment, taking into consideration (amongst others), the scale and height of development, architectural detailing, and quality of materials. Policy QD2 states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings.
- 8.7 Policy HE6 requires development within conservation areas to show a high standard of design and detailing reflecting the scale and character or appearance of the area. Such development should preserve or enhance its character or appearance.
- 8.8 Paragraph 137 of the NPPF identifies that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or

better reveal their significance. Paragraph 132 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

8.9 This is consistent with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. 'Preserving' means resulting in no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a conservation area. This presumption can though be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the local planning authority must nevertheless give considerable importance and weight to the preservation or enhancement of the conservation area.

8.10 The Preston Park Conservation Area Character Statement details that the site falls within the Clermont Estate. The Statement states that:

'Along Preston Road the villas are mainly semi-detached and date from c.1870. They are two storeys plus a half basement tall, with canted bays and large sash windows beneath overhanging eaves supported on elegant brackets. These houses once stood in large gardens set well back from the busy road, but regrettably many of these have become car parking areas although the substantial front boundary walls and many mature trees and shrubs do conceal most of the buildings from public gaze. All of these houses have been converted into flats and many have been altered or extended unsympathetically as a result.'

8.11 The site as existing comprises two large painted stucco Victorian villas set in substantial plots on the west side of Preston Road. The villas sit behind large boundary walls within large vegetated gardens dominated by a number of trees, including 23 trees protected by a Tree Preservation Order. A two storey 1950's extension links the two villas. Within the Preston Park Conservation Area the villas and the sites adjacent at 247 & 249 Preston Road and to the rear at 38 & 39 Clermont Terrace form the last remaining original plots in the immediate area that have not otherwise been encroached with backland development or wholly redeveloped.

8.12 Previous uses of the buildings at 251-251 Preston Road and their subsequent alterations and extensions have eroded some of their original grand quality, as has the absence of maintenance within the largely overgrown gardens. Notwithstanding this, the villas and the large gardens that surround them contribute positively to the overall character and appearance of the conservation area and in the reading of its historical evolution. Historic maps

show some previous buildings along the rear boundary, however these are of the scale of small stores/stables and orangeries/glasshouses ancillary and subservient to the main villas.

8.13 Conversion and link extension

The proposed conversion of the two villas back into residential use is welcome. The alterations to facilitate this conversion would remove many of the previous harmful alterations and restore original detailing to the benefit of their appearance. Likewise the landscaping proposals to reduce the overgrown site frontage and better expose the protected trees are welcome. As such these elements of the proposal would have a positive impact on the appearance of the site and wider conservation area.

8.14 The addition of a modern three storey link building in place of the existing two storey link would though significantly detract from the proportions, detailing and separation of the two villas. Whereas the existing link is of a poor appearance, it is a subservient addition, setback from the front of the villas and well below first floor and eaves level with a pitched roof to complement the pitch to the villas. As such it respects the original scale, form and separation of the villas. By contrast, the proposed new link extension would be a taller flat roofed three storey structure set level with the front elevation to 253 and approximately 0.6m beyond the front elevation to 251. To the rear it would project between 3m and 5m beyond the rear of both 251 & 253. The flat roof to the extension would sit on the cornice detailing below the eaves to both 251 & 253, with the elevations part obscuring the white quoin detailing to both villas. The extension would be completed in contemporary vertical and horizontal clay banded cream/white bricks, with bronze detailed inset balconies and perforated bronze screens. Samples of these materials and finishes have been submitted.

8.15 The scale, form and material finish to the link extension would unacceptably dominate and detract from the appearance of both villas. The extension would cover the entirety of the side elevations to each villa and sit marginally below eaves level, thereby entirely removing the original space between the buildings and obstructing some of their original detailings. Further, the modern design with a flat roof, mis-alignment to the floors, overscaled sash windows, and the use of contemporary long smooth cream/white clay bricks and bronze balcony detailing would detract from the proportions and more traditional material finish of the villas. The smooth cream/white clay brick in particular accentuates the conflict between the period scale and proportions of the villas and the modern flat roofed bulk of the proposed link.

8.16 Given the scale, bulk and position of the link extension, the resultant building would change from two 13m wide villas with a modest link extension to essentially one large 46m wide block with two distinct and conflicting designs, materials and finishes. The three storey scale of the extension and its material finish would therefore substantially harm the appearance and setting of the two villas to the detriment of the appearance of the site and wider conservation area. Whilst the existing extension also detracts, it is of a considerably smaller and subordinate scale and more sympathetic finish. As such it does not have the same bulk and massing, and retains a suitable visual separation between

the villas. The proposed extension represents a significantly more bulky and harmful addition than the existing, thereby failing to better reveal the significance of the buildings and their position within the wider conservation area contrary to paragraphs 132 & 137 of the NPPF. For this reason the proposed extension fails to preserve or enhance the character or appearance of the buildings, site or surrounding conservation area, contrary to policy HE6 of the Brighton & Hove Local Plan, paragraphs 132 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.17 Houses

The seven houses to the rear would all be set within the original gardens to 251 & 253, with five set in a terraced ark around a central communal lawn. The houses would be completed entirely in cream/white clay brick with zinc roofs. As set out above the gardens have remained undeveloped and now form one of the few remaining original garden spaces to the original buildings fronting Preston Road. As such the gardens and the resulting space between the buildings that surround contribute positively to the character and appearance of the Conservation Area.

8.18 The introduction of seven two storey dwellings would permanently replace these original gardens and erode the setting of the villas. Whilst a strong landscaping scheme has been submitted, assessed in detail below, this does not mitigate the harm that would result from seven two storey dwellings within this garden space. The harm is derived from both the solid bulk and massing of the houses and the total loss of the linear garden arrangement including the flint boundary wall that separates the gardens to each villa. Further harm would result from the arched layout which is uncharacteristic of the historic linear development pattern of the Preston Park Conservation Area, and from the introduction of numerous fences to delineate the gardens to each dwelling.

8.19 In design terms, the houses would be completed in contemporary cream/white clay brick to match the link extension and with a zinc pitched roof. Detailing would be provided by projecting lattice brickwork. The form and material finish of the houses would not reflect the use of materials and finishes to the existing buildings in the area, but would instead appear as unduly contemporary and alien additions. This harm would be emphasised by the uncharacteristic arched layout. The applicants have submitted supporting documentation detailing the evolution of this design and layout approach, identifying that a mews-style development at the rear of the gardens would potentially necessitate the removal of two of the protected trees. Notwithstanding this, the addition of seven houses within the rear gardens in the manner proposed would fail to preserve or better reveal the historic layout and development pattern of the site and wider conservation area. Rather, it would substantially detract from the appearance of the site. Therefore, as with the link extension, the proposed development within the rear gardens fails to preserve or enhance the character or appearance of the buildings, site or surrounding conservation area, contrary to policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan, paragraphs 132 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 8.20 Whilst the degree of harm to the overall Preston Park Conservation Area is considered 'less than substantial' when assessed against paragraph 134 of the NPPF, the harm does though remain significant and a represents a permanent erosion of one of the last remaining original gardens within the conservation area. The loss of the original open gardens to the rear and the three storey link between the buildings would therefore result in an irreversible loss of both the original independence of the two villas and their surrounding green space. Although the applicants have sought to mitigate this via the inclusion of a high quality landscaping proposal, this would not outweigh or otherwise disguise the irreversible harm afforded by the uncharacteristic introduction of seven houses within the gardens.
- 8.21 The applicants have identified that they consider the scheme to be an appropriate balance of the heritage, landscaping/trees and amenity constraints of the site. However, the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 carries considerable importance and weight and results in a strong presumption against development that would fail to preserve or enhance the character or appearance of designated conservation areas. As such the heritage implications of the development should not be considered on a par with all other material considerations, but should instead carries considerable importance and weight.
- 8.22 For these reasons the proposed development fails to meet the environmental aspects of the NPPF when considered as a whole, fails to conserve or better reveal the significance of the Preston Park Conservation Area, and fails to meet the strong statutory requirement to preserve or enhance the character or appearance of the Preston Park Conservation Area as set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.23 Trees and Landscaping:**
The site contains substantial gardens to the front and rear with a total of 95 individual trees and further smaller clusters. Of these, 23 are covered by a Tree Preservation Order (no.14, 1978), including three substantial Pines to the Preston Road frontage, a row of Cedars, Cypress and Oaks to the south side boundary, and further clusters within the rear garden to no.253, along the side boundary fronting Clermont Road, and in the southeast corner fronting Preston Road.
- 8.24 The trees throughout the site have not been fully maintained for a number of years, with the front and rear gardens in particular overgrown and unkempt. The volume of trees throughout the site is such that those of greatest amenity value appear overcrowded and their amenity value has been compromised accordingly.
- 8.25 A tree report has been submitted with the application which identifies that 51 of the 95 trees within the site will need to be removed, including 5 of the 23 trees protected by the TPO. Of the 51 to be felled, 13 require immediate felling on safety grounds and a further 4 require immediate maintenance works to their

crowns. Of those to be felled, three are covered by the TPO, a Holly along the south side boundary and a Robinia and Wellingtonia in the rear gardens. Elsewhere, a further 38 trees are to be felled to facilitate the development. These are in the main located across the rear of the site, along the Clermont Road frontage, and in the front northeast corner. All but four are category C trees of generally small stature, low quality and low amenity value. The remaining four are category B trees within the rear garden to no.251 and not readily visible from the wider public realm. Two of the 38 trees are protected by the TPO, of which one (Cypress) is dying and of limited amenity value, and the other (Robinia) is a second generation tree to the rear of the site. Works to crown raise and trim a further 13 trees (10 covered by the TPO) are also recommended.

- 8.26 The submission includes a detailed landscape plan and supporting specification which includes details of all materials, details of new tree planting along the front, rear and side boundaries of the site, and new soft landscaped areas throughout the site. The new trees would include Field Maples, Scots Pines, Hawthorns and Silver Birches planted to a height of between 3m and 5m. Sketch 3D plans of the site have also been included in the specification to illustrate the high quality landscaping proposed. The landscape plans detail that communal lawns will be provided to the front of the site and in two linked areas to the rear. Further herb and vegetable beds are to be provided to the front of the site, with discrete lighting throughout. Overall the landscape plans are of a high quality and provide assurance that the site will be well presented in the event permission is granted and the development implemented.
- 8.27 In terms of ecology, an Ecological Scoping Survey Report has been submitted which identifies that there is no evidence of bat or breeding birds, and no significant potential for the presence of reptiles. The plans detail that the rearmost part of the communal garden area would include log piles, native planting and long grass, and bird bat and bee boxes, thereby meeting policy requirements to improve the ecological interest of the site.
- 8.28 The Council Arboriculturalist and County Ecologist have raised no objection to the proposed landscape and tree works, including the loss of the five protected trees. The Arboriculturalist notes that the scheme retains all the key frontage and perimeter trees that have wider public amenity value and contribute positively to the general landscape setting of the area.
- 8.29 Although the plans include the loss of a substantial number of trees, this is largely a result of an absence of site maintenance over a long period. Those that are to be lost in the main clutter the site and encroach on the appearance and setting of both the buildings and the remaining trees subject to the TPO. The reduction in tree coverage across the site would better reveal the amenity value of the protected trees and the architectural quality of the existing buildings, and would allow for improved landscaping of the site to the benefit of the wider Preston Park Conservation Area. Whilst the loss of five protected trees is regrettable, in this instance they have been identified as being either of limited amenity value or unsafe. As such their loss is accepted. In the event

permission is granted the measures set out in the submission to protect the remaining trees on the site can be secured by condition.

8.30 For these reasons the proposed tree works, landscaping scheme and ecology improvements are considered acceptable and in accordance with policies QD15, QD16, QD17 & QD18 of the Brighton & Hove Local Plan.

8.31 Open space:

The scale of the development is such that it would not provide all the necessary open space and outdoor recreation space within the site to comply with the requirements of policy HO6. In such circumstances policy HO6 allows for contributions within the s106 agreement to offset the needs generated by the development. In this instance the standard formula recommends that a contribution of £91,973 be sought, which includes £14,504 towards indoor sport. However, the development includes approximately 2000sqm of communal gardens and wildlife areas which offsets some of this requirement. The level and quality of provision negates the need to secure contributions towards amenity green space, parks and gardens, allotments and natural and semi-natural areas. As a result contributions totalling £38,893 are required towards indoor and outdoor sport and childrens play areas only. These would be spent on improving indoor sports facilities at Withdean Sports Complex and/or Prince Regent Swimming Complex, outdoor sports facilities at Preston Park and/or Withdean Sports Complex, and play space at Preston Park and/or Dyke Road Park and/or Blakers Park, facilities that have not been allocated funds from more than five previous permissions since 6 April 2010. This level of contribution can be secured in the s106 heads of terms in the event permission is granted.

8.32 Standard of Accommodation:

The development would comprise a total of 32 residential houses and flats. The converted villas would provide ten one-bedroom flats and four two-bedroom flats. The link extension would comprise five one-bedroom flats, four two-bedroom flats, and two three bedroom flats, with seven three-bedroom houses to the rear. In total this amounts to 15 one-bedroom units, 8 two-bedroom units, and 9 three-bedroom units. This mix of unit sizes is considered acceptable and in broad compliance with policies HO3 and CP19, which estimates that 65% of overall housing demand over the plan period will be for two and three bedroom properties.

8.33 All units are of a good size with good access to natural light and ventilation. Those within the extension would have access to small private balconies and patios, with all flats having access to the communal gardens to the front and rear. Each house would be served by a good sized private rear garden. This is an acceptable arrangement that broadly complies with policies QD27 and HO5 of the Brighton & Hove Local Plan.

8.34 The application states that all new build units would be constructed to meet Lifetime Homes standards, with those within the conversion adapted to meet the standards where possible. Two three-bedroom wheelchair accessible units are proposed in the new link building. This meets the 5% standard required by

policy HO13. This can be secured by condition in the event permission is granted. Subject to this condition the proposed dwellings would provide for a suitable standard of accommodation in accordance with policies QD27, HO5 & HO13 of the Brighton & Hove Local Plan.

8.35 Affordable housing

Policy CP20 requires new developments of this scale to provide 40% affordable housing, with a preferred split of 30% one-bedroom units, 45% two-bedroom units and 25% 3 bedroom units and above. The applicants state that 40% of the development will comprise affordable housing, amounting to 13 units. The applicants note that were they to utilise the Vacant Building Credit, this would reduce the affordable housing requirement to 5 units using the methodology set out in the NPPG. Notwithstanding this, 40% affordable housing is being proposed and can be secured in the s106 in the event permission is granted.

8.36 The applicants have confirmed that 10 of the units would be affordable rent, comprising 5 one-bedroom flats, 2 two-bedroom flats, 2 three-bedroom flats, and 1 three-bedroom house. The remaining 3 units would be shared ownership comprising 2 one-bedroom flats and 1 three-bedroom house. This tenure mix and split is supported by Housing and could be secured in the s106 in the event permission is granted.

8.37 Impact on Amenity:

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

8.38 The main impact would be on the amenities of occupiers to the rear/west and south of the site. Those to the north and front/east are set opposite Clermont Road and Preston Road respectively and would not be otherwise impacted given the separations, boundary walls and trees set between.

8.39 To the south, no.249 Preston Road forms a substantial period property split into six flats. The conversion of no.251 back to residential occupancy would not introduce untoward levels of overlooking, with a mix of principal, secondary and bathroom windows facing south towards mature trees along the boundary with no.249. Of the proposed seven houses to the rear, units 26 and 27 are set the closest to the boundary with no.249. however, they are set in line with the flank wall to the existing building at no.251 at a separation of approximately 8.5m from the boundary with no.249. this separation, in combination with the existing mature boundary trees and obscure glazing to all first floor windows, is sufficient to ensure that occupiers of no,249 and the substantial gardens to the rear would not be unduly overlooked or enclosed.

8.40 To the rear are a number of flats on rising ground at Clermont Court (fronting Clermont Road) and Muirson House (fronting Clermont Terrace). Muirson House is set at a separation of 45m from the rear site boundary such that there would be no discernable impact from the proposed houses. Clermont Court is

orientated north-south on higher ground level such that again no overlooking or excessive sense of enclosure would occur. The plans detail obscure glazed first floor windows to the new houses and new boundary vegetation that would further reduce any harmful impact.

8.41 For these reasons the proposal is considered to accord with policy QD27 of the Brighton & Hove Local Plan.

8.42 Sustainable Transport:

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.

8.43 The site retains four access points, three from Preston Road and one from Clermont Road. Currently the main access into the site is from the Clermont Road entrance, with the other three points closed. Parking is provided on a hardstanding to the front of the site and to the rear along the south side boundary.

8.44 The proposal seeks to retain parking to the front and rear accessed from the Clermont Road entranceway. The layout plans detail 32 parking spaces of which four would be disabled parking bays. This falls within the maximum standards set out in SPGBH4. The Sustainable Transport officer has raised no objection to the volume of parking, noting that Census data would indicate demand for 28 vehicles. As a result overspill parking onto surrounding streets would be unlikely. The provision of four disabled bays is above the minimum requirement but the bays do not have appropriate clear space to either side. Revised parking layouts can be secured by condition in the event permission is granted.

8.45 Cycle parking for 32 bicycles is proposed in compounds to the front and rear, with further cycle storage in the undercrofts and gardens to each house. This is a suitable volume that meets the minimum standards set out in SPGBH4 for 43 spaces. The Sustainable Transport officer has raised no objection subject to amended details to securely cover all cycle spaces. This can be secured by condition in the event permission is granted.

8.46 In terms of access the Sustainable Transport officer has raised no objection to the retention of the vehicular access off Clermont Road, but has identified concern at potential conflict with pedestrians utilising the same access point. The Sustainable Transport officer has requested a separate pedestrian access adjacent to resolve this conflict, and has suggested that two of the three access points from Preston Road be retained for pedestrian use only to provide better linkages to Preston Road and the south. These amendments are considered appropriate and can be secured by condition as part of the landscaping scheme in the event permission is granted.

8.47 With regard servicing, the submission includes swept paths for refuse vehicles to enter the site, circulate and exit onto Clermont Road. To achieve appropriate access the submission requires parking bays on Clermont Road to be replaced

with double yellow lines. City Clean have advised that they would not drive into the site to service the development in the manner proposed. As an alternative arrangement City Clean have suggested that the bin stores for the houses and north villa be relocated to the Clermont Road entrance where a refuse vehicle would be able to collect. The bins for the southern villa should be located closer to the southern entrance along Preston Road which would need to remain open. The City Clean proposals would result in the loss of one parking space on Clermont Road rather than the combined 24m of parking spaces on both sides of the road proposed by the applicants. Sustainable Transport officers are satisfied with this approach, subject to the amendment in the Traffic Regulation Order being secured within the S106 Heads of Terms. Amendments to the refuse and recycling facilities to reflect this revised arrangement would not be substantial and can be suitably managed by condition.

- 8.48 The Sustainable Transport officer has requested a contribution of £20,000 to provide a shelter and real-time information to the bus stop directly outside the site, and to improve the footway at the junction of Clermont Road and Clermont Terrace. Whilst it is acknowledged that trip generation from the site would be broadly neutral or less given the previous use, that does not necessarily preclude securing necessary infrastructure improvements to service the new development, in this case the improvements to the bus stop and junction would aid occupiers accessing Preston Park station to the north and accessing public transport directly outside the site. As such it is considered necessary, reasonable and related to the impact of the development. Subject to this contribution and the recommended conditions the proposal would accord with policies TR1, TR7 & TR14 of the Brighton & Hove Local Plan.

Sustainability:

- 8.49 Policy SU2 and SPD08 requires efficiency of development in the use of energy, water and materials and recommends that residential development on previously developed land should achieve Level 3 of the Code for Sustainable Homes, and that residential development on previously undeveloped greenfield land should achieve Level 5 of the Code for Sustainable Homes. However, policy CP8 of the submission City Plan Part One requires all such development to meet Level 4 and this is the level now being sought as the advanced stage of the emerging Plan ensures it carries greater weight than SPD08. Policy CP8 requires new residential units by way of conversion to meet BREEAM 'very good'.
- 8.50 The application is supported with a Sustainability Checklist and Planning Statement which details that the development will meet Level 4 of the Code for Sustainable Homes for the new build elements, and BREEAM 'very good' for the conversion. The plans show an array of photovoltaics on the flat roof of the link extension. This is sufficient to meet the requirements of policy CP8 and can be secured by condition in the event permission is granted. Subject to the recommended conditions the proposed development would meet the sustainability criteria set out in policy SU2 and SPD08. Acceptable refuse and recycling facilities are provided in storerooms to the front of the site to serve the flats, and in undercrofts beside each of the houses.

8.51 Other Considerations:

The Economic Development officer has raised no objection to the proposed development, subject to a contribution of £16,000 towards the Local Employment Scheme and the provision of an Employment and Training Strategy with the developer committing to using 20% local employment during the demolition and construction works. This can be secured via the s106 heads of terms in the event permission is granted.

- 8.52 A further contribution of £64,251 is required is sought towards the cost of providing primary and secondary educational infrastructure for the school age pupils this development would generate.

9 CONCLUSION

- 9.1 The proposed link extension and development of seven houses in the rear gardens to the site, by virtue of their massing, layout, site coverage, detailing and material finish, would detract from the appearance of the period villas and permanently erode the original gardens to the site and the historic development pattern and setting of the Preston Park Conservation Area. The proposal therefore fails to preserve or enhance the character or appearance of the buildings, site or surrounding Preston Park Conservation Area, contrary to policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan and paragraphs 132 & 137 of the NPPF.
- 9.2 This harm carries considerable importance and weight when assessed against Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is considered sufficiently significant that it outweighs the public benefits of providing additional housing units for the city, including 40% affordable units, having regard the absence of a five-year housing land supply. There is no evidence that the other public benefits of the development, which include the occupancy of the site, the restoration of the two villas and the measures to better maintain and expose the protected trees, could not otherwise be delivered under an alternative proposal that would have a less harmful heritage impact.

10 EQUALITIES

- 10.1 The development is required to meet Lifetime Homes standards, with two of the units to be wheelchair accessible.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed link extension, by virtue of its massing, detailing and material finish, represents an excessively scaled addition that would detract from the appearance of the period villas and wider Preston Park Conservation Area. The proposal therefore fails to preserve or enhance the character or appearance of the buildings, site or surrounding Preston Park Conservation Area, contrary to policy HE6 of the Brighton & Hove Local Plan, paragraphs 132 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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2. The proposed development of seven houses in the rear gardens to the site, by virtue of their layout, positioning and site coverage, massing and material finish, represents excessively scaled additions that would permanently erode the original gardens to the site and the historic development pattern of the area, thereby detracting from the appearance of the site and wider Preston Park Conservation Area. The proposal therefore fails to preserve or enhance the character or appearance of the buildings, site or surrounding Preston Park Conservation Area, contrary to policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan, paragraphs 132 & 137 of the NPPF, and the statutory requirement set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.2 Informatives:

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

Plan Type	Reference	Version	Date Received
Location plan	YO116-100	-	23/02/2015
Block plan	YO116-101	-	16/02/2015
Existing site plan	YO116-105	-	16/02/2015
Existing floor plans	YO116-110	-	16/02/2015
	YO116-111	-	16/02/2015
Existing elevations	YO116-115	-	16/02/2015
	YO116-116	-	16/02/2015
Proposed floor plans (flats)	YO116-120	-	16/02/2015
	YO116-121	-	16/02/2015
	YO116-122	-	16/02/2015
	YO116-123	-	16/02/2015
	YO116-124	-	16/02/2015
Proposed floor plans (houses)	YO116-125	-	16/02/2015
	YO116-126	-	16/02/2015
Proposed elevations	YO116-130	-	16/02/2015
	YO116-131	-	16/02/2015
	YO116-132	-	16/02/2015
	YO116-133	-	16/02/2015
	YO116-134	-	16/02/2015
	YO116-135	-	16/02/2015
	YO116-136	-	16/02/2015
Elevational detail	YO116-137	-	16/02/2015
Proposed site plan	YO116-140	-	16/02/2015
Existing site survey	CL/ND_0	A	16/02/2015
Context location plan	CL/ND_02	A	16/02/2015
Landscape proposal	CL/ND_03	A	16/02/2015

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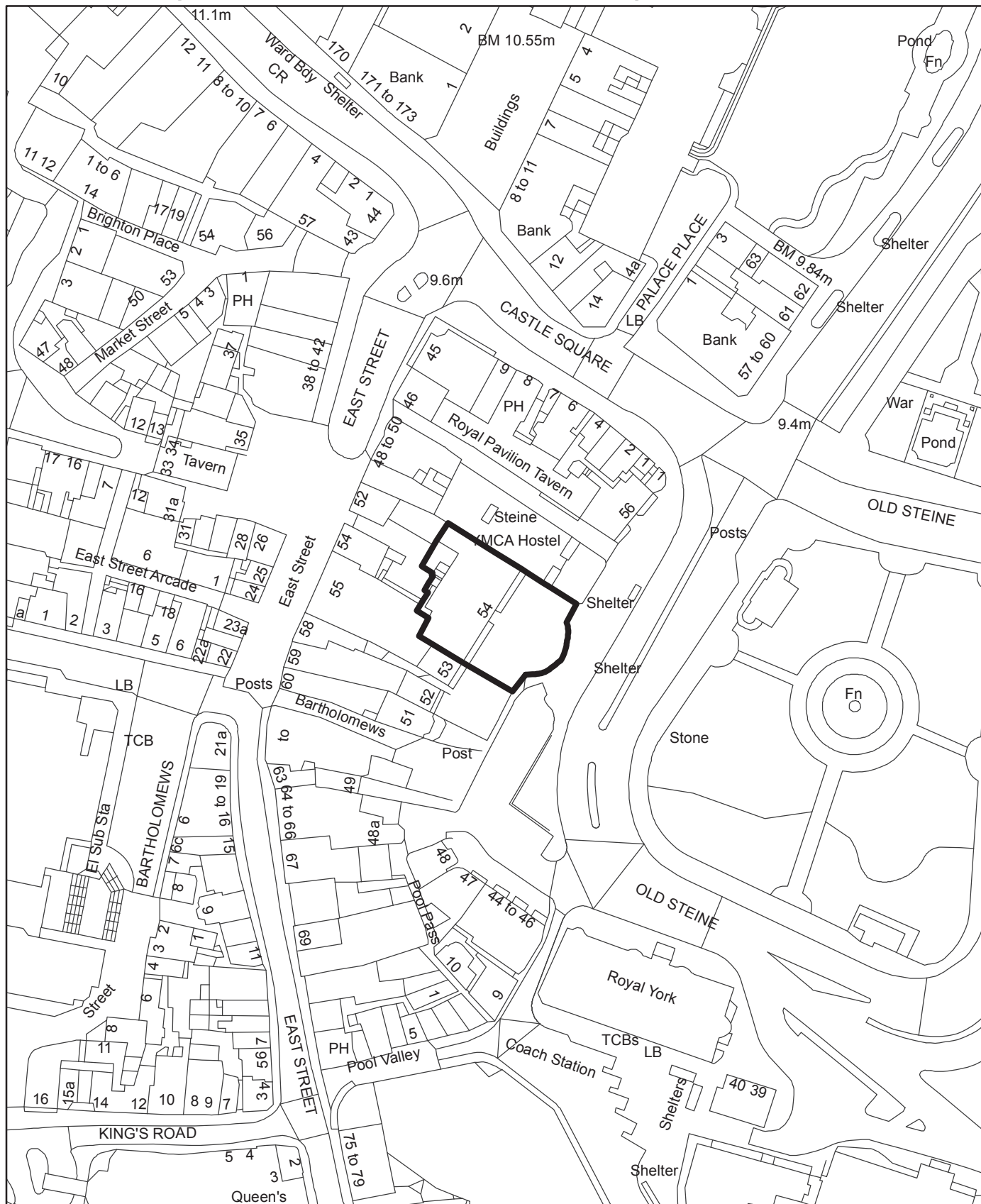
Landscape proposal B&W	CL/ND_03.1	A	16/02/2015
Proposed landscaping	CL/ND_04	A	16/02/2015
Hardscape zones	CL/ND_05	-	16/02/2015
Proposed boundary treatments	CL/ND_06	A	16/02/2015
Lighting layout	CL/ND_07	A	16/02/2015
Ecology and wildlife	CL/ND_08	A	16/02/2015
Trees in relation to construction	CL/ND_09	A	16/02/2015
Trees to be removed	CL/ND_010	-	16/02/2015

ITEM B

Marlborough House, 54 Old Steine, Brighton

**BH2014/01031
Full planning**

15 JULY 2015



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/01031	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Marlborough House 54 Old Steine Brighton		
<u>Proposal:</u>	Change of use from offices (B1) to single dwelling house (C3) with associated alterations including infill of some rear windows, replacement of rooflights and insertion of rear dormer.		
<u>Officer:</u>	Christopher Wright, tel: 292097	<u>Valid Date:</u>	10 April 2014
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	05 June 2014
<u>Listed Building Grade:</u>	Grade I Listed		
<u>Agent:</u>	Agora Chartered Architects, Victoria House, 125 Queens Road, Brighton BN1 3WB		
<u>Applicant:</u>	Eurofile Pension Fund, C/O Agora Chartered Architects, Victoria House, 125 Queens Road, Brighton BN1 3WB		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is a Grade I Listed Building on the western side of the Old Steine, within the Valley Gardens Conservation Area. It is described in the Pevsner Guide to Brighton and Hove as “the finest late c18 house, or rather villa, in Brighton” and is one of the most architecturally and historically significant buildings in the city. It was built c1765 for Samuel Shergold, proprietor of the Castle Inn, for lettings to visitors. The Third Duke of Marlborough bought the house in 1771 but its present appearance follows its sale in 1786 to William Hamilton MP, who commissioned its enlargement and remodelling in Neoclassical style by Robert Adam. The Prince of Wales stayed at the house in 1789 and 1795 but Hamilton died in 1796 and the house was sold.
- 2.2 The building evidence indicates that Adam kept the external shell, extending the house to the south. The rear parts have floor levels of the 1760s whilst at the front more generous storey heights were provided. The façade to Old Steine was made fashionable as a well balanced front with a delicately detailed doorway with Tuscan columns. The façade is of five bays and two storeys, stuccoed, with pediments at each end over projecting sections, creating pavilions. The ground floor windows are the Adam variation of a Venetian window with bottle balustrades. It is in effect a Palladian great house in miniature. The front façade was well restored in the first decade of

the 21st century.

- 2.3 To the front of the property is a semi-circular carriage drive with a bottle-balustrade and rendered boundary wall. These provide a fine setting for the building but may have been somewhat altered from their original form.
- 2.4 The interior is equally fine, particularly the main suite of ground floor rooms in the typical restrained style of Adam's later career, and is largely well preserved. The entrance hall, dining room, drawing room and octagonal hall have delicate plasterwork (attributed to Joseph Rose) to the ceilings and walls and fine joinery. Regrettably the Adam fireplaces have been lost but drawn and photographic records of them exist. The staircase hall is squeezed in the to the east of the study and has an open-well stair with Vitruvian scroll to the tread ends and newels in the form of columns. The staircase arrangement at first floor level is complex, to address the level changes that result from Adam's higher ground floor ceilings. The first floor rooms are much plainer but nevertheless have good surviving features. A secondary stair serves the attic storey. Here, original and historic dormers have been removed and replaced with inappropriate modern rooflights. The rear of the building is much more altered. A late 19th century stable block, in red brick, is in the north-west corner (quite altered) and there is a flat-roofed 20th century extension. The 19th century rear porch has been removed.
- 2.5 In 1870 a new owner (John Beal) leased the building to the Brighton School Board for use as offices and the Board purchased the building in 1891. It was used as education offices until 1974 and subsequently as a tourist information centre and offices until its closure in the mid 1990s. It has been vacant since then and is considered to be 'at risk'. Enforcement notices have recently been upheld and the wording varied, on 9 June 2015.
- 2.6 **Buildings at Risk Register:**
The building is on the English Heritage (now Historic England) "at risk register", 2014. The condition is described as fair and the building vacant/not in use.
- 2.7 The site is on the local buildings at risk register, 2013. The condition is described as fair, and vacant.

3 RELEVANT HISTORY

Enforcement

APP/Q1445/F/14/2216670 – An appeal in relation to a Listed Building enforcement notice relating to unauthorised internal and external works was **upheld** by decision dated 9 June 2015.

The current application will ensure the requirements of the enforcement notice are undertaken and that the necessary permission will be obtained prior to further works and alterations not constituting unauthorised works at the

present time.

BH2003/02586/AD – Display of externally illuminated mesh banner sign. Refused 26 September 2003.

BH2002/01245/LB – Removal of existing timber windows (casement) and replacement with new timber sash windows to front façade. Removal of existing forecourt surfaces and replacement with new including exposing bottom front entrance step, removal of front area stair, widening of opening replacement with new stone tread stair, alteration of front area railings to suit, reinstatement of flint pebbles to basement of façade, raising the cill to basement windows, alterations to front door, repainting new stucco and windows, reinstatement of portico ornamentation. Approved 9 October 2002.

BH2002/01244/LB – Temporary removal of the timber portico, doors and fanlight of entrance on the front façade in order to carry out repairs and then reinstate and redecorate. Removal of existing lead rainwater goods from front façade, replace with new to match. Removal of existing roof coverings and replacement with natural slate. Removal of existing stucco and replacement with new to be painted. Temporary removal of fireplaces for repair. Reinstatement of furniture stored in the basement. Approved 9 October 2002.

BH2002/01243/FP – Removal of existing timber windows (casement) and replacement with new timber sash windows to front façade. Removal of existing forecourt surfaces and replacement with new including exposing bottom front entrance step, removal of front area stair, widening of opening replacement with new stone tread stair, alteration of front area railings to suit, reinstatement of flint pebbles to basement of façade, raising the cill to basement windows, alterations to front door, repainting new stucco and windows, reinstatement of portico ornamentation. Approved 21 August 2002.

BH1997/00693/TB – Installation of two telephone kiosks. Prior approval required 28 July 1997.

BH1997/00162/LB – Part change of use from office to A3 restaurant and bar (basement and ground floor levels), retention of office use at first floor (for Fuller Smith Turner PLC) with Manager's Flat (second floor) and internal and external alterations to facilitate the part change of use. Refused 30 January 1998. *Appeal Dismissed 15 March 1999.*

BH1997/00161/FP – Part change of use from office to A3 restaurant and bar (basement and ground floor levels), retention of office use at first floor (for Fuller Smith Turner PLC) with Manager's Flat (second floor) and internal and external alterations to facilitate the part change of use. Refused 28 January 1998. *Appeal Dismissed 15 March 1999.*

BN86/137LBC – Erection of bureau de change kiosk inside Tourist Information Centre, non-illuminated sign in front window and erection of 2 non-illuminated sign boards fronting Old Steine. Approved 26 August 1986.

BN86/136AO – Erection of 2 non-illuminated sign boards fronting Old Steine. Approved 26 August 1986.

BN78/LBC750 – Painting façade of building, signage and erecting flagpole and flag over main entrance and erection of 2 Tourist Information signs fronting Old Steine. Approved 5 December 1978.

66/1510 – Change of use from caretaker's house to office. Approved 6

September 1966.

4 THE APPLICATION

Planning permission is sought for change of use of the building from offices (B1) to a single dwelling house (C3) with associated external alterations including the infilling of some rear windows, replacement of rooflights and insertion of a rear dormer.

An application for Listed Building Consent for the works, which also includes internal alterations, has also been submitted, **ref. BH2014/01032**.

5 PUBLICITY & CONSULTATIONS

External:

5.1 **Neighbours:** None received.

5.2 **English Heritage:**

28 May 2015

No formal objection is raised.

5.3 Some concerns were raised regarding the level of detail contained within the application submission, in particular in relation to the basement. A number of conditions that should be applied to any consent were also identified. English Heritage is content that these issues have now been addressed and the recommended conditions are appropriate.

5.4 13 August 2014

Insofar as the application would see the building used appropriately and put into a good state of repair, English Heritage supports in principle the proposals. It seems however that an opportunity is being missed to see the building returned to its former glory, and indeed there is insufficient information provided that would give us confidence that this could be achieved here. Notwithstanding this, the proposals in the main comprise a relatively light touch to the building and would not, if appropriately controlled by planning conditions, be very harmful to its significance. Under the terms of the NPPF therefore, the significance would be conserved if not substantially enhanced and would likely meet the requirements of paragraphs 132 and 134 by securing the optimum viable use for the building and hopefully seeing its removal from the Heritage At Risk Register.

5.5 The most substantial changes are proposed at basement level and while more of the plan form of this part of the building is to be retained, some aspects will require further information such as:

- Detailed drawings of the proposed lift showing how impacts to the well will be mitigated;
- Assurances that new environmental conditions arising from the sauna/Jacuzzi use would not cause long term damage to the building;

- Appropriate servicing strategy to include details of any external vents, pipes and flues;
 - Greater detail on floor finishes (where historic finishes remain it would be desirable to keep them and if absolutely necessary cover them with a reversible suspended timber floor);
 - Specification for lime mortar finishes;
 - Original doors where they exist should be retained and repaired.
- 5.6 The suite of rooms at ground floor is exquisite and while all the fireplaces are now sadly lost, the plasterwork and joinery is very fine and survives relatively intact. Photographs and drawings of the interiors prior to the loss of the fireplaces are known to exist and it would be highly desirable to see such features faithfully reproduced, whilst accepting that earlier or later phases of the building's development ought not to be erased entirely. Details of replacement fireplaces would be expected by and required by planning condition and for this detail to be informed by photographic evidence in line with English Heritage *Conservation Principles* guidance.
- 5.7 No information has been provided about the intended decorative finishes throughout the house, but particularly within the ground floor rooms. Robert Adam is famous for his elegant, classically inspired interiors, as can be seen at the recently restored Kenwood House. There is apparently no intention within the current applications to reinstate decorative schemes. While this is regrettable, it is acknowledged that it cannot be reasonably required as part of the current application, and should a future owner wish to explore this further, English Heritage would be pleased to advise.
- 5.8 There remain some discrepancies in the plans which have been identified by the Council's Heritage Team, that ought to be rectified prior to the granting of consent and in addition the following information should be sought either up front or by condition:
- Proposed location for Board of Schools safe (within the building);
 - Internal/External joinery details;
 - Servicing strategy throughout the building to include vents, pipes, flues, rainwater goods;
 - Detailed drawings of reinstated dormer windows;
 - Protection of architectural features during works;
 - External landscaping/lighting.
- 5.9 English Heritage would wish to be informed of any decision taken.
- 5.10 **Conservation Advisory Group: Objection**
17 February 2015
The group was re-consulted on the amended plans and maintained its objection.
- 5.11 13 May 2014
Whilst the group supports the change of use to a single dwelling in principle

the group recommends refusal of the application as it stands on the grounds that a full survey of the historical development of the building should be carried out in accordance with English Heritage guidelines before the plans are considered. Concerns are expressed about elements of the proposal which are seen as unacceptable. If the Officer recommendation is to grant the application the group would like the proposals to be heard at Planning Committee and if approved suggest a condition is imposed that the Adam fireplaces should be reproduced and reinstated using sections of the originals which are stored in the basement, and the rear roof extension should be removed.

5.12 Internal:

Heritage: No objection.

8 January 2015

This property remains on both the Council's and English Heritage's registers of Buildings at Risk and has more recently been subject to squatting and consequent damage and loss. The principle of bringing this long-vacant Grade I Listed Building back into use as a single dwelling (the use for which it was designed) is therefore welcomed. The associated repair and restoration works are also welcomed and it is noted positively that the works would now include for all the requirements of the current Listed Building Enforcement Notice.

5.13 The revised and additional plans and schedules have generally satisfactorily addressed all the various matters of detail raised in the previous consultation comments of 13 August 2014. It is therefore now considered that there is sufficient information and level of detail to be satisfied that the proposals would preserve the special architectural and historic interest of the building, given that there is a major public benefit in bringing the building back into a use that is consistent with its conservation. Nevertheless, any approval would need to be subject to a number of conditions.

5.14 13 August 2014

The amended submission includes a more lengthy historical analysis of the building. This is welcome. It does not go as far in its analysis as would be expected for a building of this significance. However, as the proposal is for the preferred use of the building and because the plan form would be largely unchanged above basement level, it is considered to be adequate in this case.

5.15 The proposed basement plan, which raised particular concerns, has been amended to retain the wine cellar store intact. There would no longer be a plunge pool but a Jacuzzi on a raised platform, so excavation would not be required. The existing door opening to this room has also been retained. But the relationship of the raised platform to the cill height of the windows is unclear as there is no section drawing through the room. The proposed changing room has been revised to a single space, with a glazed screen for the entrance, which would better retain the feel of the original hallway. The

original shelving in rooms B1 and B2 would still be lost for the proposed sauna and this is a matter of concern. The under stair cupboard would be restored but there is no detail on this. The lift would be of a type that would not disturb the existing well but more detail of that would be needed by condition if the scheme was otherwise acceptable.

- 5.16 Whilst the location of services is shown, it is not clear how and where these services would exit the building. There are no revised elevations or roof plan showing vents, pipes or flues. There is no information on how the Jacuzzi and sauna would be ventilated to avoid the creation of an environment that would be harmful to the historic fabric.
- 5.17 An additional plan shows the proposed floor, wall and ceiling finishes for the basement rooms. Wall and ceiling finishes are largely appropriate but the proposal to sand blast the flint wall to the family room/kitchen would damage the original mortar. The flint work would almost certainly not have been exposed; it would either have been directly plastered or have timber battens with a lathe and plaster finish. There is no information on the existing floor finishes, except where the brick floor to the proposed treatment room is to be retained. The proposed new materials are largely inappropriate. Traditionally basements in Brighton and Hove had brick paved or suspended timber floors, though in some cases there were simple earth floors. One of the basement rooms has a brick floor, which is shown to be retained. High status houses sometimes used York stone slabs for the hallway. Any proposals here should draw on the traditional palette of finishes.
- 5.18 The proposed ground floor plan has been amended to retain the proposed cloak room undivided. This is welcome. The central rooflight on the south facing slope of the old stable block has been deleted but the current enforcement notice requires the deletion of the central one on the north facing roof slope. Further consideration will need to be given to the historic safe but this could be left to condition if the proposals are otherwise acceptable.
- 5.19 The proposed first floor plan has been amended to reverse the position of the en-suite bathroom and dressing room at the southern end. There is no objection to this. Existing original openings and doors are shown retained where no longer needed for access and this is welcomed. Two windows to the proposed family bathroom at the rear would be blocked up and this is shown on the previously submitted rear elevation drawing. These are small windows added after 1891 and there is no objection to their removal. But the retained large window is a comparatively modern casement and it should be replaced with a sash window to match the pattern of the window directly above it. The elevation drawing will need to be amended. As with the amended basement plan, the location of services is shown but it is not clear how and where these services would exit the building. This is particularly an issue for the new en-suite bathrooms at the front.
- 5.20 The second floor layout is unchanged. Again the location of services is now

shown but it is not clear how and where these services would exit the building. The roof plan for the former stable block does not show the removal of the central rooflights.

- 5.21 No amended roof plan has been submitted.
- 5.22 Section A-A has not been amended in respect of the roof to the former stable block. This section drawing also appears inaccurate at higher level to the rear as the room names do not correspond with the plans.
- 5.23 There is no elevation showing the proposed dormers to the inner valley slopes. The southern-most window should be two painted softwood horizontally sliding sashes of equal width, with each sash divided into six panes of glass by slim glazing bars. The cheeks must be fixed glazing in softwood framing and divided vertically by one glazing bar and horizontally by two glazing bars in a pattern to match the proportions of the sliding sashes. The roof must be flat and finished in lead. The other two windows should be painted softwood side-hung casements of equal width, with two horizontal glazing bars to each casement.
- 5.24 The front elevation has not been amended to show the cobbled frontage to the basement.
- 5.25 The rear elevation has some inaccuracies. Some window and door openings have shallow curved heads. The existing porch door opening is wider than shown.
- 5.26 Much more information has been provided on existing and proposed doors and architraves on two drawings and this is welcome. However, it appears that at basement level and second floor level, none of the existing historic doors or architraves are to be retained and all are to be replaced with a single type of architrave and flush doors or modern glazed doors. There is at least one original door at basement level (boarded and ledged) and several historic doors at second floor level, including two panel doors with shallow raised and fielded panels and a four panel door with plain panels. None of these doors are illustrated. Some of these doors retain original rim locks and round handles. It is not only the doors etc. to the high status rooms on the ground and first floors that are of significance.
- 5.27 The proposed external landscape plan is acceptable. More details would be needed by condition if the proposals were otherwise acceptable.
- 5.28 **Planning Policy: Comment**
These comments relate to the principle of change of use from office to residential.
- 5.29 It is not clear from the evidence submitted if the applicant is arguing that the change of use is the only practicable way of preserving a building of

architectural or historic interest. The advice of the Heritage team should be sought.

- 5.30 Insufficient information has been submitted to demonstrate adequate marketing of the premises to conclude redundancy/unsuitability for office B1a use in accordance with the tests set out in policy EM5 of the adopted Brighton & Hove Local Plan.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- | | |
|-----|---------------------------------------|
| TR1 | Development and the demand for travel |
| TR7 | Safe development |

TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run off and flood risk
SU13	Minimisation and re-use of construction industry waste
QD3	Design – efficient and effective use of sites
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
EM5	Release of redundant office floorspace and conversions to other uses
HE1	Listed Building Consent
HE4	Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

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

Supplementary Planning Documents:

SPD08	Sustainable Building Design
SPD09	Architectural Features

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
CP3	Employment Land

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of development; the visual impact on the Listed Building and the wider Conservation Area; impact on amenity; sustainable transport; and sustainable building design.

8.2 Principle of development:

The application site was originally built as a dwelling but its last use was as offices. This was at least 7 to 10 years ago and since then the premises have been vacant. The property has recently been used by squatters. The site also lies outside of the Article 4 area which removes the permitted change of use from offices to residential as set out in Class O of the GPDO.

8.3 Policy EM5 of the Local Plan requires applicants to submit evidence that the office use is redundant and no longer viable and the Planning Policy team has commented that insufficient evidence has been submitted on this basis. However, an exception can be made where a change of use is the only

practicably way of preserving a building of architectural or historic interest. Policy CP3 of the City Plan Part One Submission Document sets out similar requirements.

- 8.4 In this instance the significance of this historic building and the proposed improvements which the applicant will make to it in order to restore the Listed Building and bring it back into use should be given considerable weight. Particularly as the site is on both the national and local 'buildings at risk' register. The proposed residential use of the building is also considered to be the most appropriate and the restoration of the heritage asset and historic use outweighs the preferred alternative of the site for other employment generating uses or affordable housing, as set out in policy EM5.
- 8.5 In view of the above it is considered the requirements of policy EM5 are met and that the use of the building as a dwellinghouse is acceptable in principle.
- 8.6 Bearing in mind the application site is a significant Grade I Listed Building, the mix and density proposed is considered acceptable and compliant with policies QD3, HO3 and HO4 of the Local Plan.
- 8.7 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 One is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position.
- 8.8 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 merits of the proposal are considered below.
- 8.9 **Listed Building and Conservation Area impact:**
Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
 - a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
 - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.10 Policy HE6 of the Local Plan states that proposals within or affecting the setting of a Conservation Area should preserve or enhance the character or appearance of the area and should show:
 - a. a consistently high standard of design and detailing reflecting the scale

- and character or appearance of the area, including the layout of the streets, development patterns, building lines and building forms;
- b. the use of building materials and finishes which are sympathetic to the area;
 - c. no harmful impact on the townscape and roofscape of the Conservation Area;
 - d. the retention and protection of trees, gardens, spaces between buildings and other open areas which contribute to the character or appearance of the area;
 - e. where appropriate the removal of unsightly and inappropriate features or details; and
 - f. the retention and where appropriate the reinstatement of original features such as chimneys, chimney pots, gates, railings and shopfronts and small scale architectural details such as moulding which individually or cumulatively contribute to the character or appearance of the area.
- 8.11 Proposals that are likely to have an adverse impact on the character or appearance of a Conservation Area will not be permitted.
- 8.12 This is a significant Listed Building historically and in terms of its evolution, character and special architectural features. The building has been vacant for some years and is in a state of deterioration. The building has been occupied by squatters on occasions and it is on both the national and local Listed Buildings at Risk Register.
- 8.13 The proposed change of use would bring the building back into use which is important to its continued preservation and should be given significant weight in determining this application. Should the building not be brought back into use it will continue to deteriorate and its original fabric and features may be compromised.
- 8.14 In this instance the Heritage Team has requested amendments and further details, for example of the rear porch and of the dormer windows. The applicant has submitted amended drawings which have sought to respond to the comments made by English Heritage and the Council's Heritage Team.
- 8.15 The principal façade to the building, which fronts the Old Steine, is to be restored and no significant alterations are proposed. The applicant has undertaken considerable research into the landscaping and setting of the carriage driveway in front of the building, and the existing timber gates are to be removed. This will be an improvement to the setting of the Listed Building. In addition the applicant proposes areas of planting and a reduced area of hardstanding. This would make the driveway and forecourt of the building more in keeping with its former, historic appearance and character and is considered acceptable.
- 8.16 The application seeks to remove five small windows on the rear elevation of

the building. The removal of these rear windows will result in a more uniform and co-ordinated appearance to the fenestration and would facilitate the use of an existing column of the building being used as a lift shaft. Internally, the safe on the ground floor will be removed and re-located. This will facilitate the installation of the lift shaft in its place.

- 8.17 Three small dormers are proposed on the rear roof slope of the front part of the building, which forms a valley with the pitched roof of the rear quarters of the building. The dormers would be flat roofed with painted timber casement windows. The dormers would not be visible from the street.
- 8.18 The two rooflights on the rear roof slope of the building will be removed and a single pitched roof dormer constructed in their place. The dormer would have a traditional form with pitched roof, minimal areas of cladding, and a painted softwood casement window. The dormer would align with the windows on the floors below.
- 8.19 The porch enclosure in front of the back entrance is also proposed to be reinstated.
- 8.20 Internal alterations are also proposed and these are subject of the separate application for Listed Building Consent. These alterations include reinstating the fireplaces on the ground floor; amendments to the position of the Jacuzzi in the basement, together with the retention of original cupboards; the reinstatement of internal doors; and details of extraction and ventilation. These alterations are all detailed on the revised drawings submitted.
- 8.21 Subject to various conditions, the proposed external and internal works are considered acceptable. The proposed works would enhance the appearance of the Listed Building and would in turn improve and help restore the historic character of the wider Valley Gardens Conservation Area.
- 8.22 **Impact on amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.23 The use of the building as a single family dwelling is considered likely to be a less intensive use than the former use of the building as offices. The site is in a busy city centre location with high levels of motorised and pedestrian traffic. The application site backs onto offices and the rear parts of shops in East Street. As such the change of use to a dwellinghouse is not considered likely to have a significant adverse impact on neighbour amenity.
- 8.24 **Sustainable transport:**
Policies TR1 and TR19 of the Local Plan require development to provide for

the transport demand generated in accordance with the minimum cycle parking standards and maximum car parking standards set out in SPGBH4: Parking Standards.

8.25 In this instance the change of use from offices to a single dwellinghouse would result in fewer trips to and from the site. The site is in a city centre location and also benefits from existing off-street parking within the driveway, which forms part of the setting of the Listed Building. This is also sufficient space within the site to accommodate secure, convenient and sheltered cycle parking, and the details of this can be secured by condition.

8.26 The proposal will not have a detrimental impact on the parking or the operations of the highway.

8.27 Sustainable building design:

Policy SU2 of the Local Plan requires development to be efficient in the use of energy, water and materials. For residential changes of use involving existing buildings, SPD08: Sustainable Building Design, requires the submission of a Sustainability Checklist.

8.28 The applicant has submitted a Sustainability Checklist which states that locally sourced materials and recycled materials will be used, and that an upgraded boiler and loft insulation will be installed. These measures are considered acceptable, particular in view of the constraints of the site as a Grade I Listed Building and as the proposals would bring the building back into use and assist in its preservation.

9 CONCLUSION

9.1 The proposed change of use is acceptable in principle and the internal and external alterations to the building would have a positive impact on the historic significance and appearance of the Listed Building or the wider character of the Valley Gardens Conservation Area. The building has been vacant for a long period of time and bringing the building back into use will help to preserve the building as well as removing it from the Buildings at Risk Register. No harmful impact on neighbour amenity or transport is foreseen and the development aims to be sustainable in the use of energy, water and materials.

9.2 Accordingly approval is recommended.

10 EQUALITIES

10.1 In so far as it may be practicable, the development should seek to meet accessible housing and Lifetime Home standards.

11 CONDITIONS / INFORMATIVES

Conditions:

PLANNING COMMITTEE LIST- 15 JULY 2015

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 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 Plans	1660PL001		28 Mar 2014
Basement Plans As Existing	1660PL 002	A	15 Jul 2014
Ground Floor Plans As Existing	1660PL 003	A	15 Jul 2014
First Floor and Mezzanine Plans As Existing	1660PL004		28 Mar 2014
Second Floor Plan As Existing	1660PL005		28 Mar 2014
Roof Plan As Existing	1660PL006		28 Mar 2014
South East Elevation As Existing	1660PL007		28 Mar 2014
North West Elevation As Existing	1660PL008	A	19 Dec 2014
Section A-A As Existing	1660PL009		28 Mar 2014
Basement Plan As Proposed	1660PL010	B	19 Dec 2014
Ground Floor Plan As Proposed	1660PL011	B	19 Dec 2014
First Floor and Mezzanine Plans As Proposed	1660PL012	B	19 Dec 2014
Second Floor Plan As Proposed	1660PL013	B	19 Dec 2014
Roof Plan As Proposed	1660PL014	A	19 Dec 2014
South East Elevation As Proposed	1660PL015	A	19 Dec 2014
North West Elevation As Proposed	1660PL016	A	19 Dec 2014
Section A-A, B-B As Proposed	1660PL017	A	19 Dec 2014
Internal Space Analysis 1	1660PL018		28 Mar 2014
Internal Space Analysis 2	1660PL019		28 Mar 2014
Internal Door Schedule Sheet 1	1660PL021	A	19 Dec 2014
Internal Door Schedule Sheet 2	1660PL022	A	19 Dec 2014
Landscape Study	1660PL023		15 Jul 2014
Basement and Stable Finishes	1660PL024	A	19 Dec 2014

PLANNING COMMITTEE LIST- 15 JULY 2015

Basement Cupboard Details	1660PL025		19 Dec 2014
Roof Inner Valley Proposed Dormer Elevations	1660PL026		19 Dec 2014

3. The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof. **Reason:** To ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
4. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority. **Reason:** To ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
5. All new and replacement rainwater goods, soil and other waste pipes, shall be in cast iron and shall be painted black and retained as such thereafter. **Reason:** To ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
6. 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:** As this matter is fundamental to ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
7. No works shall take place until full details of the new dormer windows 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 roofs to the dormers must be finished in lead. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter. **Reason:** As this matter is fundamental to ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
8. No works shall take place until full details of the reinstated rear porch including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such

thereafter. **Reason:** As this matter is fundamental to ensure the satisfactory preservation of this Listed Building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

9. No works shall take place until full details of the new external doors including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed in accordance with the approved details and retained as such thereafter. **Reason:** As this matter is fundamental to ensure the satisfactory preservation of this listed building, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 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 of the front forecourt area, which shall include hard surfacing, boundary treatments, entrance gates, lighting and planting. **Reason:** As this matter is fundamental to ensure the satisfactory preservation of this Listed Building and its setting, in the interests of the visual amenities of the area and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.
11. Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a. details of all hard surfacing;
 - b. details of all boundary treatments;
 - c. details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.

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

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

Informatives:

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

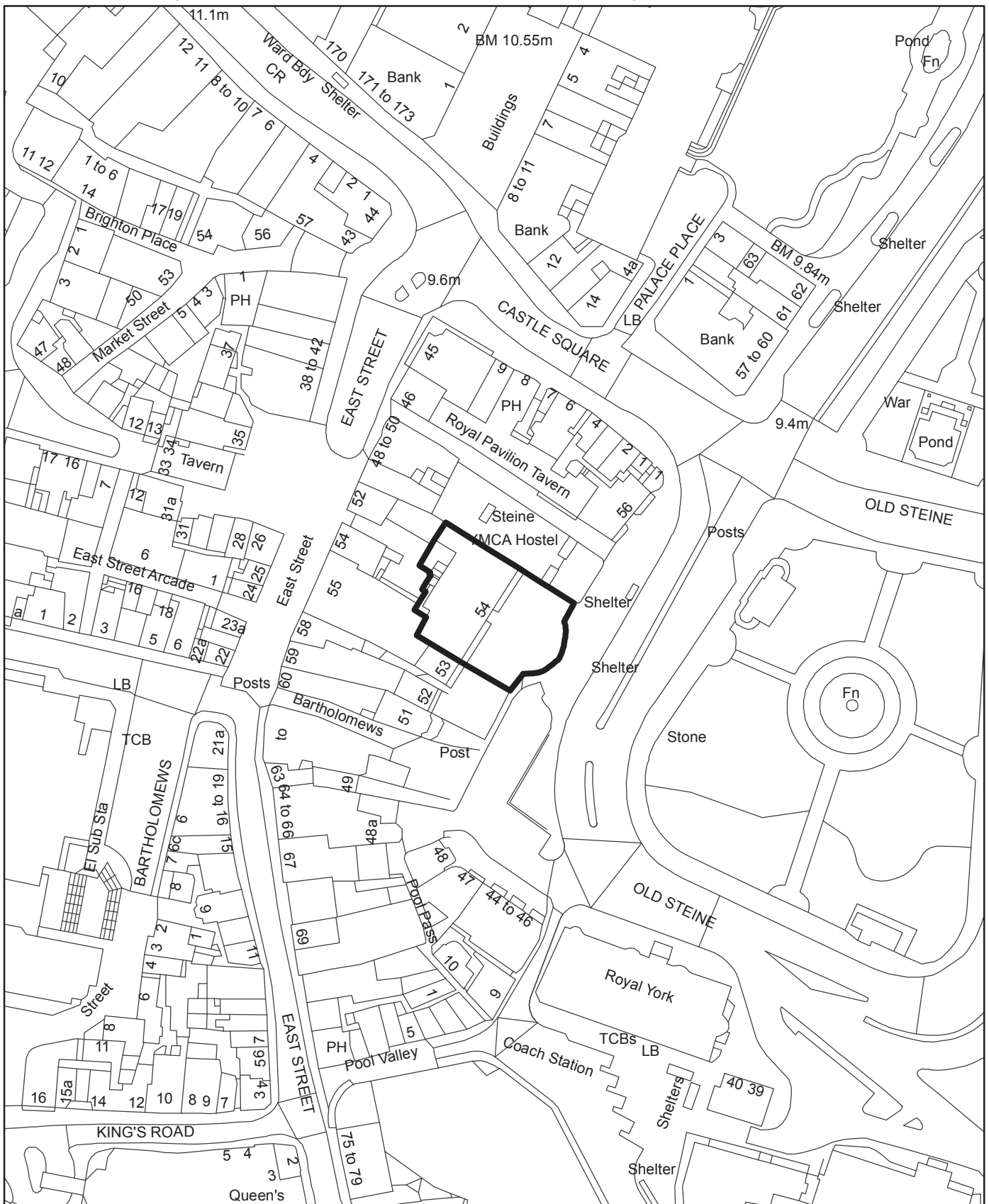
The proposed change of use is acceptable in principle and the internal and external alterations to the building would have a positive impact on the historic significance and appearance of the Listed Building or the wider character of the Valley Gardens Conservation Area. The building has been vacant for a long period of time and bringing the building back into use will help to preserve the building as well as removing it from the Buildings at Risk Register. No harmful impact on neighbour amenity or transport is foreseen and the development aims to be sustainable in the use of energy, water and materials.
3. 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).

ITEM C

Marlborough House, 54 Old Steine, Brighton

BH2014/01032
Listed building consent

15 JULY 2015



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/01032	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Marlborough House 54 Old Steine Brighton		
<u>Proposal:</u>	Change of use from offices (B1) to single dwelling house (C3) with associated internal alterations to layout and external alterations including infill of some rear windows, replacement of rooflights and insertion of rear dormer.		
<u>Officer:</u>	Christopher Wright	<u>Valid Date:</u>	10 April 2014
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	05 June 2014
<u>Listed Building Grade:</u>	Grade I Listed		
<u>Agent:</u>	Agora Chartered Architects, Victoria House, 125 Queens Road, Brighton BN1 3WB		
<u>Applicant:</u>	Eurofile Pension Fund, C/O Agora Chartered Architects, Victoria House, 125 Queens Road, Brighton BN1 3WB		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is a Grade I Listed Building on the western side of the Old Steine, within the Valley Gardens Conservation Area. It is described in the Pevsner Guide to Brighton and Hove as “the finest late c18 house, or rather villa, in Brighton” and is one of the most architecturally and historically significant buildings in the city. It was built c1765 for Samuel Shergold, proprietor of the Castle Inn, for lettings to visitors. The Third Duke of Marlborough bought the house in 1771 but its present appearance follows its sale in 1786 to William Hamilton MP, who commissioned its enlargement and remodelling in Neoclassical style by Robert Adam. The Prince of Wales stayed at the house in 1789 and 1795 but Hamilton died in 1796 and the house was sold.
- 2.2 The building evidence indicates that Adam kept the external shell, extending the house to the south. The rear parts have floor levels of the 1760s whilst at the front more generous storey heights were provided. The façade to Old Steine was made fashionable as a well-balanced front with a delicately detailed doorway with Tuscan columns. The façade is of five bays and two storeys, stuccoed, with pediments at each end over projecting sections, creating pavilions. The ground floor windows are the Adam variation of a Venetian window with bottle balustrades. It is in effect a Palladian great house in miniature. The front façade was well restored in the first decade of the 21st century.

- 2.3 To the front of the property is a semi-circular carriage drive with a bottle-balustrade and rendered boundary wall. These provide a fine setting for the building but may have been somewhat altered from their original form.
- 2.4 The interior is equally fine, particularly the main suite of ground floor rooms in the typical restrained style of Adam's later career, and is largely well preserved. The entrance hall, dining room, drawing room and octagonal hall have delicate plasterwork (attributed to Joseph Rose) to the ceilings and walls and fine joinery. Regrettably the Adam fireplaces have been lost but drawn and photographic records of them exist. The staircase hall is squeezed in to the east of the study and has an open-well stair with Vitruvian scroll to the tread ends and newels in the form of columns. The staircase arrangement at first floor level is complex, to address the level changes that result from Adam's higher ground floor ceilings. The first floor rooms are much plainer but nevertheless have good surviving features. A secondary stair serves the attic storey. Here, original and historic dormers have been removed and replaced with inappropriate modern rooflights. The rear of the building is much more altered. A late 19th century stable block, in red brick, is in the north-west corner (quite altered) and there is a flat-roofed 20th century extension. The 19th century rear porch has been removed.
- 2.5 In 1870 a new owner (John Beal) leased the building to the Brighton School Board for use as offices and the Board purchased the building in 1891. It was used as education offices until 1974 and subsequently as a tourist information centre and offices until its closure in the mid 1990s. It has been vacant since then and is considered to be 'at risk'. Enforcement notices have recently been upheld and the wording varied, on 9 June 2015.

Buildings at Risk Register:

- 2.6 The building is on the English Heritage (now Historic England) "at risk register", 2014. The condition is described as fair and the building vacant/not in use.
- 2.7 The site is on the local buildings at risk register, 2013. The condition is described as fair, and vacant.

3 RELEVANT HISTORY

Enforcement-

APP/Q1445/F/14/2216670 – An appeal in relation to a Listed Building enforcement notice relating to unauthorised internal and external works was **upheld** by decision dated 9 June 2015.

The current application will ensure the requirements of the enforcement notice are undertaken and that the necessary permission will be obtained prior to further works and alterations not constituting unauthorised works at the present time.

BH2003/02586/AD – Display of externally illuminated mesh banner sign. Refused 26 September 2003.

BH2002/01245/LB – Removal of existing timber windows (casement) and replacement with new timber sash windows to front façade. Removal of existing forecourt surfaces and replacement with new including exposing bottom front entrance step, removal of front area stair, widening of opening replacement with new stone tread stair, alteration of front area railings to suit, reinstatement of flint pebbles to basement of façade, raising the cill to basement windows, alterations to front door, repainting new stucco and windows, reinstatement of portico ornamentation. Approved 9 October 2002.

BH2002/01244/LB – Temporary removal of the timber portico, doors and fanlight of entrance on the front façade in order to carry out repairs and then reinstate and redecorate. Removal of existing lead rainwater goods from front façade, replace with new to match. Removal of existing roof coverings and replacement with natural slate. Removal of existing stucco and replacement with new to be painted. Temporary removal of fireplaces for repair. Reinstatement of furniture stored in the basement. Approved 9 October 2002.

BH2002/01243/FP – Removal of existing timber windows (casement) and replacement with new timber sash windows to front façade. Removal of existing forecourt surfaces and replacement with new including exposing bottom front entrance step, removal of front area stair, widening of opening replacement with new stone tread stair, alteration of front area railings to suit, reinstatement of flint pebbles to basement of façade, raising the cill to basement windows, alterations to front door, repainting new stucco and windows, reinstatement of portico ornamentation. Approved 21 August 2002.

BH1997/00693/TB – Installation of two telephone kiosks. Prior approval required 28 July 1997.

BH1997/00162/LB – Part change of use from office to A3 restaurant and bar (basement and ground floor levels), retention of office use at first floor (for Fuller Smith Turner PLC) with Manager's Flat (second floor) and internal and external alterations to facilitate the part change of use. Refused 30 January 1998. *Appeal Dismissed 15 March 1999.*

BH1997/00161/FP – Part change of use from office to A3 restaurant and bar (basement and ground floor levels), retention of office use at first floor (for Fuller Smith Turner PLC) with Manager's Flat (second floor) and internal and external alterations to facilitate the part change of use. Refused 28 January 1998. *Appeal Dismissed 15 March 1999.*

BN86/137LBC – Erection of bureau de change kiosk inside Tourist Information Centre, non-illuminated sign in front window and erection of 2 non-illuminated sign boards fronting Old Steine. Approved 26 August 1986.

BN86/136AO – Erection of 2 non-illuminated sign boards fronting Old Steine. Approved 26 August 1986.

BN78/LBC750 – Painting façade of building, signage and erecting flagpole and flag over main entrance and erection of 2 Tourist Information signs fronting Old Steine. Approved 5 December 1978.

66/1510 – Change of use from caretaker's house to office. Approved 6 September 1966.

4 THE APPLICATION

- 4.1 In connection with the change of use of the building from offices (B1) to a single dwelling house (C3), Listed Building Consent is sought for associated internal

alterations to the layout and external alterations including the infilling of some rear windows, replacement of rooflights and insertion of a rear dormer.

- 4.2 An application for planning permission for the works and the change of use has also been submitted, **ref. BH2014/01031**.

5 PUBLICITY AND CONSULTATIONS

External:

- 5.1 **Neighbours:** None received.

5.2 **English Heritage:**

28 May 2015

No formal objection is raised.

- 5.3 Some concerns were raised regarding the level of detail contained within the application submission, in particular in relation to the basement. A number of conditions that should be applied to any consent were also identified. English Heritage is content that these issues have now been addressed and the recommended conditions are appropriate.

5.4 13 August 2014

Insofar as the application would see the building used appropriately and put into a good state of repair, English Heritage supports in principle the proposals. It seems however that an opportunity is being missed to see the building returned to its former glory, and indeed there is insufficient information provided that would give us confidence that this could be achieved here. Notwithstanding this, the proposals in the main comprise a relatively light touch to the building and would not, if appropriately controlled by planning conditions, be very harmful to its significance. Under the terms of the NPPF therefore, the significance would be conserved if not substantially enhanced and would likely meet the requirements of paragraphs 132 and 134 by securing the optimum viable use for the building and hopefully seeing its removal from the Heritage At Risk Register.

- 5.5 The most substantial changes are proposed at basement level and while more of the plan form of this part of the building is to be retained, some aspects will require further information such as:

- Detailed drawings of the proposed lift showing how impacts to the well will be mitigated;
- Assurances that new environmental conditions arising from the sauna/Jacuzzi use would not cause long term damage to the building;
- Appropriate servicing strategy to include details of any external vents, pipes and flues;
- Greater detail on floor finishes (where historic finishes remain it would be desirable to keep them and if absolutely necessary cover them with a reversible suspended timber floor);
- Specification for lime mortar finishes;
- Original doors where they exist should be retained and repaired.

- 5.6 The suite of rooms at ground floor is exquisite and while all the fireplaces are now sadly lost, the plasterwork and joinery is very fine and survives relatively intact. Photographs and drawings of the interiors prior to the loss of the fireplaces are known to exist and it would be highly desirable to see such features faithfully reproduced, whilst accepting that earlier or later phases of the building's development ought not to be erased entirely. Details of replacement fireplaces would be expected by and required by planning condition and for this detail to be informed by photographic evidence in line with English Heritage *Conservation Principles* guidance.
- 5.7 No information has been provided about the intended decorative finishes throughout the house, but particularly within the ground floor rooms. Robert Adam is famous for his elegant, classically inspired interiors, as can be seen at the recently restored Kenwood House. There is apparently no intention within the current applications to reinstate decorative schemes. While this is regrettable, it is acknowledged that it cannot be reasonably required as part of the current application, and should a future owner wish to explore this further, English Heritage would be pleased to advise.
- 5.8 There remain some discrepancies in the plans which have been identified by the Council's Heritage Team, that ought to be rectified prior to the granting of consent and in addition the following information should be sought either up front or by condition:
- Proposed location for Board of Schools safe (within the building);
 - Internal/External joinery details;
 - Servicing strategy throughout the building to include vents, pipes, flues, rainwater goods;
 - Detailed drawings of reinstated dormer windows;
 - Protection of architectural features during works;
 - External landscaping/lighting.
- 5.9 English Heritage would wish to be informed of any decision taken.
- 5.10 **Conservation Advisory Group: Objection**
- 5.11 17 February 2015
The group was re-consulted on the amended plans and maintained its objection.
- 5.12 13 May 2014
Whilst the group supports the change of use to a single dwelling in principle the group recommends refusal of the application as it stands on the grounds that a full survey of the historical development of the building should be carried out in accordance with English Heritage guidelines before the plans are considered. Concerns are expressed about elements of the proposal which are seen as unacceptable. If the Officer recommendation is to grant the application the group would like the proposals to be heard at Planning Committee and if approved suggest a condition is imposed that the Adam fireplaces should be

reproduced and reinstated using sections of the originals which are stored in the basement, and the rear roof extension should be removed.

Internal:

5.13 **Heritage:** No objection

5.14 8 January 2015

This property remains on both the Council's and English Heritage's registers of Buildings at Risk and has more recently been subject to squatting and consequent damage and loss. The principle of bringing this long-vacant Grade I Listed Building back into use as a single dwelling (the use for which it was designed) is therefore welcomed. The associated repair and restoration works are also welcomed and it is noted positively that the works would now include for all the requirements of the current Listed Building Enforcement Notice.

5.15 The revised and additional plans and schedules have generally satisfactorily addressed all the various matters of detail raised in the previous consultation comments of 13 August 2014. It is therefore now considered that there is sufficient information and level of detail to be satisfied that the proposals would preserve the special architectural and historic interest of the building, given that there is a major public benefit in bringing the building back into a use that is consistent with its conservation. Nevertheless, any approval would need to be subject to a number of conditions.

5.16 13 August 2014

The amended submission includes a more lengthy historical analysis of the building. This is welcome. It does not go as far in its analysis as would be expected for a building of this significance. However, as the proposal is for the preferred use of the building and because the plan form would be largely unchanged above basement level, it is considered to be adequate in this case.

5.17 The proposed basement plan, which raised particular concerns, has been amended to retain the wine cellar store intact. There would no longer be a plunge pool but a Jacuzzi on a raised platform, so excavation would not be required. The existing door opening to this room has also been retained. But the relationship of the raised platform to the cill height of the windows is unclear as there is no section drawing through the room. The proposed changing room has been revised to a single space, with a glazed screen for the entrance, which would better retain the feel of the original hallway. The original shelving in rooms B1 and B2 would still be lost for the proposed sauna and this is a matter of concern. The under stair cupboard would be restored but there is no detail on this. The lift would be of a type that would not disturb the existing well but more detail of that would be needed by condition if the scheme was otherwise acceptable.

5.18 Whilst the location of services is shown, it is not clear how and where these services would exit the building. There are no revised elevations or roof plan showing vents, pipes or flues. There is no information on how the Jacuzzi and sauna would be ventilated to avoid the creation of an environment that would be harmful to the historic fabric.

- 5.19 An additional plan shows the proposed floor, wall and ceiling finishes for the basement rooms. Wall and ceiling finishes are largely appropriate but the proposal to sand blast the flint wall to the family room/kitchen would damage the original mortar. The flint work would almost certainly not have been exposed; it would either have been directly plastered or have timber battens with a lathe and plaster finish. There is no information on the existing floor finishes, except where the brick floor to the proposed treatment room is to be retained. The proposed new materials are largely inappropriate. Traditionally basements in Brighton and Hove had brick paved or suspended timber floors, though in some cases there were simple earth floors. One of the basement rooms has a brick floor, which is shown to be retained. High status houses sometimes used York stone slabs for the hallway. Any proposals here should draw on the traditional palette of finishes.
- 5.20 The proposed ground floor plan has been amended to retain the proposed cloak room undivided. This is welcome. The central rooflight on the south facing slope of the old stable block has been deleted but the current enforcement notice requires the deletion of the central one on the north facing roof slope. Further consideration will need to be given to the historic safe but this could be left to condition if the proposals are otherwise acceptable.
- 5.21 The proposed first floor plan has been amended to reverse the position of the en-suite bathroom and dressing room at the southern end. There is no objection to this. Existing original openings and doors are shown retained where no longer needed for access and this is welcomed. Two windows to the proposed family bathroom at the rear would be blocked up and this is shown on the previously submitted rear elevation drawing. These are small windows added after 1891 and there is no objection to their removal. But the retained large window is a comparatively modern casement and it should be replaced with a sash window to match the pattern of the window directly above it. The elevation drawing will need to be amended. As with the amended basement plan, the location of services is shown but it is not clear how and where these services would exit the building. This is particularly an issue for the new en-suite bathrooms at the front.
- 5.22 The second floor layout is unchanged. Again the location of services is now shown but it is not clear how and where these services would exit the building. The roof plan for the former stable block does not show the removal of the central rooflights.
- 5.23 No amended roof plan has been submitted.
- 5.24 Section A-A has not been amended in respect of the roof to the former stable block. This section drawing also appears inaccurate at higher level to the rear as the room names do not correspond with the plans.
- 5.25 There is no elevation showing the proposed dormers to the inner valley slopes. The southern-most window should be two painted softwood horizontally sliding sashes of equal width, with each sash divided into six panes of glass by slim

glazing bars. The cheeks must be fixed glazing in softwood framing and divided vertically by one glazing bar and horizontally by two glazing bars in a pattern to match the proportions of the sliding sashes. The roof must be flat and finished in lead. The other two windows should be painted softwood side-hung casements of equal width, with two horizontal glazing bars to each casement.

- 5.26 The front elevation has not been amended to show the cobbled frontage to the basement.
- 5.27 The rear elevation has some inaccuracies. Some window and door openings have shallow curved heads. The existing porch door opening is wider than shown.
- 5.28 Much more information has been provided on existing and proposed doors and architraves on two drawings and this is welcome. However, it appears that at basement level and second floor level, none of the existing historic doors or architraves are to be retained and all are to be replaced with a single type of architrave and flush doors or modern glazed doors. There is at least one original door at basement level (boarded and ledged) and several historic doors at second floor level, including two panel doors with shallow raised and fielded panels and a four panel door with plain panels. None of these doors are illustrated. Some of these doors retain original rim locks and round handles. It is not only the doors etc. to the high status rooms on the ground and first floors that are of significance.
- 5.29 The proposed external landscape plan is acceptable. More details would be needed by condition if the proposals were otherwise acceptable.
- 5.30 **Planning Policy: Comment**
These comments relate to the principle of change of use from office to residential.
- 5.31 It is not clear from the evidence submitted if the applicant is arguing that the change of use is the only practicable way of preserving a building of architectural or historic interest. The advice of the Heritage team should be sought.
- 5.32 Insufficient information has been submitted to demonstrate adequate marketing of the premises to conclude redundancy/unsuitability for office B1a use in accordance with the tests set out in policy EM5 of the adopted Brighton & Hove Local Plan.

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:

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:

SPGBH11 Listed Building Interiors

SPGBH13 Listed Building – General Advice

Supplementary Planning Documents:

SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to whether the alterations will have a detrimental impact on the character, architectural setting and significance of the Grade I Listed Building.

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- 8.2 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
 - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.3 Policy HE4 of the Local Plan states that where appropriate, the planning authority will require – in conjunction with applications for a change of use, alteration or refurbishment – the reinstatement of original features on Listed Buildings, such as mouldings; traditional doors; and windows.
- 8.4 This is a significant Listed Building historically and in terms of its evolution, character and special architectural features. The building has been vacant for some years and is in a state of deterioration. The building has been occupied by squatters on occasions and it is on both the national and local Listed Buildings at Risk Register.
- 8.5 The proposed change of use would bring the building back into use which is important to its continued preservation. In this instance the Heritage Team has requested amendments and further details, for example to the design of the basement layout and details of existing internal doors to be retained for example. The amended drawings have responded to the comments made by English Heritage and the Council's Heritage Team and no objections are raised by either to the current proposals.
- 8.6 The principal façade to the building, which fronts the Old Steine, is to be restored and no significant alterations are proposed. The applicant has undertaken considerable research into the landscaping and setting of the carriage driveway in front of the building, and the existing timber gates are to be removed. This will be an improvement to the setting of the Listed Building. In addition the applicant proposes areas of planting and a reduced area of hardstanding. This would make the driveway and forecourt of the building more in keeping with its former, historic appearance and character and is considered acceptable.
- 8.7 The application seeks to remove five small windows on the rear elevation of the building. The removal of these rear windows will result in a more uniform and co-ordinated appearance to the fenestration and would facilitate the use of an existing column of the building being used as a lift shaft. Internally, the safe on the ground floor will be removed and re-located. This will facilitate the installation of the lift shaft in its place.
- 8.8 Three small dormers are proposed on the rear roof slope of the front part of the building, which forms a valley with the pitched roof of the rear quarters of the building. The dormers would be flat roofed with painted

timber casement windows. The dormers would not be visible from the street.

- 8.9 The two rooflights on the rear roof slope of the building will be removed and a single pitched roof dormer constructed in their place. The dormer would have a traditional form with pitched roof, minimal areas of cladding, and a painted softwood casement window. The dormer would align with the windows on the floors below.
- 8.10 The porch enclosure in front of the back entrance is also proposed to be reinstated.
- 8.11 Internal alterations are also proposed including: reinstating the fireplaces on the ground floor; amendments to the position of the Jacuzzi in the basement, together with the retention of original cupboards; the reinstatement of internal doors; and details of extraction and ventilation. These alterations are all detailed on the revised drawings submitted.
- 8.12 Subject to various conditions, the proposed external and internal works are considered acceptable. The proposed works would enhance the appearance of the Listed Building.
- 8.13 The proposals would not have a harmful impact on the character or historic and architectural interest of the Listed Building.

9 CONCLUSION

- 9.1 The proposals would help preserve the Listed Building by bringing it back into use and would not have a harmful impact on its character or historic and architectural interest.
- 9.2 Accordingly approval is recommended.

10 EQUALITIES

- 10.1 None identified.

11 CONDITIONS / INFORMATIVES

Conditions:

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent. **Reason:** To comply with Sections 18 (as amended) and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The rooflights hereby approved shall have steel or cast metal frames fitted flush with the adjoining roof surface and shall not project above the plane of the roof. **Reason:** To ensure the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.
3. No cables, wires, aerials, pipework (except rainwater downpipes shown on the approved plans) meter boxes, ventilation grilles or

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- flues shall be fixed to or penetrate any external elevation, other than those shown on the approved drawings, without the prior consent in writing of the Local Planning Authority. **Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.
4. All new and replacement rainwater goods, soil and other waste pipes, shall be in cast iron and shall be painted black and retained as such thereafter. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE1 of the Brighton & Hove Local Plan.
 5. The new walls shall be scribed around all existing features including any skirting boards, dado rails, picture rails and cornices, and the existing features shall not be cut into or damaged. **Reason:** To ensure the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.
 6. All existing architectural features including staircases, balustrades, windows, doors, door furniture (including locks), architraves, skirtings, dados, picture rails, panel work, fireplaces, tiling, arches, cornices, decorative ceilings and other decorative features, shall be retained except where otherwise agreed in writing with the Local Planning Authority. **Reason:** To ensure the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.
 7. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing. **Reason:** To ensure the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.
 8. 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.
 9. No works shall take place until full details of the new dormer windows 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 roofs to the dormers must be finished in lead. 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.

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10. No works shall take place until full details of the reinstated rear porch including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter. **Reason:** To ensure the satisfactory preservation of this Listed Building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.
11. No works shall take place until full details of the new external doors including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed 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.
12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping of the front forecourt area, which shall include hard surfacing, boundary treatments, entrance gates, lighting and planting. **Reason:** To ensure the satisfactory preservation of this Listed Building and its setting and to comply with policy HE1 of the Brighton & Hove Local Plan.
13. No works shall take place until a method statement for the protection of internal architectural features during the carrying out of the works has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved method statement. **Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.
14. No works shall take place until a specification of works for the plastering of internal walls and ceilings and the restoration of the existing brick floor in the basement has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out 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 policies HE1 and HE4 of the Brighton & Hove Local Plan.
15. No works shall take place until a sample of the proposed York stone paving to the basement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved material sample. **Reason:** To ensure the satisfactory preservation of this Listed Building and to comply with policy HE1 of the Brighton & Hove Local Plan.
16. No works shall take place until full details of the new internal lift, including measures to preserve in situ the existing well and mitigate any impacts on it, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out

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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.

17. No works shall take place until details of a new location for the former School Board safe within the building 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 approval 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.
18. No works shall take place until a schedule of all features to be removed, moved, replaced or reinstated has been submitted to and approved in writing by the Local Planning Authority. All replacement and reinstated features must match exactly the original in materials and detail. Photographs, drawings and/or sections recording the features to be replicated must be submitted along with 1:1 scale drawings of proposed items for approved by the Local Planning Authority. **Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this Listed Building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.
19. No works shall take place until details of the fireplaces to be reinstated to match in design and materials those previously lost, including elevations and sections at 1:20 and 1:5 scale, have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in and completed fully in accordance with the approved details and retained as such thereafter. **Reason:** As insufficient information has been submitted, to ensure the satisfactory preservation of this Listed Building and to comply with policies HE1 and HE4 of the Brighton & Hove Local Plan.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location & Block Plans	1660PL001		28 Mar 2014
Basement Plans As Existing	1660PL002	A	15 Jul 2014
Ground Floor Plans As Existing	1660PL003	A	15 Jul 2014
First Floor & Mezzanine Plans As Existing	1660PL004		28 Mar 2014
Second Floor Plan As Existing	1660PL005		28 Mar 2014
Roof Plan As Existing	1660PL006		28 Mar 2014
South East Elevation As Existing	1660PL007		28 Mar 2014
North West Elevation As Existing	1660PL008	A	19 Dec 2014

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Section A-A As Existing	1660PL009		28 Mar 2014
Basement Plan As Proposed	1660PL010	B	19 Dec 2014
Ground Floor Plan As Proposed	1660PL011	B	19 Dec 2014
First Floor & Mezzanine Plans As Proposed	1660PL012	B	19 Dec 2014
Second Floor Plan As Proposed	1660PL013	B	19 Dec 2014
Roof Plan As Proposed	1660PL014	A	19 Dec 2014
South East Elevation As Proposed	1660PL015	A	19 Dec 2014
North West Elevation As Proposed	1660PL016	A	19 Dec 2014
Section A-A, B-B As Proposed	1660PL017	A	19 Dec 2014
Door & Window Details	1660PL018		10 Apr 2014
Internal Space Analysis 1	1660PL018		28 Mar 2014
Internal Space Analysis 2	1660PL019		28 Mar 2014
Internal Door Schedule Sheet 1	1660PL021	A	19 Dec 2014
Internal Door Schedule Sheet 2	1660PL022	A	19 Dec 2014
Landscape Study	1660PL023		15 Jul 2014
Basement and Stable Finishes	1660PL024	A	19 Dec 2014
Basement Cupboard Details	1660PL025		19 Dec 2014
Roof Inner Valley Proposed Dormer Elevations	1660PL026		19 Dec 2014

2. This decision to grant Listed Building Consent has been taken:
- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Brighton & Hove Local Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-
The proposals would help preserve the Listed Building by bringing it back into use and would not have a harmful impact on its character or historic and architectural interest.

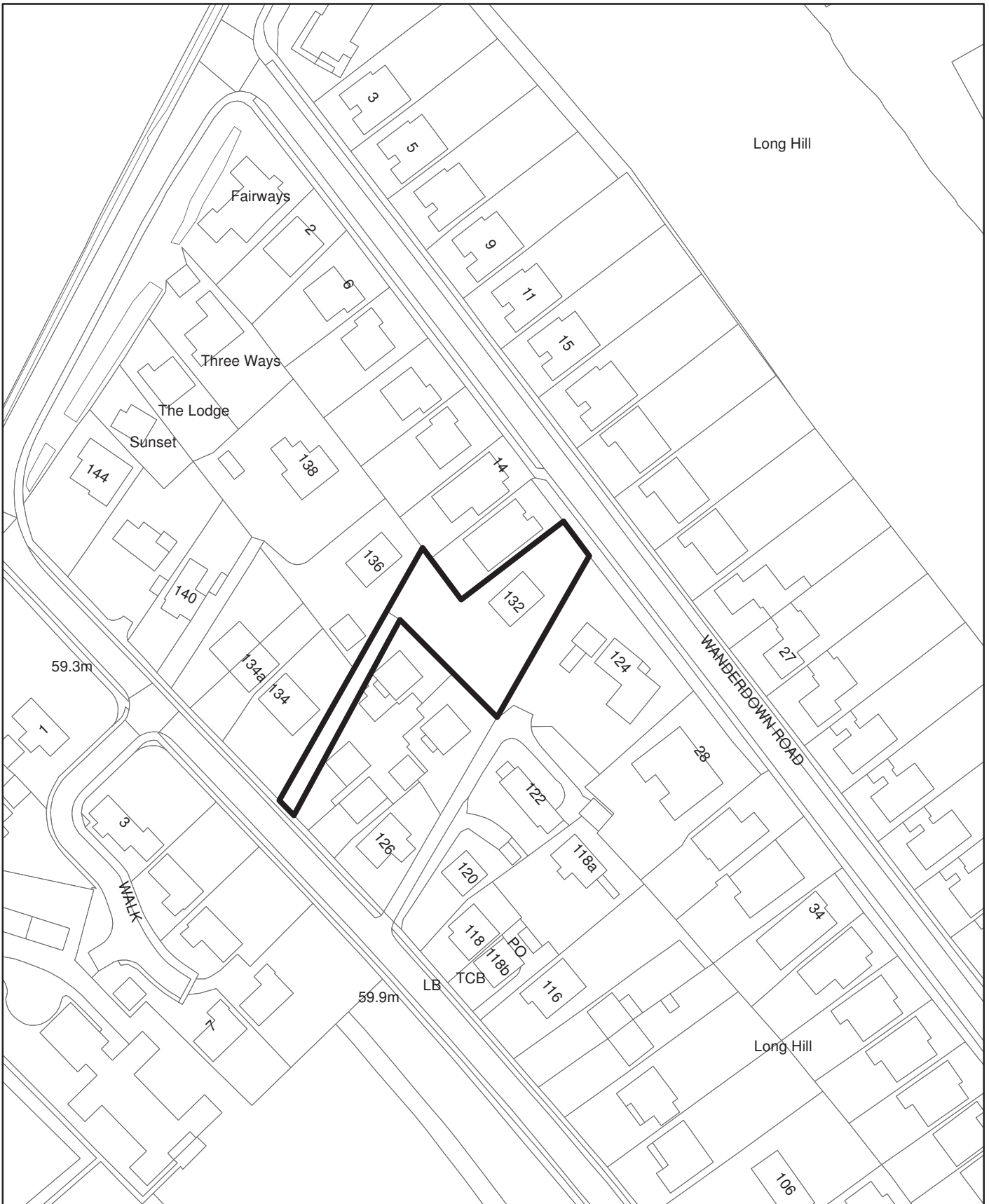
ITEM D

132 Longhill Road, Brighton

BH2015/00195
Full planning

15 JULY 2015

BH2015/00195 132 Longhill Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/00195	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	132 Longhill Road Brighton		
<u>Proposal:</u>	Erection of 1no two bedroom detached dwelling with detached garage and 1no three bedroom detached dwelling with revised access from Wanderdown Road, Brighton with associated landscaping and works.		
<u>Officer:</u>	Adrian Smith Tel 290478	<u>Valid Date:</u>	03 March 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	28 April 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Deacon and Richardson Architects, 253 Ditchling Road, Brighton BN1 6JD		
<u>Applicant:</u>	Mr Alan Walder, 4 The Park, Rottingdean, Brighton BN27GQ		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a vacant plot located on the south side of Wanderdown Road. The site formerly comprised a bungalow and garage however both buildings have now been demolished.
- 2.2 The site immediately to the rear at 128 Longhill Road has recently been redeveloped with four houses (no.128, 128a, 130 & 130a) set in two rows of two. Further backland developments at 118a, 122 & 136 Longhill Road sit adjacent to the north and south of the site. Access to the site is via a driveway from Longhill Road that runs alongside 134 Longhill Road and also serves the four new dwellings at 128 Longhill Road.

3 RELEVANT HISTORY

132 Longhill Road:

BH2014/04253- Prior Approval for demolition of 132 Longhill Road. Prior Approval Not Required 19/01/2015

BH2013/02177- Demolition of existing bungalow and erection of new four bedroom chalet bungalow. Refused 28/10/2013 for the following reason:

- The proposed development by reason of its siting, resultant gap in the streetscene, and relationship with others in the area would appear out of context with the established pattern of development, and would fail to make a positive contribution to the visual quality of the area or emphasise the positive characteristics of the area harmful to the overall character of the*

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area and the Wanderdown Road streetscene. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton and Hove Local Plan.

Appeal dismissed.

BH2012/03153- Demolition of existing bungalow and erection of new four bedroom chalet bungalow. Refused 07/01/2013 for the following reasons:

- 1. Cumulatively the proposal, by virtue of siting, relationship between the surrounding dwellings and the potential for overlooking results in an inadequate amenity space which would be a considerably overlooked by the neighbouring properties to the detriment of the amenity of the future occupiers contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.*
- 2. The proposal represents development in the rear garden now classified as Greenfield land. Given the sensitive nature of the location, the highest level of sustainability must be sought for the proposed building. The applicant has failed to demonstrate that the proposed dwelling is capable of achieving Code for Sustainable Homes Level 5 without a material change to the design. The proposal is considered to be contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document on Sustainable Building Design (SPD 08).*

BH2011/01239- Demolition of existing two bedroom dwelling and erection of new two bedroom chalet bungalow. Refused 29/07/2011 for the following reason:

- 1. Cumulatively the proposal, by virtue of siting, relationship between the surrounding dwellings and the potential for overlooking results in an inadequate amenity space which would be a considerably overlooked by the neighbouring properties to the detriment of the amenity of the future occupiers contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.*
- 2. The proposal represents development in the rear garden now classified as Greenfield land. Given the sensitive nature of the location, the highest level of sustainability must be sought for the proposed building. It is not considered that the development could meet Code for Sustainable Homes Level 5 without a material change to the design. The proposal is considered to be contrary to policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document on Sustainable Building Design (SPD 08).*
- 3. The proposed development, by reason of its height, scale and bulk would relate poorly to the proposed dwelling, resulting in a roofslope that would appear disproportionate to the main front façade, detracting from the appearance and character of the property, contrary to policies QD1, QD2, and QD3 of the Brighton and Hove Local Plan.*

BH2008/02530- Demolition of existing bungalow and erection of 1 no. new bungalow and 1 no. chalet bungalow. Refused 15/10/2008 for the following reason:

- 1. Cumulatively the proposal, by virtue of siting, relationship between each of the proposed dwellings, substandard living conditions and inadequate*

amenity space represents an unsuitable, overdevelopment of the site. As such the proposal is contrary to policies QD1, QD2, QD3, QD27, HO4 and HO5 of the Brighton and Hove Local Plan.

2. *The applicant has failed to provide sufficient information to demonstrate that the proposed private amenity space for House 2 would not be overlooked from within the curtilage of House 1. Given the close proximity of the properties and the significant changes in ground level it is considered that an unacceptable level of overlooking would occur, to the detriment of the living conditions of future occupiers of House 2 contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.*
3. *The resultant provision of amenity space would be out of keeping with this suburban locality where predominantly neighbouring properties benefit from generous plots with gardens that are not located in such close proximity to neighbouring dwellings. Consequently the applicant has failed to demonstrate that there is sufficient private usable outside amenity space for each unit of accommodation appropriate to the scale and character of development in this area. As such the development is contrary to policies QD27 and HO5 of the Brighton and Hove Local Plan.*
4. *The proposed obscurely glazed window within the bedroom of House 1, by virtue of it being the principle window within the habitable room would result in a poor standard of living conditions and residential amenity contrary to policy QD27 of the Brighton and Hove Local Plan.*
5. *The proposal by virtue of insufficient vehicular access would result in a risk to users of the public highway. As such the proposal is contrary to policies TR1 and TR7, of the Brighton & Hove Local Plan.*

BH2007/04231- Demolition of existing bungalow and erection of new bungalow and chalet bungalow with parking for 4 vehicles. Refused 05/06/2008 for the following reasons:

1. *Cumulatively the proposal, by virtue of siting, relationship between each of the proposed dwellings, inadequate amenity space and impact on neighbouring amenity represents an unsuitable, overdevelopment of the site. As such the proposal is contrary to policies QD1, QD2, QD3, QD27, HO4 and HO5 of the Brighton and Hove Local Plan.*
2. *The proposal by virtue of the siting of Houses 1 & 2 and their relationship to one another would result in an unacceptable level of overlooking and loss of privacy for future occupiers of House 2, in that the rear amenity space for House 2 would be completely overlooked by House 1. Furthermore, the applicant has failed to demonstrate that the proposed dwellings would have a satisfactory relationship to the 'approved' dwellings at 128 Longhill Road. Finally the first floor bedroom window in the side elevation of House 1 would provide direct views onto the roof terrace of No.124 Longhill Road. Cumulatively the applicant has failed to demonstrate that the proposed dwellings would not lead to a loss of amenity for future occupiers as well as occupiers of neighbouring properties. Consequently the proposal is contrary to policy QD27 of the Brighton and Hove Local Plan.*
3. *The proposed external amenity space for House 2 would be completely overlooked by House 1 and by the 2no. approved dwellings on the adjacent plot (128 Longhill Road). Taking account of the close proximity of the aforementioned properties to House 2 and the significant changes in ground*

level it is considered that an unacceptable level of overlooking would occur. The resultant provision of amenity space would be out of keeping with this suburban locality where predominantly neighbouring properties benefit from generous plots with gardens that are not located in such close proximity to neighbouring dwellings. Consequently the applicant has failed to demonstrate that there is sufficient private usable outside amenity space for each unit of accommodation appropriate to the scale and character of development in this area. As such the development is contrary to policy HO5 of the Brighton and Hove Local Plan.

4. *The internal layout of House 2 does not appear to include a bathroom/shower room. Consequently it has not been adequately demonstrated that the development will not lead to a loss of amenity for future occupiers of House 2, contrary to policy QD27 of the Brighton & Hove Local Plan.*
5. *The proposal by virtue of insufficient vehicular access would result in a risk to users of the public highway. Furthermore the proposed number of parking spaces, 6 in total, exceeds the maximum standards for dwellings outside of a controlled parking zone. As such the proposal is contrary to policies TR1, TR7, TR19 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 4: Parking Standards.*

128 Longhill Road:

BH2008/03328- Construction of four houses. Existing dwelling to be demolished. Approved 20/11/2008

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a new chalet bungalow fronting Wanderdown Road and a separate single storey two-bedroom dwelling in the rear garden accessed from the existing accessway fronting Longhill Road.

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours:

Eleven (11) letters have been received from 122, 128a, 130, 130a (x3) Longhill Road; 19, 21, 23 (x2) Wanderdown Road; and Heron Estates (owners of the access from Longhill Road), objecting to the proposed development for the following reasons:

- Development is contrary to previous appeal inspectors decision
- Adding a dwelling adjacent to Wanderdown Road is detrimental to the streetscene
- Loss of views
- Amenity space insufficient compared to locality
- Overdevelopment
- Density of development not compatible with surrounding area
- Bats and badgers in the locality (but not at the site). Bat flight lines not addressed. Loss of habitats
- There are bats on the site
- Building work should be serviced from Longhill Road

- Access should remain via Longhill Road; access via Wanderdown Road is unnecessary
- Previous access from Wanderdown Road was rarely used
- Overlooking, loss of privacy and noise disturbance
- Increased traffic noise and pollution
- Water run-off
- Lighting disturbance
- Insufficient landscaping proposals
- The applicants do not own the access from Longhill Road, they only have right of way
- Visibility and highway safety issues from use of driveway to Longhill Road
- Insufficient access to Unit 2 for refuse, fire and emergency services
- Driveway too steep

5.2 **Internal:**

Ecology: No objection.

5.3 **Sustainable Transport:** No objection.

5.4 **Environmental Health:** No objection.

5.5 **Arboriculture:** No objection.

5.6 **Access:** No objection.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- 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
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development
- CP8 Sustainable buildings

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the design and appearance of the proposed development and its impact on the street scene, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, sustainability and transport issues.

- 8.2 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position.
- 8.3 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 merits of the proposal are considered below.
- 8.4 **Design and Appearance:**
Policy QD1 of the Brighton & Hove Local Plan states that “all proposals for new buildings must demonstrate a high standard of design and make a positive contribution to the visual quality of the environment.” Furthermore, the policy advises that “unless a development proposal is within an area featuring a distinctive historic style of architecture, replication of existing styles and pastiche designs will be discouraged”. Policy QD2 states that all new developments shall emphasise and enhance the positive qualities of the local neighbourhood, by taking into account the local characteristics, including a) the height, scale, bulk and design of existing buildings.
- 8.5 The former dwelling and garage on the site has been demolished and the entire site is now vacant and cleared. The plans detail the site would be divided into two plots. The main plot fronting Wanderdown Road would follow the rear plot boundaries to the street and therefore be proportionate to the character of the area. The new rear boundary would create a second plot 13m in depth and 35m in width on lower ground to the rear. This plot would broadly align with other backland plots in the area, notably 136 Longhill Road directly adjacent to the north. The size and position of both plots is such that their appropriate development can be supported in principle having regard the context and mixed character of the area
- 8.6 Unit 1 (fronting Wanderdown Road)
The proposed dwelling within the plot fronting Wanderdown Road would align with the building line to the street and be broadly the same height and footprint as the adjacent bungalows to the north. The building would be single storey to the front with a lower ground floor leading onto the rear garden. The roof would have a split pitch with a front gable and would complement the similar dual pitch bungalows adjacent. The plans detail the building would be completed in facing brick with grey cedar weatherboarding to the front elevation and rear gable. The roof would be fibre cement slate with a larch fascia, and the windows would be grey aluminium. This mix of materials and finishes is considered broadly acceptable given the mixed character of the street.

8.7 Unit 2 (rear garden)

The proposed dwelling in the plot within the rear part of the garden would be 'L' shaped and single storey in height with a mono-pitch roof to the main body running alongside the boundary with Unit 1. A separate pitched roof garage would sit to the north side. Given the fall in land through the site Unit 2 would sit considerably lower to Wanderdown Road and below rear garden level to Unit 1. As such it would not be visible from Wanderdown Road. Likewise its backland position rear of 128, 128a, 130 & 130a Longhill Road is such that it would not be visible from Longhill Road.

8.8 The development of this rear part of the site has previously been refused planning permission on both amenity and design grounds (see planning history above). The appeal inspector for the last application BH2013/02177 considered that a chalet bungalow was unacceptable on this part of the site on the grounds that the scale and bulky roof to the dwelling was deemed excessively large, and the proximity of the dwelling would have had an overbearing impact on 130 Longhill Road.

8.9 The plans for the chalet bungalow indicated it would have been set 7m rear of 130 Longhill Road with a depth of 8m and height of 6.5m. The appeal inspector noted the existing backland development in the area and considered this, in combination with the overall size of the dwelling and its bulky roof, represented a cramped form of development that would not complement its surroundings.

8.10 The proposed dwelling is of a significantly reduced single storey form and is now positioned at the rear of the plot away from the new dwellings at 130 & 130a Longhill Road. This gives the building more breathing space than the previous proposals, with the building now set between 7m and 12m from the new properties at 130 & 130a Longhill Road, 10.3m from Unit 1, and with a maximum height of 3.8m. The revised position of the dwelling and its reduced single storey scale and form is such that the concerns that prompted the refusals of the previous schemes and appeal are considered to have been overcome. The proposed dwelling would sit more comfortably in its plot retaining a good sized garden to the rear/south side proportionate to those elsewhere in the immediate area. Consequently it would not appear unduly cramped and would not result in a harmful overdevelopment of the site or surrounds.

8.11 The resultant building is now considered suitably positioned, scaled and designed in relation to adjacent buildings and the surrounding development pattern, in accordance with policies QD1 & QD2 of the Brighton & Hove Local Plan.

8.12 Trees and Landscaping:

The site and all vegetation within it has been cleared. There remains boundary hedging to the north and south sides and semi-mature trees adjacent to the western site boundary. The Council's Arboriculturalist has raised no objection to the clearing of the site and the proposed development subject to suitable fencing being erected to protect the remaining trees and hedges. This is secured by condition alongside a finalised landscaping scheme.

- 8.13 An Extended Phase 1 Habitat Survey has been submitted with the application. The survey addresses the ecological interest of the site prior to its clearance. The survey identifies that the site was of little ecological interest with no protected species present, and recommends that suitable ecological enhancements are included in any permission to include bird and bat boxes and use of native species. This is secured by condition.
- 8.14 **Standard of Accommodation:**
Both dwellings are of a good size with good access to natural light and ventilation with a good sized private rear gardens retained, in accordance with policies QD27 and HO5 of the Brighton & Hove Local Plan.
- 8.15 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. No details have been submitted however full compliance is secured by condition.
- 8.16 **Impact on Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.17 Unit 1:
Unit 1 would sit directly alongside 16 Wanderdown Road in a more advanced position than the former dwelling on the site. The two side facing windows to no.16 are non-principal, with the front-most having previously faced the side wall to a garage. As such the proposed dwelling would not have a harmful impact in terms of light and outlook to no.16. To the rear the proposed terrace would align with the rear elevation of no.16, thereby ensuring no views into the rear windows of this property. Both nos. 14 & 16 Wanderdown Road have a similar rear terraces which result in mutual overlooking of their respective rear gardens. The addition of a further terrace for unit 1 would result in the overlooking of the rear garden to no.16, however the level of overlooking between the properties would be mutual and not be out of character with that which prevails in the area.
- 8.18 No 124 Longhill Road adjacent to the south is set at a suitable separation such that there would be no significant loss of amenity by way of overlooking or loss of light or outlook from the building, side or rear terraces, with the boundary fencing providing suitable screening.
- 8.19 The position and layout of Unit 2 on lower ground level to the west is sufficient to ensure that any overlooking from the terrace into Unit 2 would be blocked by its mono-pitched roof.
- 8.20 Unit 2:
Unit 2 is single storey and set below garden level to the properties on Wanderdown Road. As such it would not result in any amenity impact on these properties. Similarly there is a suitable separation to 136 Longhill Road to north to avoid any amenity concerns. The main potential impact would be to the east to

the new dwellings at 130 & 130a Longhill Road. These are set on lower ground to Unit 2 with boundary fencing and trees within their gardens providing good screening. This boundary treatment would protect the privacy of the rear gardens and ground floor windows to both dwellings. The only window that would be impacted are a stairwell window, landing window and 'study' window to both dwellings. These are non-principal windows set above ground floor level to Unit 2 therefore any overlooking would be of minimal impact and harm.

8.21 For these reasons the proposed development accords with policy QD27 of the Brighton & Hove Local Plan.

8.22 Sustainable Transport:

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.

8.23 The proposal details that Unit 1 would be served by the existing hardstanding fronting Wanderdown Road, whilst Unit 2 would be served by the existing accessway from Longhill Road. As such the vehicular access and parking arrangements would be broadly the same as existing. Secure covered cycle parking is detailed within the garages to each property. The Sustainable Transport officer has raised no objection to this arrangement. On this basis the proposal accords with policies TR1, TR7 & TR14 of the Brighton & Hove Local Plan.

8.24 Sustainability:

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. Both dwellings fall outside the footprint of the existing building on previously undeveloped garden land. In such incidences SPD08 advises that proposals should include a completed sustainability checklist, should achieve Level 5 of the Code for Sustainable Homes, and should meet all Lifetimes Homes Standards. However, the main modifications to the submission City Plan Part One reduce the expected sustainability requirements for greenfield development from Level 5 to Level 4 and this is the level currently now being sought.

8.25 The application is supported with a Sustainability Checklist and supporting documentation which details that Unit 1 will achieve Level 3 of the Code and Unit 2 Level 5. A condition is attached to ensure both units achieve level 4 of the Code for Sustainable Homes in line with policy CP8. Subject to this condition the proposed development would meet the sustainability criteria set out in policy SU2 and SPD08. Suitable refuse and recycling details are included on the submitted plans and secured by condition.

8.26 Other matters:

The plans detail that a right of way to 14 Wanderdown Road through the north part of the lower plot would be retained. Representations have been received identifying that the access driveway from Longhill Road is not under sole ownership of the applicants (only a narrow 10ft strip of the driveway is controlled

by the applicant), and that this would restrict the right of vehicles accessing Unit 2. Land ownership matters are not normally material planning considerations however in this instance regard should be had to the possibility that vehicular access to Unit 2 may be restricted. The access is 50m long on rising land. Sustainable Transport officers have raised no objection to the possibility that occupiers of Unit 2 may be unable to use the drive for vehicular access, identifying that suitable street parking is available in the area. Whilst the driveway is long, pedestrian access would remain.

- 8.27 In terms of access for fire appliances, this is normally a matter addressed under the Building Regulations. Fire appliances normally require a maximum 45m from the street to the rearmost part of the building, although a 90m distance can be accepted if sprinkler systems are installed. In this instance the distance from Longhill Road to the rearmost part of Unit 2 is approximately 75m therefore suitable fire access would appear possible.

9 CONCLUSION

- 9.1 The proposed development is of a suitable layout, scale and design that would complement the character of the surrounding area and would have an acceptable impact on the amenities of adjacent properties, in accordance with development plan policies.

10 EQUALITIES

- 10.1 The development is required to 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
Existing site plan and block plan	3488.EX.00	A	28/01/2015
Existing site plan	3488.EX.01	A	03/03/2015
Proposed site plan and block plan	3488.PL.00	B	03/03/2015
Proposed overall site plan	3488.PL.01	A	03/03/2015
Unit 1 floor plan	3488.PL.02	-	22/01/2015
Unit 1 floor plan, elevations	3488.PL.02	-	22/01/2015

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and sections			
Unit 2 floor plan	3488.PL.04	A	03/03/2015
Unit 2 elevations and sections	3488.PL.05	A	03/03/2015

- 3) No extension, enlargement or alteration of the dwellinghouses as provided for within Schedule 2, Part 1, Classes A - B of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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) 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.

11.2 Pre-Commencement Conditions:

- 5) No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):
- samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
 - samples of all cladding to be used, including details of their treatment to protect against weathering
 - samples of all hard surfacing materials
 - samples of the proposed window, door and balcony treatments
 - samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

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

- 6) No development shall commence until fences for the protection of trees and hedges to be retained in and adjacent to 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: As this matter is fundamental to protecting the trees which are to be retained on and adjacent to the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

11.3 Pre-Occupation Conditions:

- 7) Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- details of all hard surfacing;
 - details of all boundary treatments;
 - details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees.
- All hard landscaping and means of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 8) 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 policy CP8 of the Submission City Plan Part One.
- 9) Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey received on 22 January 2015 shall have 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 first occupation of the development hereby approved.

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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.

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

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

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

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

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

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

11.4 Informatives:

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

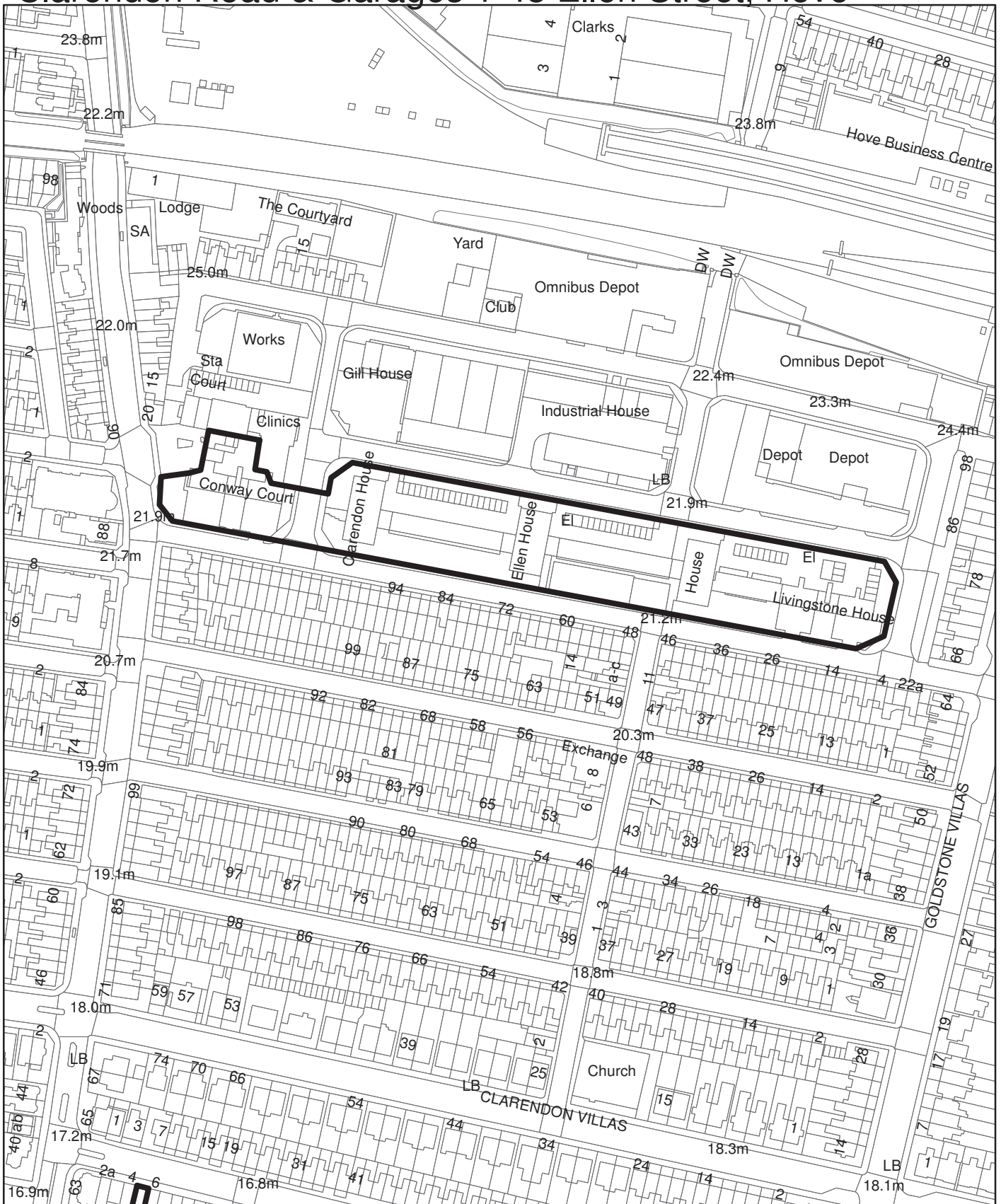
ITEM E

**Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road & Garages 1-48
Ellen Street, Hove**

**BH2015/01472
Council development**

15 JULY 2015

BH2015/01472 Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road & Garages 1-48 Ellen Street, Hove



**Brighton & Hove
City Council**



Scale: 1:2,500

<u>No:</u>	BH2015/01472	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Council Development (Full Planning)		
<u>Address:</u>	Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House Clarendon Road & Garages 1-48 Ellen Street Hove		
<u>Proposal:</u>	Installation of insulated rendering to all elevations, new coverings to roof and replacement of existing windows and doors with double glazed UPVC units. Installation of windows and louvered smoke vents to existing open stairwells to Clarendon House, Ellen House and Goldstone House and alterations including repair and remedial works.		
<u>Officer:</u>	Jonathan Puplett Tel 292525	<u>Valid Date:</u>	24 April 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	19 June 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	POD LLP, Unit 313, Metal Box Factory, 30 Great Guildford Street London SE1 0HS		
<u>Applicant:</u>	Brighton & Hove City Council, Ms Gill Thompson Unit 1, Fairway Trading Estate, Eastergate Road, Brighton BN2 4QL		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to the residential development situated on the northern side of Clarendon Road. The development consists of 5 multi-storey flatted blocks (Conway Court, Clarendon House, Ellen House, Goldstone House, Livingstone House), with two storey link buildings, single storey garages, boundary walls, trees and planting. The development's primary frontage is on to Clarendon Road, Ellen Road to the rear of the site is a secondary frontage.
- 2.2 The southern side of Clarendon Road is characterised by terraced residential dwellings of traditional design and appearance. To the north of the site there are a number of commercial buildings.
- 2.3 To the east of the site, the boundary of Hove Station runs along the rear of the properties which front on to Goldstone Villas. The Grade II Listed Hove Station is to the north east of the site. To the west of the site, the Grade II* St Barnabas Church is situated on the southern corner of the junction of Sackville Road and Coleridge Street.

- 2.4 Scaffolding and portakabins have been erected at the application site, it is understood that these items are being utilised in association with repair and maintenance works, and will also be utilised in association with the works proposed under the current application should permission be granted.

3 RELEVANT HISTORY

BH2014/03485: Installation of insulated rendering to all elevations, new coverings to roof and replacement of existing windows and doors with double glazed UPVC units. Installation of windows and louvered smoke vents to existing open stairwells to Clarendon House, Ellen House and Goldstone House and alterations including repair and remedial work.

Refused 05/03/2015 for the following reasons:

- 1. The main blocks of the development are at present of a primarily brick finish and the muted tones of the buildings, notwithstanding the scale of the buildings, reduce their prominence and visual impact. The application site is in a very sensitive location forming part of the setting of the Hove Station Conservation Area and the Grade II* Listed St Barnabus Church. The buildings form a significant element of the built environment due to their scale and the fact that the development is a large site which runs along the entire north side of Clarendon Road. The proposal to clad the main blocks of the development to create a white rendered appearance would significantly increase the prominence of these blocks. The resultant appearance would be unduly prominent and would harm the character of the area and the setting of heritage assets in the immediate vicinity of the site. Furthermore, the proposed through colour render has the potential to discolour and deteriorate over time. The proposed development is therefore contrary to policies QD1, QD2, QD3, QD14, HE3 and HE6 of the Brighton and Hove Local Plan.*
- 2. The built forms on the application site consist of multi-storey blocks, low rise link buildings, and ancillary structures (e.g. garages, walls and hard landscaping). The site as a whole forms a planned development of buildings which in general sit comfortably alongside one another as they are of similar design style and materials. The ancillary structures and landscaping on the site are of a character and materials in keeping with the main buildings. The proposed cladding to main the main blocks, and leave all other elements of the built development on the site as it is, would result in a disjointed appearance with contrasting materials and finishes. Such a proposal does not represent a comprehensive scheme for the remodelling of the development; which would in general be sought where significant changes to a planned development are proposed. For these reasons the result appearance would not be appropriate or of a high standard; the proposed development therefore contrary to policies QD1, QD2, QD3, QD14, HE3 and HE6 of the Brighton and Hove Local Plan.*

4 THE APPLICATION

- 4.1 The application seeks planning permission for the cladding of the 5 main multi-storey flatted blocks and all link buildings with external insulation and an off-white / cream coloured render finish, cladding of all outbuildings and boundary walls with a rendered finish to match, replacement windows and doors, replacement roof coverings, enclosure of open stairwells and associated external works.
- 4.2 The differences between the previous application which was refused planning permission and the current application are as follows:
1. In addition to the cladding of the 5 main blocks of the development as Phase One of the proposed development, a Phase Two is proposed at a later stage which would involve the cladding of the low rise link buildings between the blocks and all garages, outbuildings and boundary walls would be clad in a render finish to match the building. The proposed timescale for the implementation of Phase Two has not been confirmed.
 2. Under the previous application a white coloured render finish was proposed, it is now proposed that an off-white / cream render finish would be used and a sample of this colour of render has been submitted.
 3. Additional supporting information has been submitted.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twenty (20)** letters of representation have been received from nos. 13 and 47 Clarendon House (x2), nos. 34, 39 Ellen House, nos. 37 and 39 Goldstone House (x2), nos. 7, 32, 36, 49, 54 Livingstone House, 36 Clarendon Road, 69 St Leonards Gardens Hove (leaseholder of 36 and 37 Ellen House), 71 Granby Road Stevenage (leaseholders of 12 Clarendon House), 74 The Crescent Southwick (leaseholder of 25 Clarendon House), and Violeta Belogaska (address not provided), objecting to the application for the following reasons:
- The current U-values ratings which are stated in the supporting documents of the application are incorrect.
 - The existing finishes to the buildings are attractive and in keeping with the surroundings, in immediate and long views. The colours as existing white, blue and light brown are natural and complement the area of a sea side city. The proposed cream colour will discolour over time and will look unsightly from a distance.
 - The proposed render finish will deteriorate rapidly.
 - The proposed finish of blank cream walls will attract graffiti.
 - The proposed appearance will stand out from as far away as Devil's Dyke as unnecessary, startling and an unattractive intrusion into an otherwise orderly view of a progressive city by the sea.
 - The setting of two listed buildings; Hove Station and St. Barnabus Church will be dramatically affected by the proposed visual change.

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- The buildings are visible in many views across the city and from the South Downs. The views from a number of conservation areas and the setting of listed building across the city would be affected.
- The proposed render colour will be dominant and will not fit in with the immediate surroundings at all. The buildings would become an eyesore.
- The proposed works will disturb children who attend Honeycroft Nursery.
- The scaffolding in situ restricts the use of the nursery's outdoor space and blocks light into the rooms of the nursery.
- There has not been an independent survey completed to determine whether the proposed works are required. Without a survey of the building it cannot be determined whether the installation of external wall insulation would be suitable. There are damp issues, leaks and mould issues within the buildings; in such circumstances the installation of external wall insulation is not usually appropriate. The proposed claddings could in fact do more harm than good.
- Residents have now been informed that it is proposed that a Building Condition Survey will be carried out in the near future. This should have been done before making plans for the future of the building and not after one refused application and a 2nd application in progress (submitted without the benefit of this knowledge).
- Disposing of the existing windows and replacing with brand new ones will have a harmful ecological impact (carbon production and use of landfill).
- The flats in the estate are already energy efficient.
- The proposed works will be noisy and disruptive and will cause dust and dirt to travel.
- The proposed works will reduce the usable space of the balconies affected.
- The proposed insulation will not solve all damp problems.
- There is not an existing problem which requires external wall insulation to resolve.
- Some windows and balconies are in good condition and do not require remedial works or replacement.
- No independent evidence has been submitted to demonstrate that external wall insulation is the only way to improve the energy efficiency of the flats.
- Blocks of flats in Brighton which have been externally clad are already showing discolouration.
- To address discolouration the block will require cleaning and / or painting, both of which would be impractical due to the height of the buildings.
- The application states that the proposals have the full support of the resident association, and that more tenants and leaseholders support the works than do not. No evidence has been provided to support these statements.
- The proposed cladding is not maintenance free; it will require regular maintenance and in fact must be regularly maintained according to the terms of the guarantee of the system. These ongoing maintenance costs will have implications for the council and for leaseholders.

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- Evidence of shoddy workmanship and uncaring attitude is evident at Ellen House and presumably other blocks on the estate. Yet the council expects everyone to believe Mears is qualified to decide on the need for extraordinary and novel works that will keep itself employed for well over a year at an astronomical cost to the council and almost certainly intolerable inconvenience to residents.
- If the permission is granted, I intend to challenge the decision at Judicial Review.
- The application submission has glaring omissions, is factually incorrect and is misleading.
- It would take over 100 years for energy bill savings to recoup the cost of installing the cladding system. The cost estimates presented in January showed a total cost of £1.197 million, equating to £21,000 per flat. Projected energy bill savings have been stated as £145 per year.
- The proposed cladding may seal in damp and cause condensation issues.
- Some flats are already very warm and the proposed insulation may in fact cause overheating problems in warmer times of year.
- No detail has been provided as to how the existing windows will be removed and new windows installed without causing damage to the interior of the flats.
- The application form states that there are no trees or planting on the site; this is incorrect.
- Trees have already been damaged by contractors working on the site.
- The proposed cladding may result in structural problems; the proposed works may not be safe.
- The Conway court low rise area (NHS Clinic, Honeycroft Nursery, Childrens' Centre, Vallance Centre and an office) do not form part of the application; they should be included as part of the proposal.
- There are factual errors in the submitted application form.
- The proposed works and required scaffolding will cause harm to trees and planting around the buildings.
- There are inaccuracies, ambiguities and omissions in the submitted drawings.
- Insufficient details regarding the proposed windows, vents and louvred windows have been submitted.
- No details of the proposed re-roofing works have been submitted.
- It has been suggested that a safety railing will be added to the roofs of the blocks; no details of these features have been submitted.
- Insufficient information regarding the proposed external wall insulation system has been submitted.
- External wall insulation should only be applied when it is totally dry and to totally dry walls.
- It has been suggested that some metal flashing will be used on top of the external wall insulation to seal it; this would look absolutely disgusting.
- The proposed textured render finish will attract and hold dirt particles.
- The proposed appearance would be harmful; it would emphasise and increase the prominence of the buildings.

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- Phase Two may never happen and if just the main blocks are clad with all other buildings are left as existing the mismatched buildings will look a right comedy.
- This is a rollout that only benefits Mears and its shareholders.
- It appears that works have already started without permission being granted.
- Livingstone house does not need cladding and double glazing, it does however need a new lift; this is required as a matter of urgency.
- The proposed works are not cost effective and are not sustainable; a lot more energy will be wasted than will ever be saved.
- The proposed colour (cream) is worse than the colour proposed under the previous application (white).
- Why have the buildings been allowed to fall in to disrepair? Why have they not been maintained regularly up to now? If they were built in the 1960's element of the building should not be at the end of their useful life.
- The proposed cladding is an expensive solution which requires regular maintenance and it is not clear whether it is suitable for this estate. Alternative solutions should be considered, for example flats which have damp issues or problems with windows could be dealt with as individual cases. Many flats have no such problems.
- A full survey of the building and all potential solutions and costing of each solution should have been sought to determine the most cost effective solution.
- The proposed cladding will require more maintenance than the existing brick finish would do.
- The proposed cladding will be covering a problem rather than solving a problem.
- The terms of my lease allows for the freeholders to maintain the building and keep in good condition, it does not allow for any improvements / innovations to be made.
- Under the terms of my lease I own the windows of the flat not the freeholder; I do not agree to their replacement.
- The existing cavity wall insulation is to be removed. Why can this not simply be replaced with appropriate insulation and the existing brickwork be re-pointed and repaired?
- We cannot afford the £20,000 bill for the works which each leasehold owner is to be charged.

5.2 **Ten (10)** letters of representation have been received from nos. 11 and 22 Livingstone House, no. 5 Goldstone House, and nos. 6, 16, 29, 31, 33, 35, and 54 Conway Court, supporting to the application for the following reasons:

- The application should be approved / the works should be allowed to go ahead.
- Please can it be made clear if doors are going to be fitted on walkways to stop birds nesting on stairwells. This problem needs to be resolved.
- Some flats have mould / damp issues.
- The proposed works would improve insulation and would deliver energy bill savings.

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- These works need to be done as some existing windows seals leak and cannot be replaced, some windows are rotten, some are draughty and allow noise to enter, some do not open or close properly.

5.3 **Hove Civic Society:** Supports the application for the following reasons-

- The proposal would improve energy performance of the buildings.
- The proposed improvements to the buildings would lift the appearance of the entire surroundings.
- Whether the blocks are clad or not they will still be prominent.
- The proposed render finish would fit in with surrounding building and would not harm the setting of the listed church and the conservation area.
- The render finish should be white.

5.4 **Brighton and Hove District Leaseholders Association:** Object to the application for the following reasons:

- No significant evidence has been submitted to demonstrate the extent of existing condensation, mould and associated health problems associated with the current condition of the buildings.
- The Planning Statement refers to an 'independent survey' which has not been submitted.
- The Planning statement states that the proposed works would benefit all residents, it is however the case that a significant cost will be passed to leaseholder owners and council rents will rise as a consequence of the works.
- The Planning Statement states that the proposed works will result in ongoing maintenance costs reducing in comparison to the existing brick finish, the proposed finish however also requires regular maintenance.
- The Planning Statement states that the works will not cause disruption for residents, there is no evidence to support this as construction works are proposed to continue for more than a year.
- The Planning Statement states that the proposed works have the full support of the Residents Association, there is no evidence submitted to support this claim.
- The proposed works would adversely impact upon the appearance of the buildings and would impact upon the setting of the listed St Barnabus Church.
- The proposed render system has the potential to discolour over time, is delicate and will require ongoing maintenance.
- The proposal is contrary to SU2, QD1, QD2, QD4, QD7, QD16 and HE6 of the Brighton and Hove Local Plan and due to what is now known in regard to the sustainability of external wall insulation is contrary to the NPPF. If accepted will compromise the future of residents on the estate in that the cost of maintenance of an untried finish will be borne by tenants and leaseholders in the future, the social and visual consequences will last indefinitely.

- The BRE has issued a report on failures of external wall insulation and suggest considerable use of resources in its maintenance.

5.5 **Historic England:** Recommend that the application be determined in accordance with national and local policy guidance, and on the basis of the council's Heritage Team Advice.

5.6 **CAG:** The group wished to repeat its previous advice that independent external advice should be obtained concerning the likely durability of the proposed cladding before a decision is made on this scheme. The group also suggested that officers consider a lighter cream colour, specifically BS10B 15 as the current proposal may be too strong. It is difficult to judge colour differences from visualisation so planning officers should perhaps look at sample colours before making a decision.

Internal:

5.7 **Heritage: Object.**

It is considered that the cladding of these buildings will have an impact on the setting of the Hove Station Conservation Area and the Listed St Barnabas Church.

5.8 Due to the scale of the individual blocks, which already dramatically contrast with the general built form in this location, and the number of blocks affected by this application, the proposed cladding will have a substantial effect on the street scene. The colour and texture of the existing brickwork allows the blocks to recede in the view to some extent, whereas the starkness and uniformity of the render will make the estate the focal point in near and distant views.

5.9 In particular, in the view West from the conservation area along Clarendon Road, the blocks are seen with historic buff brick buildings in the foreground and it is considered that the existing finish works well in this setting.

5.10 This application proposes an off-white/cream coloured render, which is slightly less harsh than the previous scheme for white cladding, however there will still be a starkness in comparison with the existing brickwork which is considered to be a more mellow, textured and varied finish.

5.11 It is considered that in their current form the blocks are harmful to the setting of the Conservation Area and the listed building. The view of the Heritage Team is that the cladding of these buildings will cause additional harm, but that this will be less than substantial.

5.12 It is noted that this application differs from the previous scheme by including the low-scale connecting blocks (which were previously to be left without cladding) as a second phase. It is considered that the estate should be treated consistently, and without a commitment to carry out phase 2 there would be concern that the overall effect would be unsatisfactory.

- 5.13 Further justification for the cladding system is given with reference to the need for brickwork repairs however evidence of failures to the brickwork have not been provided with this application.
- 5.14 No information has been provided regarding the available alternatives to the external cladding proposed; the evaluation of the different systems; and the reasons that they have been rejected in favour of the proposed method.
- 5.15 **Arboriculturalist:** Comment. No objection subject to a suitable condition to secure a statement detailing tree protection measures during the course of the development being attached to any planning consent granted.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

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SU2	Efficiency of development in the use of energy water and materials
QD14	Extensions and alterations
QD27	Protection of Amenity
HE3	Development affecting the setting of a listed building
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Document:

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
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the resultant appearance of the proposed development (visual impact) and impact upon the setting of heritage assets, amenity, and environmental sustainability.

The proposed works:

- 8.2 The drawings submitted indicate:

8.3 Phase One

1. The installation of external insulation and a through colour white render finish to each of the five multi storey blocks.
2. The replacement of existing UPVC framed windows and doors with new UPVC framed windows and doors.
3. The enclosure of opening to stairwells with windows / doors / louvres.
4. Re-roofing of the five multi storey blocks.
5. Associated minor works, repairs and alterations.

8.4 Phase Two

1. The installation of external insulation and a through colour white render finish to the low rise link buildings between the main blocks.
2. The replacement of existing UPVC framed windows and doors to these buildings with new UPVC framed windows and doors.
3. Re-roofing of these buildings.
4. The rendering of all garages, outbuildings and boundary walls.
5. Associated minor works, repairs and alterations.

- 8.5 At the time of the previous application ref. BH2014/03485 it was considered that the information submitted in relation to the proposed works lacked sufficient detail. A greater level of information has been submitted in relation to the current application. The fine detail of how the system would be applied in relation to architectural features across the buildings is not fully confirmed, it is however considered that the

information submitted provides a clear indication of the likely resultant appearance of the proposed development.

- 8.6 The submission is lacking in one regard; the proposed re-roofing of the buildings. It appears that this involves a re-surfacing only, therefore these proposals would not significantly impact upon the appearance of the buildings and were approval to be recommended further details of this element of the scheme could be secured by condition.

8.7 Visual Impact:

The application site contains a planned development of residential accommodation. The primary built forms on the site are five multi-storey blocks with two storey link buildings between them. The northern side of the site has rows of garages and parking spaces facing on to the street. The link buildings are set back from both the northern and southern boundaries of the site. The curtilage surrounding the site is a mix of hard and soft landscaping; the soft landscaping consisting of grassed areas, trees and shrubs. Overall, the development has a consistency of design and appearance in regard to design character and materials. The blocks are brick faced, the link buildings are brick faced and tile hung, and the garages and boundary walls etc. are brick faced.

- 8.8 The prevailing character of residential development surrounding the site is terraced dwellings of two to four storeys in height. There are a mix of painted render and brick faced finishes to the street fronting elevations of these properties.

- 8.9 To the north of the site (between the site and the railway line) there are a number of commercial buildings. Again there is variation in the facing materials of these buildings, including some cladding, many buildings have brick faced elements.

- 8.10 Overall, there is a mix of development types and styles in the area surrounding the site.

- 8.11 The main blocks of the application site are of a considerably taller scale than the surrounding development and therefore form a significant element of the built environment, being visible from many vantage points such as those within the Hove Station Conservation Area, and points in the area around the Grade II* Listed St Barnabus Church. The buildings are also visible in longer views across the city and from the South Downs. In its immediate context, the site forms almost the entire northern side of Clarendon Road and the southern side of Ellen Street. Therefore, the buildings within the site have a considerable visual impact and any change to their appearance has the potential to change the character of the area significantly.

- 8.12 At present the main facing material of the blocks is brick, with light coloured painted banding and blue panels between some of the windows. The proposed development would result in the five main

blocks having a white rendered appearance. It is considered that this change in appearance would increase the prominence of the blocks significantly, and that this in conjunction with the scale of the blocks would result in an unduly prominent appearance. The proposed development would harm the character of the area and would be to the detriment of the setting of the Hove Station Conservation Area and the Grade II* Listed St Barnabus Church.

- 8.13 In addition to these concerns, whilst it is noted that a Phase Two is proposed which would see the remainder of the built forms of the site changed to a render finish to match the main blocks, no commitment to a timescale for the implementation of Phase Two has been provided. In some cases the Local Planning Authority would look to secure by planning condition the implementation of an entire scheme in full within a specified timescale. In the absence of any indication of a timescale however it would not be reasonable to apply such a condition. Therefore, the potential for a contrasting mix of materials and finishes across the site for an extended period remains a concern, and based upon the information submitted to date this issue could not reasonably be addressed by the application of a planning condition.
- 8.14 A further issue is the durability of the proposed facing material and how it would weather over time. The current brick faced finish has retained a quality of appearance; its appearance has not significantly weathered or deteriorated over time, and subject to appropriate routine maintenance being carried out (which may not have occurred in the past) is unlikely to do so in the short to medium term. The proposed through colour render cladding may weather and discolour over time. This is a significant concern, it is however difficult to predict with confidence how such a finish would weather in reality. Experience with other developments in the city indicates that discolouration is likely to occur.
- 8.15 Additional information has been submitted to make the case that the specific render finish proposed will be unlikely to collect dirt or discolour, this information is noted, it however remains the case that the future appearance of the building, in the immediate years following the implementation of the cladding and beyond, can only be speculated upon at this time. This is the case when agreeing materials on all buildings in the city.
- 8.16 It is the case as detailed above that the brick faced blocks of the estate have retained a quality of appearance over time, as have many other brick faced blocks across the city of a similar age including those in exposed locations such as those along the eastern side of Grand Avenue Hove amongst others. Overall based upon recent experience it is considered that a brick faced finish is more likely to retain a quality of appearance than a through coloured render finish, although it is acknowledged that in both cases regular routine maintenance would be required.

- 8.17 In the absence of a full and detailed survey of the condition of the buildings, it is not demonstrated that the brick faced facades of the building have reached the end of their useful life. It is clear that in many cases across the city, similar buildings of a similar age and height in similarly exposed locations appear to have weathered well.
- 8.18 For these reasons, based upon the information presented to date, it is not accepted that the existing brick faced elevations of the blocks cannot be repaired and maintained. Were it to be demonstrated that this was the case (which appears unlikely), the Local Planning Authority would seek to secure the most appropriate solution available in regard to visual impact, which might for example involve a cladding system which retains a brick faced appearance.
- 8.19 Overall, due to the unduly prominent appearance which would result, and the disjointed appearance which the development as a whole would have prior to Phase Two being implemented, it is considered that the proposed development would result in a less appropriate appearance than the present appearance of the development. In regard to heritage assets and their settings the Local Planning Authority has a duty to ensure that all new developments preserve or enhance such settings. Furthermore local planning policies seek to secure a high standard of design in relation to new development in all cases. The proposed development would not deliver these design objectives.

Amenity:

- 8.20 A number of objections have been raised in relation to the proposed development. The practical implications of the proposed works have been raised as concerns (e.g. the loss of ventilation to stairways, the potential for increased damp problems), along with concerns regarding the details of the scheme such as which windows would be opening, whether some glazed panels would be replaced with plastic panels and how curtains and blinds would be fitted. These concerns are noted, it is however considered that the potential harm to amenity for residents of the blocks would not be of a magnitude which would warrant the refusal of planning permission.
- 8.21 Other matters raised include the disruption which would be caused during construction works and the cost of the works to those who have a leaseholder ownership of a flat within the development. The cost of the works is not a material planning consideration. As with all development disturbance would be caused during construction works; this is not material to the determination of this application.

Sustainability:

- 8.22 The proposed works would deliver sustainability improvements in the form of improved levels of insulation and energy efficiency which would in general be welcomed.

Public Benefit:

- 8.23 The benefits of the proposed scheme would be improved energy efficiency for residents. That in itself is not considered to be a public benefit in the widest sense of the term. However, this 'benefit' does not outweigh the harm.

9 CONCLUSION

- 9.1 The resultant appearance of the proposed development would be unduly prominent and would harm the character of the area and the setting of heritage assets in the immediate vicinity of the site. Furthermore, prior to the implementation of Phase Two of the scheme, the development would result in a disjointed appearance with contrasting materials and finishes. For these reasons the proposed scheme is contrary to policies QD1, QD2, QD3, QD14, HE3 and HE6 of the Brighton and Hove Local Plan; refusal is therefore recommended.
- 9.2 It is considered that the existing brick faced appearance of the buildings should be retained, repaired and maintained if this is possible

10 EQUALITIES

- 10.1 The access routes, entrances, and routes through the buildings would not be affected by the proposed development.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The main blocks of the development are at present of a primarily brick finish and the muted tones of the buildings, notwithstanding the scale of the buildings, reduce their prominence and visual impact. The application site is in a very sensitive location forming part of the setting of the Hove Station Conservation Area and the Grade II* Listed St Barnabus Church. The buildings form a significant element of the built environment due to their scale and the fact that the development is a large site which runs along the entire north side of Clarendon Road. The proposal to clad the buildings of the development to create an off- white rendered appearance would significantly increase the prominence of these blocks. The resultant appearance would be unduly prominent and would harm the character of the area and the setting of heritage assets in the immediate vicinity of the site. Furthermore, the proposed through colour render has the potential to discolour and deteriorate over time, to a greater extent than the existing brick faced finish. The proposed development is therefore contrary to policies QD1, QD2, QD3, QD14, HE3 and HE6 of the Brighton and Hove Local Plan.
2. The built forms on the application site consist of multi-storey blocks, low rise link buildings, and ancillary structures (e.g. garages, walls and hard landscaping). The site as a whole forms a planned development of buildings which in general sit comfortably

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alongside one another as they are of similar design style and materials. The ancillary structures and landscaping on the site are of a character and materials in keeping with the main buildings. Under phase One of the proposed development the main blocks of the development would be clad, and all other elements of the built development on the site would remain as they appear at present. Prior to the completion of Phase Two of the proposed development, this would result in a disjointed appearance with contrasting materials and finishes. In the absence of a commitment to a timescale for the implementation of Phase Two; the proposed development is therefore contrary to policies QD1, QD2, QD3, QD14, HE3 and HE6 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 listed below:

Plan Type	Reference	Version	Date Received
LOCATION PLAN	1107/OS		24/04/2015
EXISTING ELEVATIONS AND PLAN	1107/01		24/04/2015
EXISTING ELEVATIONS AND PLAN	1107/02		24/04/2015
EXISTING ELEVATIONS AND PLAN	1107/03		24/04/2015
EXISTING ELEVATIONS AND PLAN	1107/04		24/04/2015
EXISTING ELEVATIONS AND ROOF PLAN	1107/05		24/04/2015
EXISTING ELEVATIONS AND ROOF PLAN	1107/06		24/04/2015
EXISTING ELEVATIONS AND ROOF PLAN	1107/07		24/04/2015
EXISTING ELEVATIONS AND ROOF PLAN	1107/08		24/04/2015
EXISTING ELEVATIONS AND ROOF PLAN	1107/09		24/04/2015
EXISTING ELEVATIONS AND ROOF PLAN	1107/10		24/04/2015
EXISTING ELEVATIONS AND ROOF PLAN	1107/11		24/04/2015
EXISTING ELEVATIONS AND ROOF PLAN	1107/12		24/04/2015

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EXISTING ELEVATIONS AND ROOF PLAN	1107/13		24/04/2015
PROPOSED ELEVATIONS ROOF PLAN	1107/14	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/15	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/16	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/17	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/18	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/19	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/20	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/21	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/22	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/23	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/24	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/25	B	24/04/2015
PROPOSED ELEVATIONS AND ROOF PLAN	1107/26	B	24/04/2015
EXISTING AND PROP STREET SCENE	1107/27	A	24/04/2015
EXISTING ELEVATIONS	1107/28		24/04/2015
EXISTING ELEVATIONS	1107/29		24/04/2015
EXISTING ELEVATIONS	1107/30		24/04/2015
PROPOSED ELEVATIONS	1107/31		24/04/2015
PROPOSED ELEVATIONS	1107/32		24/04/2015
PROPOSED ELEVATIONS	1107/33		24/04/2015
PROPOSED ELEVATIONS	1107/34		24/04/2015
PROPOSED ELEVATIONS	1107/35		24/04/2015
PROPOSED ELEVATIONS	1107/36		24/04/2015
PROPOSED ELEVATIONS	1107/37		24/04/2015
PROPOSED ELEVATIONS	1107/38		24/04/2015
PROPOSED ELEVATIONS	1107/39		24/04/2015
RENDER SPECIFICATION BROCHURE			24/04/2015
RENDER SPECIFICATION BROCHURE			24/04/2015
REHAU WINDOW SPECIFICATION			24/04/2015
WINDOW DESIGNS x3			24/04/2015

PLANNING COMMITTEE LIST- 15 JULY 2015

WINDOW DESIGN DRAWING SETS x29			24/04/2015
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ITEM F

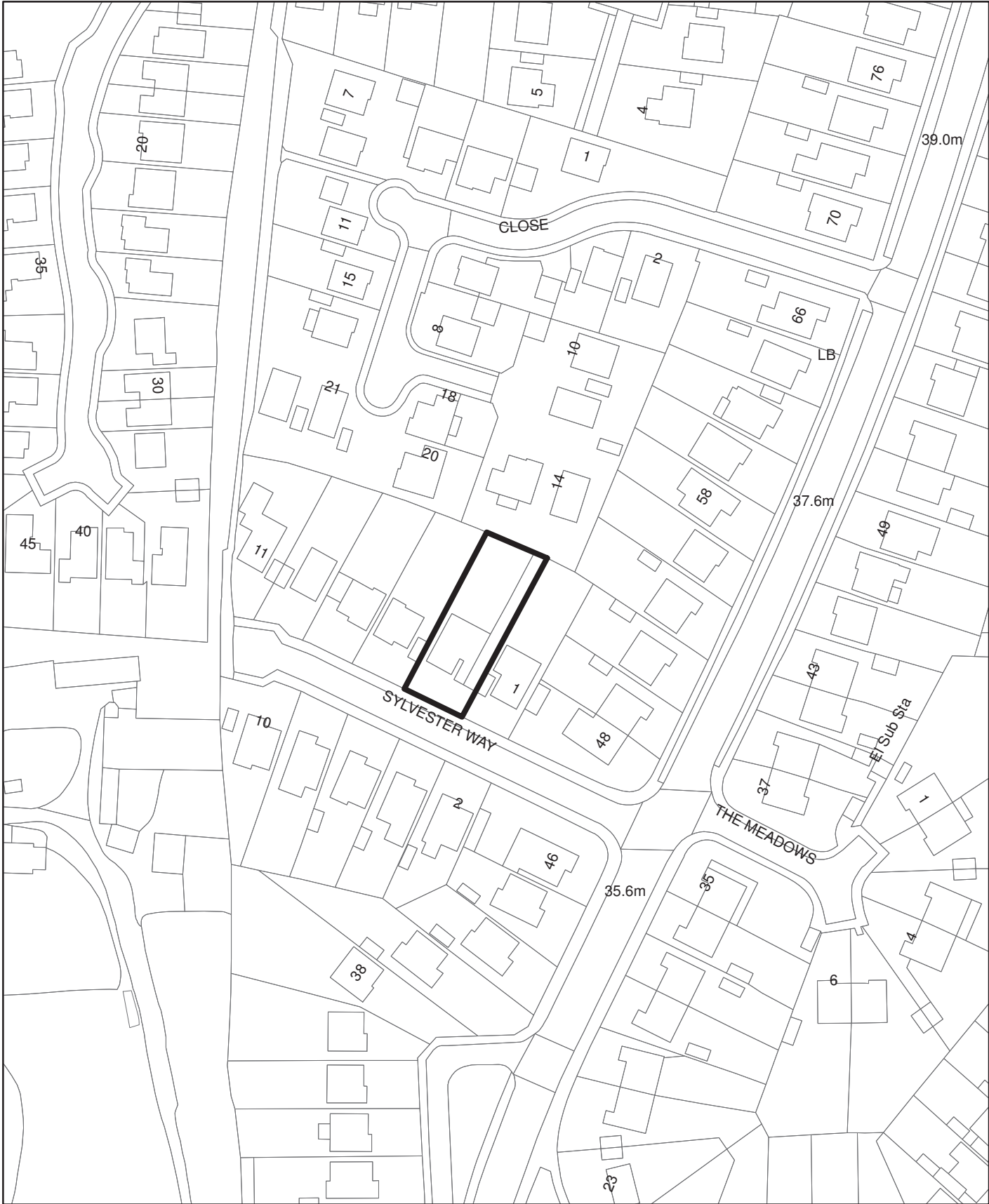
3 Sylvester Way, Hove

BH2015/01291

Householder planning consent

15 JULY 2015

BH2015/01291 3 Sylvester Way, Hove



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/01291	<u>Ward:</u>	HANGLETON & KNOLL
<u>App Type:</u>	Householder Planning Consent		
<u>Address:</u>	3 Sylvester Way Hove		
<u>Proposal:</u>	Erection of single storey front, side and rear extension.		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	05 May 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30 June 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Tony Rogers Building Consultants, 40 Dawn Crescent, Upper Beeding, West Sussex BN44 3WH		
<u>Applicant:</u>	Miss A Linkman, 3 Sylvester Way, Hove BN3 8AR		

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(s) set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a detached bungalow located to the north of Sylvester Way. The property consists of a north-south gable roof design with a single storey flat roofed attached garage to the eastern side of the property. The bungalow has been altered in the past and includes a flat roof L-shaped extension that extends to the rear of the garage along the eastern side of the boundary and wraps around to the rear.
- 2.2 The existing side garage when measured from the land level at the eastern side of the property measures 2.8m in height and the wrap around extension measures 3.8m in height. The property includes a rear garden and a 3.1m strip of land to the east of the building that sits approximately 1m lower than the floor level of the building and separates the property from the boundary fence.

3 RELEVANT HISTORY

BH2014/02616 - Erection of a single storey front side and rear extension. Appeal Dismissed 21/03/2015.

4 THE APPLICATION

- 4.1 Permission is sought for the erection of a single storey front, side and rear extension. The proposal would extend the existing wrap-around extension to the side of the property by approximately 2.7m and would also include a 3m wide, 2.7m deep projection to the rear at the eastern corner. The proposal would also extend the gable roof of the property to the rear over the existing

wrap around extension. The main side and rear element of the extension would have a ridge height of 4.5m. The existing garage would be demolished and a new garage would be constructed projecting forward of the proposed extension of the property.

4.2 The application follows a previous refusal (see BH2014/02616). The previous application was refused for the following reasons:

1. The proposed development, by reason of the excessive scale, unbalanced proportions and varying forms, would not be appropriately designed, detailed or sited in relation to the recipient dwelling and would, as a result, detract from the character and appearance of the building and have a harmful visual impact on the wider street scene. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Document 12, Design Guide for Extensions and Alterations.
2. The proposed development, by reason of its bulk and siting in relation to large windows to the side elevation of the adjoining property to the east (1 Sylvester Way), would impact on the neighbouring property through loss of light and outlook. The proposal would therefore result in significant harm to neighbouring amenity and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

4.3 The applicant appealed this decision (see APP/Q1445/D/14/2228178) that was dismissed by the inspector. The inspector's report provided the following conclusion:

- I have found that the proposed development would not cause unacceptable harm to the character and appearance of the site and the surrounding area. However this would not outweigh the unacceptable harm that I have found would be caused to the living conditions of the occupiers of 1 Sylvester Way in respect of sunlight, daylight and outlook.

5 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: Five (5) letters of representation have been received from the occupiers of **1, 2, 4 and 6 Sylvester Way; 46 Hangleton Valley Drive** objecting to the proposal based on the following grounds:

- Not in keeping with rest of the close.
- No. 1 next door will definitely suffer overshadowing.
- Overpowering and unsightly to view.
- The work proposed would greatly increase the danger of what can be a blind spot.
- Would alter the character of the property.
- Would overshadow the adjacent bungalow.

- Would cause much disruption, noise, dust and dirt to our property.
- Building right up to a neighbour's fence would look unsightly.
- Contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.
- Significant loss of light to our kitchen and sunroom from overshadowing.
- A great sense of enclosure being hemmed in due to the closeness of the build to our boundary and height of the proposed extension.
- Will cause a tunnel effect down the side of our property and will have a terrace effect.
- Bungalows by their nature are built in less densely populated areas, the proposed development is only 400mm from our boundary
- It already has the largest extension in the road which has greatly impacted us.
- Will lead to a precedent of neighbouring properties being overbuilt in the same way.
- It is dominant and overbearing in terms of the host building of the site and is out of character to the surrounding properties in the neighbourhood and on the landscape.
- We do not feel the amendments go far enough regarding our loss of amenity in relation to sunlight, daylight or outlook.

Councillor Janio supports the application (comments attached).

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 The development plan is:
- Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.
- 6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- QD14 Extensions and alterations
QD27 Protection of Amenity

Supplementary Planning Guidance:

- 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 of the proposed alterations on the character and appearance of the building and wider street scene and impact on the amenity of neighbouring properties.

8.2 Design and Appearance

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 SPD12 states that *'as a general rule, extensions should not dominate or detract from the original building or the character of an area, but should instead play a subordinate 'supporting role' that respects the design, scale and proportions of the host building'*.
- 8.5 More specifically SPD12 states that *'side extensions, if poorly designed, can harm the appearance of the street scene by excessively infilling the rhythm of spaces between buildings to create a 'terracing' effect, removing the continuity within a street scene, or by over-extending buildings in a disproportionate and unbalanced manner'*.
- 8.6 The previous application was refused for the following reason relating to design:
- 8.7 *The proposed development, by reason of the excessive scale, unbalanced proportions and varying forms, would not be appropriately designed, detailed or sited in relation to the recipient dwelling and would, as a result, detract from the character and appearance of the building and have a harmful visual impact on the wider street scene. The proposal is contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Document 12, Design Guide for Extensions and Alterations.*
- 8.8 The original form of the building consists of a bungalow with a north-south gable end roof. The property has been altered substantially in the past and includes a single storey flat roofed extension that projects from the rear of an existing garage and wraps around the full width of the rear elevation. The property currently retains a 3.1m gap to the east boundary.
- 8.9 Permission is sought for the erection of a single storey front, side and rear extension. The proposal would include demolition of the existing garage and the construction of side extension. A new attached garage would be constructed to the south-east corner of the site. The garage would include a pitched roof with a 2.9m ridge height and would project 0.3m from the front elevation of the building. On the site of the existing garage a new porch would be constructed.
- 8.10 The main element of the extension would consist of a side and rear extension that would result in a wrap-around design. The side element would project approximately 6.85m from the side of the original building (2.7m from the existing extension). The rear wrap around element of the extension would be constructed on different ground levels. The section to the north-east corner of the building would be set into the ground and would maintain the existing footprint with an additional 2.7m projection to the rear resulting in a 'L' shaped form. The rear extension to the north-west corner would retain the existing footprint and would extend the existing gable end roof form by 2.15m.
- 8.11 The side extension would include a hipped roof that would have a ridge height

of 4.5m. The front porch element of the building would include a dummy pitched roof that would project from the existing roof slope and proposed hipped roof. The rear 'L' shaped section of the extension would consist of a dummy pitched roof that would project from the rear of the proposed hipped roof and would include a skylight above.

8.12 It is considered that the proposed extension would add considerable bulk to property and would result in a substantial addition that would alter the form and character of the host property considerably.

8.13 Notwithstanding these issues the Inspector's report for the previous application holds considerable weight. The Inspector concluded that the proposed development would not result in an unacceptable harm to the character an appearance of the host property. Although the current proposal would differ from the previous submission, the majority of the layout and form would be similar in character. A refusal based on design issues would therefore be considered unreasonable in this case.

8.14 **Impact on Amenity**

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

8.15 The property most affected by the proposal would be the adjacent property to the east, no. 1 Sylvester Way. The boundary treatment between the two properties currently consists of a 1.8m closeboard timber fence. The eastern side elevation of no. 3 is currently set back from the boundary by 3.1m. The eastern elevation currently consists of the 2.8m tall side wall of the garage that steps up to the 3.8m tall side wall of the kitchen measuring 2.8m in height.

8.16 Due to the topography of the area no. 1 Sylvester Way sits considerably lower than the application site. No. 1 includes a side habitable room and kitchen, both with limited outlook to the rear that receive the majority of their light and outlook from the western facing windows. The existing extension at no. 3 Sylvester Way is currently highly visible from the windows due to its height in relation to the boundary treatment and differing land levels.

8.17 The Inspector's report stated the following relating to the impact on amenity of the previous application:

8.18 *The proposed side extension to No 3 would be very close to the side boundary and significantly higher than the boundary fence, and it would also be of significant length, extending to beyond the rear elevation of No 1. As such, it would significantly impede vision of the sky from within those rooms of No 1 referred to above and would have an overbearing and significantly enclosing effect. Its height and close proximity to the side habitable room of No 1 would*

also be likely to result in a significant loss of sunlight and daylight to that room, whilst the limited existing daylight to the kitchen would be further reduced. The rooms concerned would therefore become darker and less pleasant spaces, below a standard that the residents of No 1 could reasonably expect.

- 8.19 Although the current application has been reduced in height it would still be set close to the shared boundary with a gap of 0.4m and would protrude considerably to the rear. The proposal would also increase the height of the extension to 4m and would have an eaves height of 2.5m, measuring 0.7m taller than the existing boundary treatment. It is considered that, although the reduction in height would reduce the impact, the proposed extension would still result in a significant loss of light and overbearing effect on the western side windows of no. 1 Sylvester Way and therefore fails to address the issues set out within the Inspector's report and previous refusal.

9 CONCLUSION

- 9.1 The proposed development is not considered to result in significant harm on the character and appearance of the host property or surrounding area. Furthermore it is considered that the proposal would result in significant overshadowing, enclosing effects and loss of light to no. 1 Sylvester Way. As such the proposal is considered contrary to policies QD14 and QD27 of the Local Plan and SPD12 "Design Guidance for Extensions and Alterations".

10 EQUALITIES

- 10.1 None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed extension by reason of its height, length and close proximity to the shared boundary would result in a significant loss of light and overbearing impact on the eastern side facing kitchen and living room windows of no. 1 Sylvester Way, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan and the guidance within supplementary Planning Document 12, A 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 received listed below:

PLANNING COMMITTEE LIST- 15 JULY 2015

Plan Type	Reference	Version	Date Received
Location Plan	-	-	13/04/2015
Block Plan	-	-	05/05/2015
Existing Plans	14/941/01	-	13/04/2015
Proposed Plans	14/941/02	-	13/04/2015



PLANNING COMMITTEE LIST
15 JULY 2015

COUNCILLOR REPRESENTATION

From: Tony Janio
To: Luke Austin
Subject: RE: Application BH2015/01291- 3 Sylvester Way

Luke,

The NPPF clearly supports 'Sustainable Development' and I think that the extension should be allowed- i.e I support it. If folks extend, they don't need to 'move up'. This is clearly stated in many government pronouncements- if not primary legislation.

So sustainable development is about positive growth- making economic, environmental and social progress for this and future generations. The planning system is about helping to make this happen. Development that is sustainable should go ahead, without delay- a presumption in favour of sustainable development that is the basis for every plan, and every decision. This framework sets out clearly what could make a proposed plan or development unsustainable.

Rgds

Tony Janio

PLANNING COMMITTEE	Agenda Item 35 Brighton & Hove City Council
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Information on upcoming Pre-application Presentations and Requests

Previous presentations

Date	Address	Ward	Proposal
23 rd June 2015	Land directly adjacent to American Express Community Stadium, Village Way, Falmer	Moulsecoomb & Bevendean	Erection of a 150 bedroom hotel.
23 rd June 2015	Former St. Aubyns School, High Street, Rottingdean	Rottingdean Coastal	Residential development of the site to provide 48 dwellings through refurbishment and conversion of Field House to provide 6no. apartments; refurbishment of 4no. existing curtilage listed cottages; demolition of remaining former school buildings and former headmaster's house; erection of 38 new dwellings and 62 bed care home; retention of sports pavilion and war memorial; provision and transfer of open space for public use; formation of accesses to Newlands Road and alterations to existing access off Steyning Road; provision of associated car parking and landscaping; alterations to flint wall.
2 nd June 2015	Land bound by Blackman Street Cheapside and Station Street, Brighton	St Peter's and North Laine	Proposed part nine, part seven storey building to provide office and student accommodation for Bellerby's College.
2 nd June 2015	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing Sports and Science building fronting Sutherland Road and erection of new three storey Sports and Science building comprising swimming pool, Sports Hall, teaching rooms and rooftop running track and gardens.
10 th March 2015	106 Lewes Road, Brighton	St Peter's and North Laine	Eight storey block of student accommodation.
18 th November	15 North Street & Pugets Cottage,	Regency	Demolition of 15 North Street to be replaced with a new feature

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 King's House on the date given after scheduled site visits unless otherwise stated.

2014	Brighton		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 2014	Hove Park Depot, The Droveaway, Hove	Hove Park	Demolition of existing buildings and construction of a new two storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping
18 th February 2014	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 th October 2013	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 th Sept 2013	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 th Aug 2013	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

PLANS LIST 15 July 2015

BRIGHTON AND 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

BH2014/04025

48 Carden Hill Brighton

Demolition of existing outbuildings and rear extension and erection of 1no three bedroom dwelling (C3) adjoining existing dwelling with associated alterations.

Applicant: Mr & Mrs David Theobald

Officer: Wayne Nee 292132

Refused on 17/06/15 DELEGATED

1) UNI

The proposed development, by reason of its siting, form, width and detailing, would unduly dominate the existing semi-detached pair of properties, to which it would abut, with the resulting contrast highly visible in views along Carden Hill and Fernhurst Crescent, from where the proposed development would create a visually overbearing addition to the street scene. The proposal would therefore fail to sufficiently emphasise or enhance the positive qualities of the local neighbourhood and is contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

BH2015/01236

30 Carden Avenue Brighton

Erection of single storey detached annexe in rear garden.

Applicant: Mr Carl Dean

Officer: Christopher Wright 292097

Refused on 19/06/15 DELEGATED

1) UNI

The proposed development is not acceptable in principle because it would provide primary living accommodation and future residents would not have to be dependent on any facilities in the main dwelling. As such the proposal is considered harmful to neighbour amenity and out of character with the use of the land as a domestic back garden, and is therefore contrary to policies QD2, QD3, QD14 and QD27 of the Brighton & Hove Local Plan.

2) UNI2

The proposed development would, by reason of the scale, siting and cumulative impact in association with existing extensions to the original dwelling, give the back garden an over-developed appearance that would be detrimental to visual amenity and out of character with the prevailing character of neighbouring properties, with the exception of 28 Carden Avenue, which generally characterise the area. As such the proposal is contrary to policies QD2, QD3 and QD14 of the Brighton & Hove Local Plan.

BH2015/01292

84 Graham Avenue Brighton

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Mr Paul Kingsley

Officer: Astrid Fisher 292337
Approved on 15/06/15 DELEGATED

BH2015/01479

17 Old Farm Road Brighton

Creation of roof terrace with metal railings, timber screening and other associated works to side elevation.

Applicant: Mr J Allen

Officer: Liz Arnold 291709

Refused on 22/06/15 DELEGATED

1) UNI

The proposed terrace, as a result of its elevated siting on the flat roof of the existing side extension, and its proposed design, which includes the use of a timber screen, would result in a development that would appear as an incongruous and unsympathetic addition to the parent property. As such the proposal would be of detriment to the visual amenities of the parent property, the pair of semi-detached properties, the Old Farm Road street scene and the wider area, contrary to policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'.

2) UNI2

The proposed rear roof terrace, by virtue of its elevated position and excessive size would result in actual and perceived overlooking and loss of privacy to the rear elevations of garden areas of neighbouring properties located on Graham Avenue, especially if the existing vegetation located along the boundary should be reduced in height or removed. In addition it is considered that the proposal would result in actual and perceived overlooking and loss of privacy to parts of the garden area of no. 16 Old farm Road, the second half of the semi-detached pair of properties. As such the proposal would have a harmful impact on neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2015/01724

9 Thornhill Avenue Brighton

Prior approval for the erection of 2no single storey rear extensions, which would extend beyond the rear wall of the original house by a maximum of 3.5m, for which the maximum height would be 3.6m, and for which the maximum height of the eaves would be 3.6m.

Applicant: Hugh Woodhouse

Officer: Luke Austin 294495

Prior Approval is required and is refused on 24/06/15 DELEGATED

BH2015/01743

12 Barrhill Avenue Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.5m.

Applicant: Mrs Caroline Strange

Officer: Astrid Fisher 292337

Prior approval not required on 19/06/15 DELEGATED

PRESTON PARK

BH2014/03893

St Augustines Church Stanford Avenue Brighton

Application for Approval of Details Reserved by Conditions 9, 12 and 17 of application BH2012/00992

Applicant: Roche Barrett Estates

Officer: Guy Everest 293334

Approved on 05/06/15 DELEGATED

BH2015/01038

86 Waldegrave Road Brighton

Installation of rooflight to front roof slope.

Applicant: Mr Nicolas Hoar

Officer: Emily Stanbridge 292359

Approved on 08/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

The roof light hereby approved 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
Existing and proposed plans, elevations and sections	001	01	13.04.2015

BH2015/01043

60 Beaconsfield Villas Brighton

Erection of single storey rear extension with associated excavation works, installation of rear dormer and rooflights to front and rear elevations.

Applicant: Mr J Emmett

Officer: Jason Hawkes 292153

Approved on 16/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement regarding protection of the on-street Elm has been submitted to and approved in writing by the Local

Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement.

Reason: To protect the Elm tree in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

3) UNI

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

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

5) UNI

The development hereby permitted shall be carried out in accordance with 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 First Floor Plan	295BV60/01		23rd March 2015
As Existing Loft and Roof Plans	295BV60/02		23rd March 2015
As Existing Front, Side (NW) and Rear Elevations, Block Plan and Location Plan	295BV60/03		23rd March 2015
As Existing Side (SE) Elevation and Sections A-A, B-B and C-C	295BV60/04		23rd March 2015
Proposed Ground Floor Plan and First Floor Plan	295BV60/05		23rd March 2015
Proposed Loft & Roof Plan	295BV60/06	A	13th May 2015
Proposed Front, Side (NW) and Rear Elevations, Block Plan and Location Plan	295BV60/07	A	13th May 2015
Proposed Side (SE) Elevation and Section A-A	295BV60/08	A	13th May 2015

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.

BH2015/01200

156 Osborne Road Brighton

Roof alterations including rear dormer and rooflights to front elevation.

Applicant: Mr & Mrs R Salt

Officer: Luke Austin 294495

Refused on 12/06/15 DELEGATED

1) UNI

The rear roof extension would appear as a bulky, unsympathetic and incongruous addition which would harm the character and appearance of the dwelling and wider terrace row. The proposed front rooflights would be excessive in number and would result in a cluttered appearance. The proposed development is therefore contrary to policy QD14 of the Brighton and Hove Local Plan and guidance in Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

2) UNI2

The proposed dormer would have an overbearing and overly prominent appearance when viewed from the windows and gardens of neighbouring properties, and the proposed glazed area would increase the perception of overlooking for occupiers of these neighbouring properties. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.

BH2015/01296

71 Osborne Road Brighton

Installation of rooflights to front and rear roofslopes.

Applicant: Mr Mark Sidebotham

Officer: Emily Stanbridge 292359

Approved on 08/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	PBP0308/02		13.04.2015
Block Plan	PBP0308/03		13.04.2015
Existing and proposed plans	PBP0301/01		13.04.2015

BH2015/01410

94 Rugby Road Brighton

Erection of extensions to ground and first floor levels.

Applicant: Mr & Mrs Mason

Officer: Clare Simpson 292321

Refused on 17/06/15 DELEGATED

1) UNI

The proposed extension projecting to rear at first floor level close to neighbouring windows is considered to result in an increased sense of enclosure and overshadowing of neighbouring properties to the detriment of their residential amenity. The proposal is contrary to policy QD27 of the Brighton and Hove Local Plan.

2) UNI2

The proposed extension by virtue of its depth at first floor level would give the property an overextended appearance and compound the tiered formation of the rear elevation. Furthermore the angled form of the first floor extension is considered to appear contrived. The proposal is not considered to relate well to

the existing property and is harmful to the design and appearance of the building. It would also appear incongruous when viewed in the context of the rear elevations of neighbouring properties. The proposal is contrary to Policy QD14, policy HE6 and SPD12 Design Guide for Extensions and Alterations

BH2015/01525

113 Preston Drove Brighton

Installation of rooflights to front elevation.

Applicant: Ms Ellie Hipkin

Officer: Astrid Fisher 292337

Approved on 24/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			29th April 2015
Block Plan			29th April 2015
Proposed and Existing Floor Plans and Elevations			3rd June 2015

REGENCY

BH2014/04167

Land at and adjacent to West Pier and 62-73 Kings Road Arches Kings Road Brighton

Application for variation of condition 1 of application BH2014/03998 and condition 57 of BH2006/02369, to allow for amendment to the i360 observation tower scheme originally approved under application BH2006/02369 to allow for the demolition of the listed arches at 62-73 Kings Road Arches and replacement with new structure to rear of heritage centre and underneath the highway at Kings Road.

Applicant: Marks Barfield Architects

Officer: Kathryn Boggiano 292138

Approved after Section 106 signed on 19/06/15 DELEGATED

1) UNI

Not used .

2) UNI

No works shall take place to arches numbered 14 and 15 within the Structural Condition Appraisal received 11 December 2014, until a scheme which details the physical measures involved in the restoration of these aforementioned arches has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of how the internal walls and roof and southern

facing façade shall be restored. The existing render finish and moulded architraves on the south façade must be retained and notwithstanding the approved plans the new doors and infilling of the blocked opening shall be positioned at the back (north) of the openings so that the depth of the reveals is retained. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of the two arches which will remain as part of the scheme and to comply with policy HE1 of the Brighton & Hove Local Plan.

3) UNI

Not used.

4) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the lighting of the spire shall be carried out fully in accordance with the details contained within the Air Navigation Order received 15 February 2012 and Air Navigation Order received 13 May 2009 and information contained within Marks Barfield Architects Letter and Drawing 001: Mode 1 Lighting Scheme During Operational Hours and Drawing 002: Mode 2 Lighting During Night Time Shut Down received 25 July 2008.

Reason: To ensure that a comprehensive view of the provision of lighting is taken in the interests of visual amenity, security and safety and to protect the character and appearance of Regency Square conservation area and the National Park, to ensure the provision of public art and to comply with policies QD1, QD4, QD6, QD25, QD26, QD27, QD28, HE3, HE6 and NC8 of the Brighton & Hove Local Plan.

5) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be constructed in accordance with the details contained within the Supplementary Flood Risk Assessment received 8 September 2006 and drawing referenced Wall Section Through Threshold 072 received 19 July 2007.

Reason: To safeguard the development from flooding, to provide safe access and egress during flood events, to reduce reliance on emergency services and to comply with policies SU4 and SU7 of the Brighton & Hove Local Plan.

6) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out fully in accordance with the scheme of surface water drainage works detailed within Jacobs document 'Item 19 Supplementary Information Request', plan titled Mechanical & Electrical Services Basement Level Rainwater Storage Tank' and plan referenced 211A which were received by the Local Planning Authority on 17 December 2007 plan referenced 017 B received on 13 July 2007 and 3 x Marks Barfield Architects Letters received 13 July 2007, 24 July 2007 and 17 December 2007.

Reason: To prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policies SU3 and QD27 of the Brighton & Hove Local Plan.

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the method of piling foundations shall consist of bored piles only and shall be carried out in accordance with the piling methods described within the Construction Environmental Management Plan dated 12 June 2014.

Reason: So that the local planning authority may maintain control over the method of piling used which should not include driven piles in order to prevent vibration which would affect the amenity of the occupiers of buildings nearby and affect the stability of structures and buildings nearby and to comply with policies QD27, SU8, SU9 and SU10 of the Brighton & Hove Local Plan.

8) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the temporary construction vehicle and pedestrian route constructed over the shingle beach shall be installed and maintained fully in accordance with plan referenced Site Access and Footpath Closures Figure 3 Rev P9 submitted on 11 June. The temporary route shall be retained for the duration of the construction period unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the temporary route provided is safe, appropriate and accessible for all users of the seafront and to comply with policies TR7, TR8, TR13, QD2 and QD27 of the Brighton & Hove Local Plan.

9) UNI

Not used

10) UNI

Any facilities for the storage of chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval before the development is commenced. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment and to comply with policies SU3 and QD27 of the Brighton & Hove Local Plan.

11) UNI

Not used.

12) UNI

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the separator.

Reason: To prevent pollution of Controlled Waters and to comply with policies SU3 and QD27 of the Brighton & Hove Local Plan.

13) UNI

Any facilities for the storage of fuels shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume for single and hydraulically linked tanks. If there is multiple tankage, the bund capacity shall be 110% of the largest tank or 25% of the total capacity of all tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses and overflow pipes shall be located within the bund. There shall be no outlet connecting the bund to any drain, sewer or watercourse or discharging onto the ground. Associated pipework shall be located above ground where possible and protected from accidental damage.

Reason: To prevent pollution of the water environment and to comply with policies SU3 and QD27 of the Brighton & Hove Local Plan.

14) UNI

Before each part of the development listed below is commenced, samples of the materials to be used for that part shall first have been submitted to and approved in writing by the local planning authority. The samples to be submitted shall include:

- (i) the cladding of the spire;

- (ii) the external finishes of the pod;
 - (iii) the external finishes of the heritage centre including the external staircases and lift;
 - (iv) the balustrade on the upper deck of the heritage centre;
 - (v) the external finishes of the kiosks on the upper deck(including paint colours);
 - (vi) the glass screen and canopy fronting Kings Road and behind the kiosks;
 - (vii) the queuing system to be used;
 - (viii) the flooring of the upper deck of the heritage centre; and
 - (ix) the seating and weather screens on the upper deck (including paint colours).
- The development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development, to preserve and enhance the character and appearance of the Regency Square conservation area and to comply with policies QD1, HE1, HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

15) UNI

Unless otherwise agreed in writing by the Local Planning Authority, the two West Pier tollbooth kiosks shall be constructed fully in accordance with the details shown on plans referenced 051E, 053D, 054C, 055C, 057C, 058C, 059C submitted on 21 September 2012. Unless otherwise agreed in writing by the Local Planning Authority the reconstructed Weather Screen Benches shall be constructed in accordance with the details shown on plan referenced 066 received on 13 July 2007.

Reason: To ensure the satisfactory preservation of the development, to ensure the preservation and enhancement of the Regency Square conservation area, to preserve the setting of nearby listed buildings, to make adequate provision for people with disabilities and to comply with policies QD1, QD2, QD10, HE1, HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

16) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the alternative facilities for boat storage shall be fully implemented and retained throughout the construction period in accordance with the details shown on plan referenced 0038 M received on 21 May 2015. Unless otherwise agreed in writing by the local planning authority the alternative facilities shall remain available for the construction period.

Reason: To avoid unnecessary disturbance to people storing boats on the beach and to comply with policy SR18 of the Brighton & Hove Local Plan.

17) UNI

Within 6 months of the date of this permission a scheme of surfacing and landscaping shall be submitted to and approved in writing by the Local Planning Authority. This shall include full details of works to the Lower Esplanade and Upper Esplanade and footway adjoining Kings Road. The agreed scheme shall be carried out in full prior to the occupation of the development.

Reason: In the interests of visual amenity, to ensure a satisfactory appearance to the development and the footway in this area, to ensure the preservation and enhancement of the Regency Square conservation area to preserve the setting of listed buildings and reconstructed West Pier features on the site, to mitigate the impact of the substantial increase in pedestrian traffic in this area as a result of the development and to comply with policies QD1, QD15, QD28, TR1, TR2, TR5, TR7, TR8, TR12, TR13, SU15, HE3, HE5 and HE6 of the Brighton & Hove Local Plan and policy S3 of the East Sussex and Brighton & Hove Structure Plan.

18) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the heat pumps providing air heating and cooling in the pod and heritage centre shall be implemented fully in accordance with the details contained within Jacobs letter

received 23 March 2009, Jacobs Supplementary Information Documents received 6 March 2008, 15 December 2007 and Report received 21 June 2007. The heat pumps shall then be implemented within the development prior to the occupation of the development and thereafter made available for use at all times.

Reason: To ensure that the development will be efficient in its use of energy and to comply with policy SU2 of the Brighton & Hove Local Plan.

19) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the rainwater recycling measures shall be implemented fully in accordance with the details contained in Jacobs Report, Supplementary Information Document and plan referenced Rain Water Storage Tank Location received 23 January 2008. The agreed rain water recycling measures shall then be implemented in full prior to the occupation of the development and thereafter made available for use at all times.

Reason: To ensure that the development will be efficient in its use of water and to comply with policy SU2 of the Brighton & Hove Local Plan.

20) UNI

Within 6 months of the date of this permission details of external visitor recycling and litter points within the curtilage of the i360 site shall be submitted to and agreed in writing with the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority the storage of refuse and materials for recycling within the heritage centre shall be carried out in accordance with the details contained within document titled 'Brighton i360 plan for storage of refuse and materials for recycling' received 13 July 2007 and plan referenced Lower Esplanade Plan 201 F received 12 May 2009. The scheme shall be carried out in accordance with all of the approved details prior to occupation 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 policies SU2, SU9, SU14 and QD27 of the Brighton & Hove Local Plan.

21) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the glass balustrade surrounding the perimeter of the upper deck of the heritage centre and the glass to the facades of the heritage centre shall be implemented fully in accordance with the details shown on plans referenced 300D, 301D, 305E and 308D received on 21 September 2012. Unless otherwise agreed in writing with the Local Planning Authority the Kings Road glass security screening shall be carried out fully in accordance with the elevational details shown on plan referenced 300D received on 21 September 2012 and with the typical glazing section shown on plan referenced 070 received on 13 July 2007. Unless otherwise agreed in writing with the Local Planning Authority the glass lift shall be implemented fully in accordance with the details shown on plans referenced 052 B submitted on 13 September 2009 and 301D submitted on 21 September 2012. The scheme shall be implemented in strict accordance with the agreed detail.

Reason: As further information needs to be submitted to ensure the satisfactory preservation of the development, to ensure the preservation and enhancement of the Regency Square conservation area, to preserve the setting of nearby listed buildings and to comply with policy QD1, HE3 and HE6 of the Brighton & Hove Local Plan.

22) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the queuing system shall be implemented fully in accordance with the details shown on plan referenced 029 received on 13 July 2007. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby approved and unless otherwise agreed in writing with the

Local Planning Authority shall thereafter be retained.

Reason: To ensure that adequate provision is made for queuing, to avoid crowding on the upper esplanade outside the development site and to comply with policies TR1, TR5, TR7, TR8, TR13, TR14, TR15, SU15 and QD27 of the Brighton & Hove Local Plan.

23) UNI

The reconstructed West Pier tollbooth kiosk and the existing West Pier tollbooth kiosk shall match in materials, colour, style, bonding, texture, dimensions, design and appearance, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the architectural and historic importance of these buildings is not compromised, to ensure a satisfactory appearance to the development, to ensure the preservation and enhancement of the Regency Square conservation area and to comply with policies HE1, HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

24) UNI

Notwithstanding the details shown on the plans hereby approved, the balustrade on the external staircases immediately adjoining the eastern and western sides of the heritage centre, shall match in materials, colour, style and appearance the existing grade II listed balustrade on the staircases between the upper and lower promenade to the west of the site opposite Oriental Place.

Reason: To compensate for the loss of listed seafront railings as a result of the development, to ensure a satisfactory appearance to each balustrade, to preserve the setting of the existing grade II listed railings and to preserve and enhance the character and appearance of the Regency Square conservation area and to comply with policies HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

25) UNI

In the event that evidence is found of any bats roosting on the site or within the vicinity of the site during the construction period, construction shall cease until the mitigation measures specified in section 12 of the Environmental Statement have been implemented in full and retained thereafter to the satisfaction of the local planning authority unless otherwise agreed in writing by the local planning authority.

Reason: To protect bats roosting in the vicinity of the site who might be disturbed by the development and to comply with policy QD17 of the Brighton & Hove Local Plan.

26) UNI

No cables, wires, aerials, pipe work (except rainwater down pipes as shown on 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 the Regency Square conservation area and to comply with policies QD1, QD27 and HE6 of the Brighton & Hove Local Plan.

27) UNI

Notwithstanding the provisions of Schedule 2, Parts 24 and 25 of the Town and Country Planning (General Permitted Development) Order 1995 (or amendments or re-enactment thereof) no plant, machinery or other equipment shall be installed on or attached to any part of the development hereby approved without the prior written consent of the Local Planning Authority to whom a planning application must be made.

Reason: As such works could have a significant visual impact on the development, could adversely affect the character, appearance and setting of the Regency Square conservation area and to comply with policies QD1, QD23, QD24 and HE6 of the Brighton & Hove Local Plan.

28) UNI

Within 6 months of the date of this permission, a scheme for the fitting of odour control equipment to the development shall be submitted to and approved in writing by the Local Planning Authority. The use of the heritage centre shall not commence until all odour control equipment works relating to the heritage centre have been carried out in accordance with the approved scheme to the satisfaction of the Local Planning Authority. The odour control equipment shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

29) UNI

Within 6 months of the date of this permission, a scheme for the sound insulation of odour control equipment referred to in the condition set out above shall be submitted to and approved in writing by the Local Planning Authority. The use of any unit shall not commence until all sound insulation works relating to that unit have been carried out in accordance with the approved scheme to the satisfaction of the Local Planning Authority. The sound insulation works shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

30) UNI

A scheme for the treatment of all plant and machinery against the transmission of sound and/or vibration shall be submitted to and approved in writing by the Local Planning Authority. The use of the development shall not commence until all specified works relating to the development have been carried out to the satisfaction of the Local Planning Authority. The odour control equipment shall be maintained thereafter to the satisfaction of the Local Planning Authority.

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

31) UNI

Noise associated with all plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To avoid noise nuisance caused by the development and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

32) UNI

Amplified music or other entertainment noise generated within the development shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

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

33) UNI

Any public address system installed shall be controlled such that the Rating Level, measured or calculated at 1 metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To avoid noise nuisance caused by the proposed public address system and to comply with policies QD27, SU9 and SU10 of the Brighton & Hove Local

Plan.

34) UNI

Unless otherwise agreed in writing with the Local Planning Authority no part of the development shall be open to the public before 8.00 am or after 11.00 pm on any day.

Reason: In the interests of amenity and to comply with policies QD27 and SR18 of the Brighton & Hove Local Plan.

35) UNI

Vehicular movements for the purposes of loading or unloading associated with the development hereby approved shall only take place at locations and between hours which shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The agreed locations and hours shall not be varied unless first agreed in writing by the local planning authority.

Reason: To safeguard the amenities of seafront users and of the occupiers of nearby properties and to comply with policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.

36) UNI

The wind turbines shown on the plans hereby approved and referred to in section 3.6 of the Environmental Statement and the 'Sustainability Checklist' submitted 17 July 2006, shall be implemented in full prior to the occupation of the development and thereafter made available for use at all times.

Reason: To ensure that the development will be efficient in its use of energy and to comply with policy SU2 of the Brighton & Hove Local Plan.

37) UNI

Not used.

38) UNI

Not used.

39) UNI

Not used.

40) UNI

The development hereby permitted shall not be occupied until details of cycle parking facilities for a minimum of 42 cycles have been submitted to and approved in writing by the Local Planning Authority. The development shall not be open to the public until the cycle parking facilities have been fully implemented in accordance with the approved details. The cycle parking facilities shall be retained as such thereafter.

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.

41) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the development hereby permitted shall not be occupied until the staff changing and showering facilities shown on plan referenced 'Proposed Lower Esplanade Floor Plan (As Proposed) 019 revision G received on 4 February 2015 have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.

Reason: To ensure satisfactory facilities for staff who cycle to the development and to encourage travel by means other than the private car and to comply with policy TR14 of the Brighton & Hove Local Plan.

42) UNI

Prior to the occupation of the development the two listed lamp standards indicated on drawing referenced 'Relocation of Lamp-posts' 028 submitted on shall be repositioned as indicated. Any damage which occurs to either lamp standard during the removal, relocation or re-erection of each lamp standard shall

be repaired in full prior to the occupation of the development hereby approved.

Reason: To ensure that these two listed structures are not lost and that any damage to them during relocation is repaired, to preserve and enhance the character and appearance of the Regency Square conservation area and to comply with policies HE1, HE2, HE3, HE4 and HE6 of the Brighton & Hove Local Plan.

43) UNI

The development shall not be open to the public until the two tollbooth kiosks and covered seating areas shown on drawing referenced, Proposed Upper Esplanade Floor Plan' 018 revision D submitted on 14 December 2007 have been provided and made available for use. The two tollbooth kiosks and covered seating areas shall thereafter be retained and made available for use at all times.

Reason: To ensure the provision of these parts of the development, in the interests of the efficient and safe operation of the development and in the interests of the character and appearance of the Regency Square conservation area and in the interests of the setting of nearby listed buildings and to comply with policies QD27, TR1, TR5, TR7, TR8, TR13, HE1, HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

44) UNI

The development hereby approved shall be open to the public until it has achieved 'Secured by Design' accreditation.

Reason: To contribute to the prevention of crime and to comply with policy QD2 and QD7 of the Brighton & Hove Local Plan.

45) UNI

No shutters and/or physical protective security measures shall be installed on any elevation of the heritage centre without the prior written consent of the Local Planning Authority.

Reason: To ensure that a comprehensive view of the provision of shutters is taken in the interests of visual amenity, providing an acceptable frontage to pedestrians and in the interests of the character and appearance of the Regency Square conservation area and to comply with policies QD1, QD4, QD5, QD8, QD10 HE3, HE5 and HE6 of the Brighton & Hove Local Plan.

46) UNI

Notwithstanding the details in the documents submitted as part of application BH2006/02369, no LED signs, plasma screens, LCD screens or televisions shall be displayed on any external elevation of the development hereby approved, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development, to avoid a proliferation of clutter that would compromise the appearance of the development and to comply with policies QD1, HE3 and HE6 of the Brighton & Hove Local Plan.

47) UNI

The development hereby approved shall be used only as an observation tower and heritage centre associated with the history of the West Pier and for purposes which are ancillary to these uses and shall not be used for any other purpose.

Reason: The environmental effects described in the Environmental Statement for the development hereby approved relate only to the use of the development as an observation spire and heritage centre with ancillary retail uses and the significant environmental effects of the use of the development for any other purpose have not been tested via an Environment Statement and to comply with policies TR1, SR2 and QD27 of the Brighton & Hove Local Plan.

48) UNI

During the hours of business of the development hereby approved, toilet facilities within the development shall be made available for use by members of the public not paying to ride on the observation spire or visit the heritage centre. The

charge for the use of the toilet facilities by members of the public not paying to ride of the observation spire or visit the heritage centre, shall be no greater than the charge of the use of the toilet facilities for people paying to ride on the observation spire or visit the heritage centre.

Reason: To compensate for the loss of the existing public toilet facilities which would be displaced as a result of the development hereby approved and to comply with policy HO20 of the Brighton & Hove Local Plan.

49) UNI

Not used.

50) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the re-use of four existing pier columns within the publically accessible area of the Heritage Centre shall be implemented fully in accordance with the details contained within plan referenced 078 received 16 July 2008, plan referenced 079 B received 12 May 2009, 4 x photographs received 26A, elevation and section received 26 August 2008 and plan referenced 10737 22 01 received 26 August 2008. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: For the avoidance of doubt, to secure the re-use of the main vertical structural elements of the West Pier and to comply with policies HE1, HE2 and HE5 of the Brighton & Hove Local.

51) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out fully in accordance with the details contained within HOP letter dated 18 September 2007 and Dorton Demolition & Excavation Limited Health & Safety Plan for Demolition, Dismantling, Site Clearance at Brighton West Pier received 20 July 2007.

Reason: To safeguard the special architectural and historic interest of the listed building and in accordance with policies HE1, HE2 and HE5 of the Brighton & Hove Local Plan.

52) UNI

Not used.

53) UNI

Not used.

54) UNI

Not used.

55) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the development shall not operate otherwise than in accordance with the Supplementary Statement on Sustainable Modes of Visitors contained within the Supplementary Transport Statement received on 8 September 2006.

Reason: To ensure that the development caters for the travel demand it creates, to ensure that sustainable modes of transport are encouraged and to comply with policies TR3 and TR4 of the Brighton & Hove Local Plan.

56) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the development shall not operate otherwise than in accordance with the Travel Plan received 17 July 2006 and the Supplementary Statement of Sustainable Modes for Staff contained within the Supplementary Transport Statement received on 8 September 2006.

Reason: To ensure that the development caters for the travel demand it creates, to ensure that sustainable modes of transport are encouraged and to comply with policies TR3 and TR4 of the Brighton & Hove Local Plan.

57) UNI

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

Plan Type	Reference	Version	Date Received
Location Plan	001		8 September 2006
Roof Plan as Existing	002	A	8 September 2006
Lower Esplanade as Existing	003	D	22 January 2014
North and South Elevation as Existing	004		8 September 2006
Surrounding View as Existing	005		8 September 2006
Site Plan - Proposed Development	012	C	17 December 2014
Footprint Plan	013		8 September 2006
Elevation Looking West	014	A	8 September 2006
Elevation Looking East	015	A	8 September 2006
Elevation Looking North	016	A	8 September 2006
Proposed Roof Plan	017	C	14 December 2007
Proposed Upper Esplanade Floor Plan	018	D	14 December 2007
Proposed Lower Esplanade Floor Plan	019	G	4 February 2015
Basement Plan	020		8 September 2006
Section A-A	021	C	14 December 2007
Proposed South Elevation	022	C	14 December 2007
Proposed East and West Elevation	023	C	14 December 2007
Proposed North Elevation	024	C	14 December 2007
Location of Visitor Cycle Racks	025		8 September 2006
Location of Stabilisation Works	026		8 September 2006
Location of Railings to be Removed	027		8 September 2006
Relocation of Lamp-posts	028		8 September 2006
Lighting Proposal	031	A	8 September 2006
Typical Section Through Existing Build Arches	42		17 December 2014
Typical Section Through New Build Arches	43		17 December 2014
Existing Pier Forecourt Plan	22 02	C	17 December 2014
Existing Beach Level Plan	22 01	B	17 December 2014
Beach Level Plan West	20 01	A	17 December 2014
Beach Plan Level East	20 02	A	17 December 2014

58) UNI

If any additional features are discovered during demolition of the arches numbered 1 to 13 within the Structural Condition Appraisal received 11 December 2014, other than those features specifically recorded within the HOP Historic Building Record received 16 February 2015, then an additional Historic Building Record shall be submitted and agreed in writing by the Local Planning Authority within 28 days of commencement of development of the replacement structure. The additional Historic Building Record shall be carried out in

accordance with the details contained within English Heritage's 2006 Document Understanding Historic Buildings - A Guide to Good Recording Practice for Level 3 Recording.

Reason: To ensure that the heritage asset is accurately recorded and to comply with policy HE2 of the Brighton & Hove Local Plan.

59) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be carried out fully in accordance with the Site Waste Management Plan October 2007 which was received on 18 January 2008.

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.

BH2015/00738

51 Ship Street Brighton

Erection of enclosure for electrical Ring Main Unit to South-West elevation with associated works.

Applicant: Veerose Ltd

Officer: Christopher Wright 292097

Approved on 17/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted black and retained as such thereafter.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Part GF, Location and Block Plans Section and Elevations Measured Survey	0289.EXG.200 1	A	3 Mar 2015
Existing External Doors Plan and Elevation Measured Survey	0289.EXG.200 2		3 Mar 2015
Proposed Electrical Ring Main Unit Plans, Section and Elevations	0289.PL.2001	B	29 May 2015
Proposed External Doors Plan and Elevation	0289.PL.2002		3 Mar 2015

BH2015/00739**51 Ship Street Brighton**

Erection of enclosure for electrical Ring Main Unit to South-West elevation with associated internal and external works.

Applicant: Veerose Ltd

Officer: Christopher Wright 292097

Approved on 16/06/15 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 brick infill to the segmental arched opening shall be smooth red engineering brick, laid in Flemish bond and retained as such thereafter.

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

3) UNI

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

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

BH2015/00786**52-58 Middle Street Brighton**

Installation of steel door coverings, anti-climb fences and security fences. (Retrospective)

Applicant: Mr Russell Duly

Officer: Liz Arnold 291709

Approved on 05/06/15 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	101	-	6th March 2015
Plan Showing New Security Fence Locations	001	Rev. A	15th May 2015
Elevation on Middle Street Showing New Fence Positions	002	Rev. A	15th May 2015
Elevations on New Fence Panels	003	Rev. A	15th May 2015
Plan Showing New Security Fence Locations	004	-	1st April 2015
Enlarged Elevations on Middle Street	005	Rev. A	15th May 2015
Enlarged Elevations on Middle Street	006	Rev. A	15th May 2015
Enlarged Elevations on Middle Street	007	-	1st April 2015
Pre-Existing Elevation on Middle Street	008	-	10th April 2015

Pre-Existing and Proposed Elevation on North Side Wall	009	-	10th April 2015
Elevation Ship Street Showing Fencing	010	-	15th May 2015

2) UNI

The security measures hereby approved shall be removed within 5 years from the date of this permission and the building shall be restored to its condition immediately prior to the works authorised by this permission commencing in accordance with a scheme of work which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: As the security measures hereby approved are not considered suitable as permanent features to the Listed Building permission is granted for a temporary period only and to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2015/00787

52-58 Middle Street Brighton

Installation of steel door coverings, anti-climb fences and security fences. (Retrospective)

Applicant: Mr Russell Duly

Officer: Liz Arnold 291709

Approved on 05/06/15 DELEGATED

1) UNI

The security measures hereby approved shall be removed within 5 years from the date of this permission and the building shall be restored to its condition immediately prior to the works authorised by this permission commencing in accordance with a scheme of work which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: As the security measures hereby approved are not considered suitable as permanent features to the Listed Building permission is granted for a temporary period only and to ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

BH2015/00850

4 Montpelier Street Brighton

Internal alterations to layout, remedial and repair works and alterations including installation of new side window at lower ground floor level. (Retrospective).

Applicant: Miss Elizabeth Dennis

Officer: Chris Swain 292178

Refused on 05/06/15 DELEGATED

1) UNI

Insufficient information has been submitted relating to the damp-proofing works at lower ground floor level, the strengthening works to the roofspace and the works to the front bays to fully assess these elements of the application. In the absence of this information the applicant has failed to demonstrate that these works have not resulted in significant harm to the listed building, contrary to policy HE1 of the Brighton and Hove Local Plan and Supplementary Planning Document 09, Architectural Features (SPD9).

2) UNI2

The removal of the internal fire places at lower ground and upper ground floor level, resulting in the loss of original fabric to the building; and, the external alterations, by reason of their inappropriate detailing, design and materials detract significantly from the historic and architectural appearance and character of the of the listed building, contrary to policy HE1 of the Brighton and Hove Local Plan

and Supplementary Planning Document 09, Architectural Features (SPD9).

BH2015/00877

19a Sussex Heights 14 St Margarets Place Brighton

Remove existing windows to create balcony with glass balustrade and installation of aluminium sliding doors.

Applicant: Mr Steve Lewry

Officer: Robin Hodgetts 292366

Approved on 23/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

The parapet wall, railings and screening that form the boundary of the balcony hereby approved, shall match exactly in terms of scale, design and materials that of the balcony immediately below and thereafter be retained as such.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			13/03/15
Existing floor plan			11/04/15
Proposed floor plan			11/04/15
Existing elevation			28/04/15
Proposed elevation			28/04/15

BH2015/00888

Sussex Heights 14 St Margarets Place Brighton

Installation of insulated render to all elevations and replacement of metal window cills with UPVC cills and associated alterations.

Applicant: Sussex Heights (Brighton) Limited - SHBL

Officer: Robin Hodgetts 292366

Refused on 05/06/15 DELEGATED

1) UNI

The proposed render, by reason of its texture and in the absence of large scale details demonstrating how the render would be installed, would adversely impact upon the appearance and character of the existing building, the surrounding Regency Square Conservation Area and the setting of nearby listed buildings. Furthermore, the proposed render system has significant potential to discolour and deteriorate over time. The proposal would therefore be contrary to policies QD1, QD2, HE3 and HE6 of the Brighton & Hove Local Plan.

2) UNI2

The proposed window cills, by reason of their profile, depth and material, would

represent an inappropriate detail which would conflict with the key character and appearance of the building. The proposal would therefore have an adverse impact on the character and appearance of the existing building, the surrounding Regency Square Conservation Area and nearby listed buildings, contrary to policies QD1, QD2, HE3 and HE6 of the Brighton & Hove Local Plan.

BH2015/00938

18 Stone Street Brighton

Creation of 1 no one bedroom residential dwelling (C3) on second and third floors with associated rear alterations and new stairwell.

Applicant: Winnet Investments Ltd

Officer: Jason Hawkes 292153

Refused on 12/06/15 DELEGATED

1) UNI

The development, by reason of its scale, including the size, height, form and mass, would have an adverse impact on the appearance and character of the host building and would stand out in the context of the overall street scene, detracting from the character and appearance of the Regency Square Conservation Area. The scheme is therefore contrary to policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.

2) UNI2

The development, due to the lack of windows to the main kitchen and living area and terrace, would have limited light with no outlook from this level. The proposed flat would therefore provide a poor standard of accommodation for future occupants and is contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2015/00977

Atlas Chambers 33 West Street Brighton

Display of internally-illuminated fascia and hanging sign.

Applicant: Sprinkles Gelato Ltd

Officer: Allison Palmer 290493

Approved on 09/06/15 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.

BH2015/00978

Atlas Chambers 33 West Street Brighton

Change of use of ground and lower ground floor from financial services (A2) to cafe (A3).

Applicant: Sprinkles Gelato Ltd

Officer: Adrian Smith 290478

Approved on 24/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

The use hereby permitted shall not be open to customers except between the hours of 07:00 and 00:30 the following day, daily.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	-	-	19/03/2015
Existing floor plans	003	-	19/03/2015
Proposed floor plan	-	-	14/04/2015

BH2015/01118

Basement Flat 10 Sillwood Place Brighton

Replacement of existing french doors, with timber doors to rear elevation.

Applicant: Miss Elise Dupuy

Officer: Allison Palmer 290493

Approved on 19/06/15 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 timber doors hereby approved shall be off-white painted timber doors without trickle vents and with discreet hinges. The doors shall be set back from the outer face of the building and set in plain reveals with no drip moulding detail to the render.

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

BH2015/01119

Basement Flat 10 Sillwood Place Brighton

Replacement of existing french doors with timber french doors to rear elevation.

Applicant: Miss Elise Dupuy

Officer: Allison Palmer 290493

Approved on 19/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 timber doors hereby approved shall be off-white painted timber doors without trickle vents and with discreet hinges. The doors shall be set back from the outer face of the building and set in plain reveals with no drip moulding detail to the render.

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

3) UNI

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

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

4) UNI

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

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

Plan Type	Reference	Version	Date
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			Received
Site location plan			24/04/2015
Existing & Proposed Plans & Elevations	1038/001	A	18/06/2015
Head/Top Rail			30/03/2015
Mid Rail			30/03/2015
Jamb/Fixed Stile			30/03/2015
Section Thru Meeting Stiles			04/06/2015
Bottom Rail			04/06/2015

BH2015/01342

31 - 38 Kings Road Brighton

Installation of lift in existing lightwell.

Applicant: The Hotel Collection Ltd

Officer: Liz Arnold 291709

Approved on 08/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 lift enclosure hereby approved shall be rendered and painted externally to match the front elevation of the hotel building and shall be retained as such.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan	1089-10	-	13th April 2015
Existing Plans	FA 1089-03.1	-	13th April 2015
Existing Plans	FA 1089-03.2	-	13th April 2015
Proposed Plans	FA 1089-05.1	-	13th April 2015
Proposed Plans	FA 1089-05.2	-	26th May 2015
Existing and Proposed Elevations	FA 1089-07	-	13th April 2015

BH2015/01400

Flat 3 4 Sillwood Terrace Brighton

Replacement of existing timber door and fanlight with UPVC units.

Applicant: Mr Rainer Zinngrebe

Officer: Joanne Doyle 292198

Approved on 11/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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			16 Apr 2015
Block Plan			16 Apr 2015
Door Detail			16 Apr 2015
Door Specification			16 Apr 2015

BH2015/01514

7-10 13-16 26-28 and 33-36 Brighton Square Brighton

Application for Approval of Details Reserved by Conditions 7, 11 and 14 of application BH2013/00712.

Applicant: Centurion Group

Officer: Jason Hawkes 292153

Approved on 19/06/15 DELEGATED

ST. PETER'S & NORTH LAINE

BH2013/01927

Site J New England Quarter Fleet Street Brighton

Application for Approval of Details Reserved by Condition 19 of application BH2010/03999.

Applicant: The Hyde Group

Officer: Sarah Collins 292232

Approved on 24/06/15 DELEGATED

BH2014/01208

Unit 2 Brighton Railway Station Queens Road Brighton

Internal alterations to layout to facilitate food and drink outlet with associated signage.

Applicant: Greenwell and Tipple Ltd

Officer: Jonathan Puplett 292525

Approved on 23/06/15 DELEGATED

1) UNI

Notwithstanding the details shown on section C-C on approved drawing no. 2121.205C, no horizontal timber panelling shall be installed to the internal wall shown.

Reason: For the avoidance of doubt and to ensure the preservation of the listed building.

2) UNI

; and

(ii) for the following reasons:-

The works which have been carried out preserve the character and appearance of the listed building.

3) UNI

This decision to grant Listed Building Consent has been taken:

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

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:
 HE1 Listed Building Consent
 HE4 Reinstatement of original features on Listed Buildings

Supplementary Planning Guidance:
 SPGBH11 Listed Building Interiors
 SPGBH13 Listed Building - General Advice

Supplementary Planning Documents:
 SPD09 Architectural Features

Brighton & Hove City Plan Part One (submission document)
 SS1 Presumption in Favour of Sustainable Development

4) UNI

Informatives:

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN	04	B	01/05/2014
MECHANICAL LAYOUT	1728-101	2	28/08/2014
ELECTRICAL AND LIGHTING LAYOUT	1728-102		28/08/2014
PIPEWORK LAYOUT	1728-104		28/08/2014
PROPOSED LAYOUT			28/08/2014
EXISTING FLOOR PLAN	2121.101		14/04/2014
EXISTING ELEVATION	2121.102		14/04/2014
PROPOSED FLOOR PLAN	2121.201	H	14/04/2014
PROPOSED CEILING PLAN	2121.203	A	14/04/2014
PROPOSED INTERNAL ELEVATIONS	21.21.204	D	28/08/2014
PROPOSED ELEVATIONS	2121.205	C	30/04/2014

BH2014/02613

Corn Exchange Church Street & Studio Theatre 29 New Road Brighton

Refurbishment and alterations to Corn Exchange, Studio Theatre and 29 New Road. Works include demolition of existing single storey link building and erection of three storey infill extension to West of Corn Exchange, incorporating new foyers, bar, box office, WCs, production space, public stairs and lifts. Alterations to Corn Exchange including retractable seating beneath new balcony and replacement roof coverings. Alterations to Studio Theatre including new side balconies, lift, fire escape stairs and dressing rooms. Renovation of existing café, to be opened to New Road and Royal Pavilion gardens. Installation of new plant equipment, alterations to entrances on New Road and Church Street and associated alterations.

Applicant: BDFL

Officer: Sonia Gillam 292265

Approved Secretary of State on 16/06/15 DELEGATED

1) UNI

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

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

2) UNI

No works 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 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 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 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 windows and doors to the Studio Theatre 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 and doors shall be single glazed. 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 new shop front to 29 New Road including 1:20 scale elevational drawings and sections and 1:1 scale joinery sections have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and completed fully in accordance with the approved details and retained as such thereafter.

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

6) UNI

All existing skirtings, architraves, internal doors, panelling, cornices, staircase balustrade and fireplaces at 29 New Road shall be retained in situ or reinstated in full except where shown on the approved plans or otherwise approved in writing by the Local Planning Authority.

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

7) UNI

No works shall take place until full details at no less than 1:20 scale of the design and detailing of the new Creation space building at its junction with the Corn Exchange, including the relationship of new construction to historic fabric, have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out fully 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.

8) UNI

No works shall take place until elevation and section details at no less than 1:20 scale of the new internal doors to the Corn Exchange and Corn Exchange Foyer have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out fully 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.

9) UNI

No works shall take place until elevation and section details at no less than 1:20 scale of the following internal works to the Corn Exchange have been submitted to an approved in writing by the Local Planning Authority. Works shall be carried out fully in accordance with the approved details.

- (a) The lowered windows to the west elevation
- (b) The secondary glazing to the windows on the west elevation
- (c) The horizontal timber boarding to the internal walls.
- (d) The balcony structure at the northern end.

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

10) UNI

The internal colour scheme to the restored interior to the Corn Exchange, the Corn Exchange Foyer and restored ceiling to the Studio Theatre should be informed by historic research including paint samples and details of the research and the proposed colour scheme shall be submitted to and approved in writing by the Local Planning Authority before decoration takes place. Works shall be carried out fully 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.

11) UNI

No works shall take place until full details of the new lift overrun enclosure and ground floor copper canopy to the Studio Theatre including 1:20 scale elevational drawings and sections have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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.

BH2014/03088

Land Rear of 39 London Road Brighton

Demolition of existing garage and erection of 1no three bedroom, three storey house (C3) fronting Providence Place.

Applicant: Mr Ian Pennicard

Officer: Jonathan Puplett 292525

Approved on 09/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 its first occupation and shall be retained as such thereafter.

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

3) UNI

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

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

4) UNI

Prior to first occupation of the development hereby permitted, a scheme shall

have 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

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

No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including:

- (i) Samples of the materials (including through colour render and roof covering) to be used in the construction of the external surfaces of the development hereby permitted;
- (ii) Manufacturers' details and frame colour of the windows and glazed doors to be used in the construction of the development hereby permitted.

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, QD2, and QD3 of the Brighton & Hove Local Plan.

7) UNI

Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until 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 policy CP8 of the Submission City Plan Part One.

8) 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.

9) UNI

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN	PL.01		16/09/2014

SITE PLAN AND BLOCK PLAN	EX.01		16/09/2014
EXISTING SECTION	14/127/300		16/09/2014
EXISTING ELEVATIONS	14/127/300		16/09/2014
EXISTING FLOOR PLANS	14/127/200		16/09/2014
PROPOSED FLOOR PLAN AND ROOF PLAN	28/04/2015	A	28/04/2015
PROPOSED FLOOR PLANS	PL.03	B	28/04/2015
PROPOSED SECTIONS	PL.04	B	28/04/2015
PROPOSED ELEVATIONS	PL.05	B	28/04/2015

10) 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) (England) Order 2015, 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.

BH2014/03214

16 Kew Street Brighton

Conversion of existing house (C3) to form 1no one bedroom flat and 1no two bedroom maisonette (C3) with associated installation of windows to replace existing garage door and additional front access door.

Applicant: Mr Paul Tomlinson

Officer: Jonathan Puplett 292525

Refused on 09/06/15 DELEGATED

1) UNI

The proposed development would result in the loss of a small dwellinghouse suitable for family accommodation, which is below the minimum size suitable for conversion to smaller units as set out in Policy HO9 of the Brighton and Hove Local Plan. Furthermore, the proposed maisonette, due to its size, layout, lack of a family bathroom and lack of access to an outdoor space does not lend itself to family occupation, the application therefore fails to address the requirement of Policy HO9 that at least one unit should be provided which is of a nature suitable for family occupation.

2) UNI2

The proposed development would provide small and cramped living conditions which would not deliver a suitable standard of accommodation for future occupiers. The proposed development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.

3) UNI3

The proposed external alterations, to form a rectangular bay window with a rendered wall below, would not relate well to the appearance of the dwellings to either side which have curved bays with a brick faced wall below, and multi-pane windows with top hung fanlights. The proposed alterations would result in an incongruous appearance to the detriment of the street scene and the West Hill conservation Area, contrary to policies QD14 and HE6 of the Brighton and Hove Local Plan.

BH2015/00140

Former Co Op 94-103 London Road Brighton

Display of internally illuminated fascia sign and hanging sign and non illuminated information sign and vinyl manifestation. (Retrospective).

Applicant: The Gym Group

Officer: Kathryn Boggiano 292138

Approved on 04/06/15 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 shopfront vinyl hereby approved shall consist of an obscure film background rather than a white background.

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

BH2015/00286

73 Roundhill Crescent Brighton

Change of use from 6no bedroom small house in multiple occupation (C4) to 8no bedroom large house in multiple occupation (Sui Generis), proposed extension at first floor level and associated alterations to rear elevation.

Applicant: Mr Jack Konarek

Officer: Chris Swain 292178

Approved on 17/06/15 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

No cables, wires, aerials, pipework, 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.

4) UNI

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

5) UNI

The 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.

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
Location and block plan and existing plans, elevations and	3410.EX.02	C	12 June 2015

section.			
Plans, section and elevations	3410.PL.03	E	1 June 2015

BH2015/00295

94-103 London Road Brighton

Installation of three additional retail unit doors fronting London Road and Baker Street, additional plant at rear of gym on ground floor with associated screening and additional smoke extract louvres to front and rear of gym on ground floor. (Retrospective)

Applicant: Watkin Jones Group

Officer: Kathryn Boggiano 292138

Approved on 11/06/15 DELEGATED

1) UNI

Noise associated with the additional plant at rear hereby approved which is associated with the gymnasium use, shall be controlled and maintained so that the Rating Level, measured at 1-metre from the façade of the nearest noise sensitive premises shall not exceed the LA90 background noise levels, as used in the Acoustic Assessment for the new plant enclosure for 94 to 103 London Road, undertaken by PDA, dated 29th April 2015, Ref: 8573/1140/01. The Rating Level 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 SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

2) UNI

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

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

Plan Type	Reference	Version	Date Received
PDA Acoustic Consultants - Acoustic Assessment	8573/1140/01		30 April 2015
Ground floor plan_A1	PL_001	R	17 February 2015
London Road & Baker Street elevations	EL_001	N	17 February 2015
London Terrace elevations (east and west)	EL_002	K	17 February 2015
Location Plan	10-002	C	17 February 2015
Air conditioning technical data	EEDEN13-100		11 February 2015
Outdoor unit technical data	RZQSG-L(3/8) V1		11 February 2015

BH2015/00654

Devonian Court Park Crescent Place Brighton

Application for Approval of Details Reserved by Condition 3 of application BH1998/01631/FP.

Applicant: J Howard

Officer: Andrew Huntley 292321

Approved on 04/06/15 DELEGATED

BH2015/00742

Windsor Lodge Windsor Street Brighton

Conversion of loft space to form 1no one bedroom flat incorporating increased ridge height, dormers to front and side, rooflights and associated works.

Applicant: Baron Homes
Officer: Jason Hawkes 292153

Approved on 12/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

4) UNI

Prior to first occupation of the development hereby permitted, a scheme shall have 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

The development hereby permitted shall be carried out in accordance with 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 Existing and Proposed	A.01	B	3rd March 2015
Floor Plans Existing	A.05	B	3rd March 2015
South Elevation Existing	A.06	B	3rd March 2015
East Elevation Existing	A.07	B	3rd March 2015
North Elevation (Through Windsor St) Existing	A.08	B	3rd March 2015
East Elevation Street Scene Existing	A.09	B	3rd March 2015
Sections AA & BB Existing	A.10	B	3rd March 2015
Floor Plans Proposed	D.20	F	2nd June 2015
South Elevation Proposed	D.21	E	2nd June 2015
East Elevation Proposed	D.22	E	2nd June 2015
North Elevation (Through 10	D.23	D	2nd June 2015

Windsor St) Proposed			
East Elevation Street Scene	D.24	E	2nd June 2015
Sections AA & BB	D.25	D	2nd June 2015

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 in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

BH2015/00818

56A Roundhill Crescent Brighton

Demolition of shed and erection of detached outbuilding.

Applicant: Mr William Keen

Officer: Emily Stanbridge 292359

Refused on 17/06/15 DELEGATED

1) UNI

The proposed development would be physically detached from the main dwelling house with the proposed layout including all the facilities required for a self-contained unit of accommodation. In the absence of information demonstrating a dependency to the existing dwelling or outlining the intended nature of use within the proposed building the development would create a poor standard of accommodation for future occupants by reason of a cramped layout and poor levels of natural light and outlook. The development would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2015/01041

24 Wakefield Road Brighton

Certificate of lawfulness for proposed erection of single storey rear extension.

Applicant: Mrs Alice Hart

Officer: Emily Stanbridge 292359

Refused on 09/06/15 DELEGATED

1) UNI

1. The proposed rear extension and terrace railings measures 4.1m in height and therefore does not comply with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

2) UNI2

The proposed rear extension includes the provision of a terrace and therefore the development does not comply with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended.

BH2015/01042

24 Wakefield Road Brighton

Installation of rooflight to front roof slope.

Applicant: Mrs Alice Hart

Officer: Emily Stanbridge 292359

Approved on 15/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

The roof light hereby approved 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
Existing drawings, site location and block plan	L-01		23.03.2015
Proposed drawings	L-02		23.03.2015

BH2015/01065

6B Queens Road Brighton

Installation of new shopfront.

Applicant: Conception Contractors

Officer: Wayne Nee 292132

Refused on 12/06/15 DELEGATED

1) UNI

The replacement shopfront, due to its inappropriate design, including the uncharacteristic introduction of bi-fold doors and the loss of the recessed entrance, would result in a detrimental impact on the appearance and character of the host building and surrounding area. The proposal is therefore contrary to policy QD10 and Supplementary Planning Document 2 on Shop Front Design (SPD02).

BH2015/01128

39 Upper Gardner Street Brighton

Application for variation of condition 4 of application BH2012/02173 (Change of use from retail (A1) to café (A3) on lower ground, ground and first floors and retrospective change of use from café (A3) to office (B1) on second floor and replacement of ground floor sliding doors and fenestration above) to extend opening hours of the ground floor restaurant to 11.00pm on Mondays to Saturdays and 8.30pm on Sundays.

Applicant: Silo Brighton Ltd

Officer: Christopher Wright 292097

Approved on 18/06/15 DELEGATED

1) UNI

Not used

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			30th March 2015
Basement & Ground Floor Levels	03	C	30th March 2015
Proposed First & Second Floor Plans	04	B	30th March 2015

3) UNI

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues, shall be fixed to any elevation facing a highway.

Reason: To safeguard the appearance of the building and the visual amenities of the locality and the Conservation Area and to comply with policies QD1, QD27 and HE6 of the Brighton & Hove Local Plan.

4) UNI

The ground floor restaurant use (Use Class A3) shall not be open to customers except between the hours of 7.30am and 11.00pm Mondays to Saturdays inclusive, and between 7.30am and 8.30pm on Sundays.

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

5) UNI

No deliveries, servicing, loading or unloading of vehicles associated with the premises shall take place except between the hours of 7.30am and 7.00pm Mondays to Saturdays and between 8.00am and 6.00pm on Sundays.

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 premises shall only be used as a restaurant/café (Use Class A3) on the ground floor, and as offices (Use Class B1) on the first and second floors, and for no other purposes within Classes A3 and B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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.

7) UNI

The development shall be maintained in accordance with the external extraction outlet and roof plan approved under application BH2013/02500, to which the decision notice dated 23 September 2013 refers.

Reason: To ensure successful integration with the existing building and to limit the impact of the development on the character of the building and the wider North Laine Conservation Area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan 2005.

8) UNI

Not used

9) UNI

The joinery of the new entrance doors and transom windows shall be black in colour as seen externally and shall be retained as such thereafter.

Reason: To ensure successful integration with the existing building and to limit the impact of the development on the wider North Laine Conservation Area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan 2005.

10) UNI

The refuse and recycling scheme approved under application BH2013/02500, to which the decision notice dated 23 September 2013 refers, shall 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 2005.

11) UNI

Not used

12) UNI

The development shall be maintained in accordance with the fenestration details approved under application BH2013/02500, to which the decision notice dated 23 September 2013 refers.

Reason: To ensure successful integration with the existing building and to limit the impact of the development on the character of the building and the wider North Laine Conservation Area and to comply with policies QD14 and HE6 of the Brighton & Hove Local Plan 2005.

13) UNI

The kitchen mechanical extract system shall not be in use outside the opening hours for the A3 restaurant use hereby permitted, as set out in condition 4 of this consent.

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

BH2015/01180

HSBC 153 North Street Brighton

Display of 2no. non illuminated signs above proposed ATMs.

Applicant: HSBC Bank Plc

Officer: Robin Hodgetts 292366

Approved on 18/06/15 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.

BH2015/01241

94-103 London Road & 6-11 & 12 Baker Street Brighton

Application for Approval of Details Reserved by Condition 43 of application BH2014/01127.

Applicant: The Gym Ltd

Officer: Kathryn Boggiano 292138

Split Decision on 18/06/15 DELEGATED

1) UNI

The details pursuant to condition 43 of BH2014/01127 in relation to the gymnasium use (D2 Use Class) and subject to full compliance with the submitted details.

1) UNI

The details pursuant to condition 43 of BH2014/01127 in relation to the retail use (A1 Use Class) are NOT APPROVED for the reason(s) set out below:

1. No details have been submitted in relation to the Energy Strategy for the retail units at the ground floor within the building, or in relation to the installation of Air Source Heat Pumps in the retail units.

BH2015/01261

12 Buckingham Street Brighton

Change of use from four bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4).

Applicant: Mr David Miele

Officer: Chris Swain 292178

Approved on 04/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

Prior to first occupation of the use hereby permitted a scheme for the storage of refuse and recycling shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

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

3) UNI

Prior to first occupation of the use hereby permitted details of secure cycle parking facilities for the occupants of, and visitors to, the house in multiple occupation hereby approved shall be submitted to and approved in writing by the

Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan	15.03.01/1	-	9 April 2015
Existing floor plans	15.03.01/3	-	9 April 2015
Proposed floor plans	15.03.01/4	-	9 April 2015

BH2015/01347

28 Wakefield Road Brighton

Roof alterations incorporating front roof lights and rear dormer.

Applicant: James Taylor

Officer: Sonia Gillam 292265

Refused on 11/06/15 DELEGATED

1) UNI

The proposed rear dormer would form an excessively scaled, incongruous and unsympathetic addition to the building that would be out of keeping with the character and appearance of the terrace and significantly harmful to the continuity of the roofscape of the Round Hill Conservation Area. The proposed front rooflights are considered to be excessive in number on a street elevation within a conservation area. The proposal would therefore fail to preserve or enhance the character or appearance of the building, terrace or wider Round Hill Conservation Area, contrary to policies QD14 & HE6 of the Brighton & Hove Local Plan and SPD09 & SPD12 guidance.

BH2015/01348

Top Floor Flat 2 Buckingham Street Brighton

Installation of front and rear rooflights.

Applicant: Miss Nicola Turner

Officer: Luke Austin 294495

Approved on 12/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	-	-	16/04/15
Floor Plans Existing and Proposed	-	-	16/04/15
Elevations and Sections Existing and Proposed	-	-	16/04/15

BH2015/01451

9 London Road Brighton

Application for Approval of Details Reserved by Conditions 9,10 11 and 13 of application BH2014/01965.

Applicant: Mr Essy Sharanizadeh

Officer: Sonia Gillam 292265

Split Decision on 18/06/15 DELEGATED

BH2015/01484

Blocks B & C Site J New England Quarter Fleet Street Brighton

Non Material Amendment to BH2012/02529 to elevations to rationalise the glazing pattern and materials. Revised secondary entrance door locations. Revise internal layout including four additional guestrooms on levels 6 and 7 of hotel (Block B) to give total of 98 bedrooms and removal of the sub basement plant room and relocation of hotel plant to basement level of office (Block C). No proposed change to size and massing of overall development.

Applicant: Roquebrook Project Management

Officer: Maria Seale 292175

Approved on 24/06/15 DELEGATED

WITHDEAN

BH2014/04179

Plots 15-19 Land West of Redhill Close Brighton

Retention of existing terrace of 5no three bed dwelling houses (C3). (Previous permissions BH2010/00692, BH2013/00293 and BH2013/00626)

Applicant: Bellway Homes (South East) Ltd

Officer: Paul Earp 292454

Approved on 04/06/15 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, elevations, floor plans - as approved.	P01/S73 APP		13 January 2015
Site plan, elevations, floor plans - as approved.	P02/S73 APP		13 January 2015

2) UNI

Prior to first occupation of the development hereby permitted a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all boundary treatments and details of all proposed planting, including numbers and species of plant, and details of size and planting method of any trees. All hard landscaping and means

of enclosure shall be completed in accordance with the approved scheme prior to first occupation of the development.

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

3) UNI

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

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

4) UNI

The hereby approved development, comprising plots 15-19 (inclusive), shall not be occupied until a Final / Post Construction Code Certificate issued by an accreditation body confirming that these residential units have achieved a Code for Sustainable Homes rating of Code Level 5 has been submitted to, and approved in writing by, the Local Planning Authority.

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

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

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

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

7) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement or other alteration of the dwellinghouses other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

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

BH2014/04186

225 Preston Road Brighton

Change of use of part retail unit (A1) on basement and ground floor to form an additional two bedroom maisonette, reconfiguration of first floor residential flats and conversion of loft to form an additional maisonette incorporating parking and revised fenestration and additional rooflights.

Applicant: First Center Ltd

Officer: Kathryn Boggiano 292138

Approved on 11/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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.

4) UNI

The windows hereby approved shall be painted timber vertical sliding sashes with no trickle vents and shall match the design of the original sash windows to the building, including their architrave detail, frame profile and mouldings, 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 a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

5) UNI

Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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.

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 Floor Plans	PRES EX 01		26.05.2015
Existing Floor Plans	PRES EX 02		26.05.2015
Existing Elevations	PRES EX 03		26.05.2015

Proposed Floor Plans	PRES 01	Q	26.05.2015
Proposed Floor Plans	PRES 02	Q	26.05.2015
Proposed Elevations	PRES 03	R	03.06.2015
Block Plan	PRES 04	Q	26.05.2015
Block Plan	PRES 05	Q	26.05.2015
Site Location Plan	PRES 06	Q	26.05.2015

7) UNI

No works shall take place until full details of the proposed doors including 1:20 scale sample elevations and 1:1 scale joinery profiles have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the agreed details and maintained as such thereafter.

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

BH2015/00042

48 Redhill Drive Brighton

Erection of part two part three storey rear extension, alterations to fenestration, creation of raised terrace with balustrade and roof alterations with rear rooflight.

Applicant: Mrs P Peng

Officer: Sonia Gillam 292265

Refused on 08/06/15 DELEGATED

1) UNI

The proposed development, by virtue of its scale, bulk, height and overall appearance, would form an overly dominant addition which would result in significant harm to the architectural integrity of the building and thereby impact upon the visual amenities of neighbouring properties. The proposed development is therefore contrary to policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document SPD12: Design guide for extensions and alterations.

BH2015/00118

148 Eldred Avenue Brighton

Erection of raised decking with balustrades in rear garden. (part-retrospective)

Applicant: Mr Philip Ede

Officer: Helen Hobbs 293335

Approved on 11/06/15 DELEGATED

1) UNI

The hereby approved decking shall not be brought into use until details of boundary screening with 152 Eldred Avenue have been submitted to and approved in writing by the Local Planning Authority. The screening shall be erected in accordance with the approved details prior to the decking being brought into use and shall be retained as such thereafter.

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	-	-	15/01/2015

Block plan	-	-	15/01/2015
Proposed decking plan and joist layouts	Decking_02		15/01/2015
	Decking_03		15/01/2015
	Decking_04		15/01/2015
Proposed decking elevations	Decking_01	-	15/01/2015
Tree layout	Decking_05	-	15/01/2015

BH2015/00537

14 Clermont Terrace Brighton

Erection of rear extension to ground and lower ground floor.

Applicant: Mr David Jenkins

Officer: Mark Thomas 292336

Approved on 15/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 (with the exception of the rear folding doors) shall match in material, colour, style, bonding and texture those of the existing building.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location and block plan	RFA 15/323/OS	-	18th February 2015
Existing floor plans	RFA 15/323/01	-	18th February 2015
Existing and proposed elevations	RFA 15/323/02	-	18th February 2015
Proposed elevations, section and floor plans	RFA 15/323/03	-	18th February 2015

BH2015/00909

Ground Floor Flat 41 Loder Road Brighton

Erection of single storey rear extension (Retrospective).

Applicant: Mr Jacob Naish

Officer: Luke Austin 294495

Approved on 05/06/15 DELEGATED

BH2015/00965

77 Redhill Drive Brighton

Roof alterations including hip to gable roof extension and enlargement of existing side dormers.

Applicant: Mr Glenn Bowman

Officer: Jason Hawkes 292153

Refused on 18/06/15 DELEGATED

1) UNI

The proposed front roof extension and side dormer extension, by virtue of their form, scale and design, would form incongruous and unsympathetic additions which would be harmful to the character and appearance of the existing building and street scene. The proposal would therefore fail to emphasise or enhance the positive qualities of the local neighbourhood. The proposal is therefore contrary to policy QD14 of the Brighton & Hove Local Plan, and guidance within Supplementary Planning Document 12: Design Guide for Extensions and Alterations.

BH2015/00982

56 Windmill Drive Brighton

Application for variation of condition 2 of application BH2014/03882 (Erection of single storey rear extension to replace existing and associated raised decking with balustrade, screening and steps to garden level) to permit change in design of roof structure.

Applicant: Mr & Mrs Jenner

Officer: Mark Thomas 292336

Approved on 18/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

The hereby approved decking shall not be brought into use until screening to the east and western (side) boundaries of the decking has been erected in accordance with drawing no. 1213 02B. The screening shall be retained as such thereafter.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Plans, Section and Elevations	1213 01	-	19th March 2015
Proposed Plans, Section and Elevations	1213 02	C	19th March 2015

BH2015/01096

180 Surrenden Road Brighton

Erection of two storey rear extension.

Applicant: Mr & Mrs Williams

Officer: Adrian Smith 290478

Approved on 18/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed in the eastern or western side elevations of the extension hereby approved without planning permission obtained from the Local Planning Authority.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan, block plan and proposed floor plans and elevations	1519/0838	B	01/06/2015
Existing floor plans and elevations	1519/1837	-	30/03/2015

BH2015/01125

385 Ditchling Road Brighton

Creation of vehicle crossover with associated alterations to front boundary.

Applicant: Mr David Howarth

Officer: Luke Austin 294495

Approved on 05/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 front boundary wall and pillar shall match in material, colour, style, bonding and texture those of the existing boundary wall.

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
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			Received
Location Plan	-	-	30/03/2015
Block Plan	-	-	30/03/2015
Existing Plan and Elevation	-	-	31/03/2015
Proposed Plan and Elevation	-	-	30/03/2015

BH2015/01220

3 Friar Crescent Brighton

Application for Approval of Details Reserved by Conditions 4 and 5 of application BH2015/00207.

Applicant: Mr & Mrs Keith White

Officer: Joanne Doyle 292198

Approved on 11/06/15 DELEGATED

BH2015/01281

11 South Road Brighton

Conversion of first floor offices (B1) to 1no. one bed flat and 1no. studio flat (C3).

Applicant: Mr J Burroughes

Officer: Liz Arnold 291709

Refused on 24/06/15 DELEGATED

1) UNI

The applicant has failed to adequately demonstrate that the existing Class B1 premises are no longer viable and are genuinely redundant, contrary to policies EM3, EM5 and EM6 of the Brighton & Hove Local Plan and CP3 of the Brighton & Hove City Plan Part One.

BH2015/01282

11 South Road Brighton

Internal alterations to facilitate the conversion of first floor offices (B1) to 1no. one bed flat and 1no. studio flat (C3).

Applicant: Mr J Burroughes

Officer: Liz Arnold 291709

Approved on 24/06/15 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

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

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

4) UNI

No cables, wires, aerials, pipework 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

Notwithstanding the submitted details no works shall take place until full details of the following items, including 1:20 scale sample elevations and section drawings and 1:1 scale profiles of the mouldings, have been submitted to and approved in writing by the Local Planning Authority.

a) All new internal doors (including the glass partition and glazed door to ground floor hallway and all door furniture)

b) Ground floor partition beneath stair landing

c) New soil vent pipes, extract and boiler flues and vents

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

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.

BH2015/01362

53 Fernwood Rise Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension, creation of side dormer, juliette balcony to rear and insertion of rooflights.

Applicant: Mr & Mrs Bouri

Officer: Astrid Fisher 292337

Approved on 22/06/15 DELEGATED

BH2015/01386

182 Surrenden Road Brighton

Erection of single storey rear extension.

Applicant: Mrs S Savery

Officer: Allison Palmer 290493

Approved on 19/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

Access to the flat roof, other than the existing terrace as indicated on drawing 1521-01A 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.

3) UNI

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

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

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			17/04/2015
Block plan			17/04/2015
Waste minimisation/management statement			17/04/2015
Existing and proposed	1521 - 01	A	19/05/2015

5) UNI

The first floor accommodation hereby approved shall only be used as ancillary accommodation in connection with the use of the main property as a single dwelling house and shall at no time be converted or sold as a self-contained unit.

Reason: In order to protect the amenities of neighbouring properties and in accordance with policies QD27 of the Brighton & Hove Local Plan.

BH2015/01485

17 Green Ridge Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

Applicant: Mr James Booth

Officer: Guy Everest 293334

Prior approval not required on 08/06/15 DELEGATED

BH2015/01515

85 Eldred Avenue Brighton

Erection of detached shed in rear garden and associated alterations to fencing.

Applicant: Alan Griffin

Officer: Astrid Fisher 292337

Approved on 17/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date
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			Received
Site Plan	SH1		22nd April 2015
Block Plan	SH2		22nd April 2015
Proposed Shed Plan and Elevations	SH3		22nd April 2015
Proposed Layout Plan	SH4		22nd April 2015

BH2015/01545

31 Cornwall Gardens Brighton

Erection of two storey rear extension, single storey side extension and single storey front extension with extension to garage at basement level and associated alterations.

Applicant: Mr Dabadie de Lurbe

Officer: Adrian Smith 290478

Approved on 24/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 first floor en suite windows in the north and south side elevations of the extension hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, and thereafter permanently retained as such.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan and existing plans and elevations	1427-01	-	29/04/2015
Block plan and proposed plans and elevations	1427-02	-	29/04/2015

BH2015/01609

9 Mill Rise Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.3m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.2m.

Applicant: Lorraine Rogers

Officer: Astrid Fisher 292337

Prior approval not required on 11/06/15 DELEGATED

BH2015/01625

49 Tivoli Crescent Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.2m.

Applicant: Mr Wil Mackintosh

Officer: Astrid Fisher 292337

Prior approval not required on 16/06/15 DELEGATED

EAST BRIGHTON

BH2014/03601

128a Marine Parade Brighton

Internal alterations to layout and replacement of existing windows with timber bi-folding doors to courtyard.

Applicant: Mr Martin Johnson

Officer: Joanne Doyle 292198

Approved on 16/06/15 DELEGATED

1) BH01.05

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

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

2) UNI

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

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

BH2014/03602

128a Marine Parade Brighton

Replacement of existing timber windows with timber bi-folding doors to courtyard.

Applicant: Mr Martin Johnson

Officer: Joanne Doyle 292198

Approved on 16/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan Block Plan Existing Floor Plan Section & Elevation	AR-LGF-EX-01		27 Oct 2014
Existing Section & Elevation	AR-LGF-EX-03		19 Nov 2014
Proposed Floor Plan Section & Elevation	AR-LGF-EX-02		09 Jun 2015

Proposed Section & Elevation	AR-LGF-EX-0 4		09 Jun 2015
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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.

BH2015/00869

Flat 9 & 10 3-4 Eastern Terrace Brighton

Replacement of existing windows with timber double glazed windows.

Applicant: Mr Forster

Officer: Emily Stanbridge 292359

Approved on 11/06/15 DELEGATED

1) BH01.05

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

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

2) UNI

The windows hereby approved shall be painted white timber 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.

BH2015/00880

15 Belgrave Place Brighton

Replacement flue to rear.

Applicant: Mr Phillip Monks

Officer: Joanne Doyle 292198

Approved on 12/06/15 DELEGATED

1) UNI

Within 2 months of the date of this decision the hereby approved flue and surrounding masonry shall be painted the same colour as the existing building. The flue 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.

BH2015/00897

11 Chesham Street Brighton

Erection of single storey rear extension.

Applicant: Patrick Crossouard

Officer: Christopher Wright 292097

Approved on 19/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	-	-	13 Mar 2015
Block Plan	-	-	13 Mar 2015
Rear Extension	CS579	A	3 Jun 2015

BH2015/01078

33 Swanborough Drive Brighton

Certificate of Lawfulness for proposed loft conversion incorporating front rooflights and side and rear dormers, erection of front porch and alterations to fenestration.

Applicant: Mr Gulio Tonna

Officer: Emily Stanbridge 292359

Approved on 22/06/15 DELEGATED

HANOVER & ELM GROVE

BH2014/04174

112 - 113 Lewes Road Brighton

Application under section 73a seeking the variation of condition 27 of permission BH2013/00908 (part retrospective). Erection of four storey building providing retail floorspace on ground and first floors and student halls of residence (45 units). Amendments include new lift, one additional unit, relocation of bin store, addition of office and accessible WC.

Applicant: McLaren Property Ltd

Officer: Jonathan Puplett 292525

Approved after Section 106 signed on 12/06/15 DELEGATED

1) UNI

Not used.

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			14/06/2010
Site Plan	05		14/06/2010
Building as Existing	13		14/06/2010
Elevations	52	B	14/06/2010
Mechanical Ventilation	55	A	20/07/2010
Elevations	0203/P/150		13/09/2013
Proposed floor plans	4567/4/26		11/12/2014

3) UNI

The development hereby approved shall not be occupied until the refuse and recycling 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

Not used.

5) UNI

The Development hereby approved shall be in accordance with the details of materials and material samples approved under application BH2014/02205 on 18/03/2015, which include a white painted finish to the rendered elements of the building, and shall be retained as such thereafter.

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

6) UNI

The commercial unit on the ground floor shall be used as Class A1 retail only.

Reason: To maintain the vitality and viability of the Lewes Road District Centre and to comply with Policy SR5 of the Brighton & Hove Local Plan.

7) UNI

Not used.

8) UNI

Not used.

9) UNI

Unless otherwise agreed in writing with the Local Planning Authority, none of the non-residential development hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

10) UNI

Unless otherwise agreed in writing with the Local Planning Authority, none of the student accommodation hereby approved shall be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the student accommodation built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

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

11) 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.

12) 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.

13) UNI

The use of the retail unit hereby permitted shall not be open to customers except between the hours of 08.00 and 20.00.

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

14) UNI

The measures to soundproof the building approved under application ref. BH2014/01804 on 18/03/2015 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.

15) UNI

No external lighting, other than that which forms part of the external lighting scheme approved under application ref. BH2014/01715 on 18/03/2015, shall be installed to the development hereby approved without the details of any additional or alternative lighting being submitted to and approved in writing by the Local Planning Authority.

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

16) UNI

The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority verification by a competent person approved under the provisions of part (b) of Condition 16 of permission ref. BH2013/00908 that any remediation scheme required and approved under the provisions of part (b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the local planning authority in advance of implementation). Unless otherwise agreed in writing by the local planning authority such verification shall comprise:

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

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

Reason: To ensure that there is no risk to people, animals or the surrounding environment and to comply with policy SU11 of the Brighton & Hove Local Plan.

17) UNI

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5dB below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997.

Reason: To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

18) UNI

Not used.

19) UNI

The measures to suitable treat all plant and machinery against the transmission of sound and/or vibration approved under application ref. BH2014/01804 on

18/03/2015 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.

20) UNI

All windows and glazing shall be in strict accordance with the scheme approved under application ref. BH2014/01804 on 18/03/2015.

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

21) UNI

The development hereby approved shall be carried out in accordance with the scheme detailing additional sound insulation measures to the noise sensitive areas of the building, those being the party wall with no. 6 Newmarket Road, and between the retail unit, above the entrance, refuse and cycle stores and the laundry room, which was approved under application ref. BH2014/01804 on 18/03/2015.

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

22) UNI

The retail unit hereby approved shall not be occupied until a full deliveries management plan for the retail premises has been submitted to and approved in writing by the Local Planning Authority. The Plan must include full details of the proposed delivery times, delivery method, route and location. Deliveries shall be undertaken in full compliance with the approved document in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the amenities of the neighbouring residential occupiers and to ensure there is no increased risk to the users of the local highway network and to comply with policies QD27 and TR7 of the Brighton & Hove Local Plan.

23) UNI

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

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

24) UNI

No servicing or deliveries to or from the retail premises hereby approved shall occur outside the hours of 08.00 and 22.00 Monday to Saturday.

Reason: To safeguard the amenities of the area in accordance with policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan.

25) UNI

Prior to the first occupation of the development hereby approved, the scheme of improvements to the pavement surrounding the site including reinstatement of the existing dropped kerbs on Newmarket Road and Lewes Road which directly adjoin the site approved under application ref. BH2014/02205 on 18/03/2015,

shall be carried out in strict accordance with the approved details.

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

26) UNI

Prior to the first occupation of the development hereby approved the ventilation system approved under application BH2014/02242 on 18/03/2015 shall be installed in strict accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure the occupants of the units do not suffer from adverse air quality and to comply with policies SU9 and QD27 of the Brighton & Hove Local Plan.

27) UNI

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.

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

BH2015/00932

131 Bonchurch Road Brighton

Formation of rear roof terrace at first floor level with glazed screen and associated alterations.

Applicant: Mr Rob Fuller

Officer: Haydon Richardson 292322

Refused on 12/06/15 DELEGATED

1) UNI

The proposed siting, form and materials of the proposed balustrade would appear an unsympathetic addition to the existing building, creating an imbalance between the pair of outriggers and contrasting with the prevailing pattern of development within the terrace row. The balustrade would form an incongruous and unsympathetic addition to the existing building, contrary to policy QD14 of the Brighton & Hove Local Plan.

2) UNI2

The size of the proposed roof terrace coupled with its elevated position and the proximity of window openings to neighbouring properties would lead to significant potential for harmful levels of noise and disturbance for occupants of adjoining properties. The proposed development is therefore contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2015/01239

41 Toronto Terrace Brighton

Erection of single storey rear extension.

Applicant: Mr & Mrs Milcus

Officer: Adrian Smith 290478

Refused on 18/06/15 DELEGATED

1) UNI

The proposed extension, by virtue of its excessive parapet height and position replacing the existing boundary wall, makes for an unneighbourly arrangement that would unduly oppress outlook and light to no.40 Toronto Terrace, contrary to policy QD27 of the Brighton & Hove Local Plan and SPD12 guidance.

BH2015/01277

5 Toronto Terrace Brighton

Extension of roof incorporating raising of ridge height.

Applicant: Mrs Freya Powell
Officer: Jason Hawkes 292153
Approved on 08/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			13th April 2015
Block Plan			13th April 2015
Existing Ground Floor Plan	101	Rev A	14th May 2015
Existing First Floor Plan	102	Rev A	14th May 2015
Existing Front & Rear Elevations	103	Rev A	14th May 2015
Cross Section BB Proposed Ridge Lift	104	Rev A	14th May 2015
Cross Section AA Existing Ridge Line	105	Rev A	14th May 2015
Existing Cross Section BB Ridge Lift	106	Rev A	14th May 2015
Proposed Cross Section AA Ridge Life	107	Rev A	14th May 2015
Proposed Front and Rear Elevations	108	Rev A	14th May 2015

BH2015/01418

Flat 4 8-9 Hanover Crescent Brighton

Application for Approval of Details Reserved by Conditions 2 and 3 of application BH2014/03082.

Applicant: Ms Sarah Turner-Hopkins
Officer: Sonia Gillam 292265
Split Decision on 15/06/15 DELEGATED

BH2015/01509

21 Down Terrace Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.7m.

Applicant: Claudiu Tirsolea
Officer: Astrid Fisher 292337

Prior Approval is required and is refused on 17/06/15 DELEGATED

BH2015/01511

45 Firle Road Brighton

Erection of single storey side extension.

Applicant: Mr Daniel Hodge

Officer: Sonia Gillam 292265

Refused on 16/06/15 DELEGATED

1) UNI

The proposed development, by virtue of its design, width and form would appear a discordant and unsympathetic addition to the building, resulting in a harmful loss of openness in this section of the streetscene and failing to make a positive contribution to the visual quality of the environment. The proposal would be detrimental to the character and appearance of the property and wider surrounding area, contrary to policy QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

BH2015/01631

32 Whichelo Place Brighton

Certificate of lawfulness for proposed rear dormer.

Applicant: Annabelle McArthur Shaw

Officer: Sonia Gillam 292265

Approved on 24/06/15 DELEGATED

HOLLINGDEAN & STANMER

BH2015/00733

50 Hollingbury Road Brighton

Conversion of roof space to form one bedroom flat incorporating front rooflights, rear dormers, formation of new access steps to first floor flat and cycle/bin storage.

Applicant: Mrs Sarah Smith

Officer: Chris Swain 292178

Refused on 23/06/15 DELEGATED

1) UNI

The proposed flat, by virtue of its small floor area and limited headroom, part of which set beneath low ceilings, would form an excessively cramped and claustrophobic form of residential accommodation to the detriment of the amenities of future occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2015/00816

Land to Rear of 141 Stanmer Park Road Brighton

Application for Approval of Details Reserved by Conditions 8, 11 and 12 of application BH2013/01296.

Applicant: Mr Daniel Barker

Officer: Liz Arnold 291709

Approved on 16/06/15 DELEGATED

BH2015/01080

25 Hollingdean Road Brighton

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Mr Jeremy Crooks

Officer: Astrid Fisher 292337

Refused on 23/06/15 DELEGATED

BH2015/01081**15 Hollingdean Road Brighton**

Certificate of Lawfulness for proposed erection of single storey rear extension.

Applicant: Mr Jeremy Crooks**Officer:** Astrid Fisher 292337**Refused on 10/06/15 DELEGATED****BH2015/01089****35 Hollingbury Park Avenue Brighton**

Installation of railings above existing front boundary walls.

Applicant: Mr & Mrs I Thompson**Officer:** Luke Austin 294495**Approved on 12/06/15 DELEGATED****1) BH01.01**

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

*Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.***2) UNI**

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

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

Plan Type	Reference	Version	Date Received
Location and Block Plans	15530-Loc	-	27/05/2015
Existing and Proposed Front Elevation	15530-06	-	27/05/2015

BH2015/01130**The Meeting House Park Close Brighton**

Demolition of existing house (C3) and erection of 2no two bedroom houses and 4no four bedroom houses (C3).

Applicant: Mr Don Elwick**Officer:** Adrian Smith 290478**Refused on 16/06/15 DELEGATED****1) UNI**

The proposed development, by virtue of the scale, bulk and form of its roof profile and the scale and number of dormer windows, represents a poorly designed and incongruous addition that lacks overall design cohesion and fails to satisfactorily integrate with, and reflect the positive characteristics of, the street, contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI2

Insufficient information has been submitted to demonstrate that the proposed development would not have a harmful impact on the stability and long term retention of the trees within the embankment to the rear of the site, contrary to policy QD15 of the Brighton & Hove Local Plan.

3) UNI3

Insufficient information has been provided to assess and mitigate any potential impact of the development on protected species and biodiversity both within the site and within the adjacent Wild Park Local Nature Reserve, contrary to policies QD17 & QD18 of the Brighton & Hove Local Plan and SPD11 guidance.

BH2015/01245

Meeting House Southern Ring Road Brighton

Internal alterations including installation of internal guardrail to first floor.

Applicant: BLB Chartered Surveyors

Officer: Astrid Fisher 292337

Approved on 24/06/15 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 new guardrail shall match the design, detailing and fixing of the existing guardrail in all respects and shall be painted or colour-finished black.

Reason: To ensure the satisfactory preservation of this 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.

BH2015/01417

189 Hollingdean Terrace Brighton

Change of use from five bedroom dwelling house (C3) to six bedroom small house in multiple occupation (C4). (Retrospective).

Applicant: Mr William Mason

Officer: Liz Arnold 291709

Refused on 23/06/15 DELEGATED

1) UNI

The change of use provides an attic bedroom with limited head height, and therefore limited useable space, in addition to a small sized first floor bedroom. The development has therefore created a cramped form of accommodation and the conversion is of detriment to the residential amenity of current and future occupiers and is contrary to policy QD27 of the Brighton & Hove Local Plan.

MOULSECOOMB & BEVENDEAN

BH2014/03750

39 - 40 Coombe Terrace Brighton

Conversion of ground floor from storage (B8) to self contained flat and studio flat with revised fenestration and associated works.

Applicant: Mr M Mousavi

Officer: Jonathan Puplett 292525

Refused on 05/06/15 DELEGATED

1) UNI

The proposed development would result in the loss of the current lawful use of the premises as a retail unit and it has not been demonstrated that such a use would be economically unviable. The proposed development is therefore contrary to policy SR8 of the Brighton and Hove Local Plan.

2) UNI2

The proposed residential units would provide small and cramped accommodation and would not provide usable outdoor amenity space for future occupants. The

proposed residential units would therefore fail to meet the likely needs of future occupants and are contrary to policy QD27 of the Brighton and Hove Local Plan, which seeks to ensure an acceptable level of amenity for future occupiers.

3) UNI3

Notwithstanding inaccuracies in the submitted drawings, the proposed development would not result in an appropriate appearance as it is proposed that the commercial shop fascia would be retained, the bay windows at first floor level would not be extended down to ground floor level with appropriate windows, and the proposed entrance doors would not be positioned centrally between the two bays. The development would not therefore create an appropriate residential appearance and the proposal is contrary to policy QD14 of the Brighton and Hove Local Plan.

BH2014/04142

37 Auckland Drive Brighton

Erection of two storey detached dwelling (C3).

Applicant: Mr T Mole

Officer: Chris Swain 292178

Refused on 11/06/15 DELEGATED

1) UNI

The proposed development, by reason of its design, detailing and siting, would result in an overly dominant and unsympathetic development that would detract significantly from the character and appearance of the site, the Auckland Drive streetscene and the wider surrounding area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton and Hove Local Plan.

2) UNI2

The proposed development, by reason of its scale and siting in close proximity and at a higher ground level to the adjoining property, 37 Auckland Drive, would result in a significantly overbearing impact and harmful overlooking to this property and respective garden. The proposal is therefore contrary to policy QD27 of the Brighton and Hove Local Plan.

BH2015/00325

29 Staplefield Drive Brighton

Erection of 1no two bedroom house on East part of site with garden to front and rear.

Applicant: Mr R Askwith

Officer: Wayne Nee 292132

Refused on 18/06/15 DELEGATED

1) UNI

The proposed dwelling, by reason of the uncharacteristic subdivision and its positioning in relation to neighbouring properties and the street, is considered an inappropriate and cramped form of development in excess of what might reasonably be expected to be achieved on this limited plot site. The proposal would result in an uncharacteristic subdivision of the existing plot; 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 and Hove Local Plan.

2) UNI2

The proposed development, by reason of its siting, form, design and detailing, would appear a cramped, unsympathetic and unduly dominant addition that would represent an incongruous form of development that would be out of character with the pattern of surrounding properties. The proposal would therefore fail to emphasise or enhance the positive qualities of the local neighbourhood and is contrary to policies QD1, QD2 and QD3 of the Brighton &

Hove Local Plan.

3) UNI3

The proposed residential dwelling, by reason of its absence of adequate natural outlook at the front of the property, would provide an 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 and Hove Local Plan.

4) UNI4

The development, by virtue of its scale, mass, bulk and siting in close proximity to shared boundaries, would appear overbearing, causing significant harm to amenity for occupants of the immediately adjoining neighbouring properties. In addition, there would also be a loss of amenity by virtue of loss of privacy and overlooking to neighbouring properties, as well as a significant loss of outdoor amenity space for the existing host property. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2015/00919

Brighton Aldridge Community Academy Lewes Road Brighton

Construction of a temporary teaching building for a period of six months to one year.

Applicant: Brighton Bilingual Primary School

Officer: Sue Dubberley 293817

Approved on 23/06/15 DELEGATED

1) UNI

The building hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission within 12 months of the date of this decision in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: The building hereby approved is not considered suitable as a permanent form of development and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI

Prior to first occupation of the development hereby permitted a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of three replacement trees, to include species, written planting specifications, plant sizes and planting method. All planting comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

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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Location Plan	P001		16/03/2015
Existing Site Plan	P002		16/03/2015
Proposed Site Plan	P003		16/03/2015
Proposed Floor Plan	P004		16/03/2015
Proposed Elevations	P005		16/03/2015
Foul Water Drainage	0002		16/03/2015

BH2015/01079

61 Bevendean Crescent Brighton

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

Applicant: Ms G Mailhol

Officer: Guy Everest 293334

Refused on 22/06/15 DELEGATED

BH2015/01274

105 Moulsecomb Way Brighton

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, rear dormer and 2 no. rooflights to the front.

Applicant: Mr Mark Barrowcliffe

Officer: Astrid Fisher 292337

Approved on 16/06/15 DELEGATED

QUEEN'S PARK

BH2014/03653

56 George Street Brighton

Change of use from Public House (A4) to a mixed use comprising Public House (on part of ground floor) and youth hostel (Sui Generis) at part ground, first and second floors. (Retrospective).

Applicant: KA Hostels Ltd

Officer: Wayne Nee 292132

Approved on 08/06/15 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 block plan	1423-01		30 October 2014
Pre-existing basement floor plan	1423-02		30 October 2014
Pre-existing ground floor plan	1423-03		30 October 2014
Pre-existing first floor plan	1423-04		30 October 2014
Pre-existing second floor plan	1423-05		30 October 2014
Existing basement floor plan	1423-06		30 October 2014
Existing ground floor plan	1423-07		30 October 2014
Existing first floor plan	1423-08		30 October 2014
Existing second floor plan	1423-09		30 October 2014

2) UNI

The ground floor public house use (A4 Use Class) shall be retained as shown on plan referenced 1423-07 received 30 October 2014.

Reason: In order to prevent the complete loss of a community facility in the form of the public house and to comply with policy HO20 of the Brighton & Hove Local Plan.

3) UNI

The building shall only be used for public house use (A4 Use Class) and temporary guest accommodation purposes in the manner of a hostel (Sui Generis Use Class) and for no other purpose.

Reason: To ensure the premises provides guest rather than permanent accommodation for future occupants, and to protect amenity for occupiers of adjoining properties and to comply with policies SR14 and QD27 of the Brighton & Hove Local Plan.

4) UNI

Servicing/deliveries and waste collections at the site will only take place between 08:00 hours and 20:00 hours.

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.

BH2014/04008

Brighton College Eastern Road Brighton

Creation of fire escape door with external staircase and gate to west elevation.

Applicant: Brighton College

Officer: Guy Everest 293334

Approved on 11/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

No works shall take place until an elevation at a scale of 1:20 of the hereby approved gate and associated section of wall has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

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

3) UNI

The development hereby permitted shall be carried out in accordance with 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	2001	B	05.12.2014
Existing Ground Floor Plan	3010	B	08.12.2014
Existing Lower Ground Floor Plan	3011	B	08.12.2014
Proposed Ground Floor Plan	3020	B	08.12.2014
Proposed Lower Ground Floor Plan	3021	B	08.12.2014
Existing West Elevation	4000	B	08.12.2014
Existing Sections AA and BB	4001	B	08.12.2014
Proposed West Elevation	4010	B	08.12.2014
Proposed Sections AA and BB	4011	B	08.12.2014

Great Hall Details	5010	B	08.12.2014
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4) UNI

The hereby approved doors shall match the design, proportions and detailing of the existing doors on the eastern elevation of the Great Hall (leading onto Broadwalk).

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

5) UNI

The hereby approved works shall exactly match the mortar mix and joint character of the existing.

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 samples of brick and stone samples to be used within the approved scheme 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: 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 hereby approved gate and pillars shall match the design, detailing and positioning relative to the existing flint work of the existing gate and pillars to the western frontage of the site. The gate and pillars 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.

BH2014/04009

Brighton College Eastern Road Brighton

Creation of fire escape door with external staircase and gate to west elevation.

Applicant: Brighton College

Officer: Guy Everest 293334

Approved on 11/06/15 DELEGATED

1) BH01.05

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

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

2) UNI

The hereby approved works shall exactly match the mortar mix and joint character of the existing.

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

3) UNI

The hereby approved gate and pillars shall match the design, detailing and positioning relative to the existing flint work of the existing gate and pillars to the western frontage of the site. The gate and pillars 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.

4) UNI

The hereby approved doors shall match the design, proportions and detailing of the existing doors on the eastern elevation of the Great Hall (leading onto

Broadwalk).

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 samples of brick and stone samples to be used within the approved scheme 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: 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 works shall take place until an elevation at a scale of 1:20 of the hereby approved gate and associated section of wall has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: 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.

BH2014/04250

4 Steine Gardens Brighton

Erection of single storey rear extension.

Applicant: Mr J Morris

Officer: Wayne Nee 292132

Approved on 11/06/15 DELEGATED

1) BH01.01

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	-	-	17/12/2014
Block plan	-	-	17/12/2014
Existing floor plans	01/1407595 02/1407595		17/12/2014 17/12/2014
Existing side elevation	04/1407595	-	17/12/2014
Proposed floor plans	03/1407595	-	17/12/2014
Proposed side elevation	05/1407595	-	17/12/2014
Existing and proposed rear elevation	06/1407595	-	14/05/2015

BH2015/00824**Queens Park Primary School Freshfield Place Brighton**

Erection of single storey temporary mobile classroom.

Applicant: Brighton & Hove City Council**Officer:** Christopher Wright 292097**Approved on 24/06/15 DELEGATED****1) UNI**

The temporary classroom building hereby permitted shall be permanently removed from the site on or before 4 years from the date of this decision notice, and following this removal the land shall be reinstated to its former condition.

Reason: The building hereby approved is not considered suitable as a permanent form of development, to safeguard residential and visual amenity and to comply with policies QD1, QD2 & QD27 of the Brighton & Hove Local Plan.

2) UNI

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

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

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	100	A	10 Mar 2015
Block Plan	101	A	10 Mar 2015
Proposed Plan Layout	12-16172-01		26 Mar 2015
Proposed Elevations	12-16172-03		26 Mar 2015

BH2015/00876**11 Wentworth Street Brighton**

Replacement of timber sash window with timber French doors and creation of balcony with metal balustrade to rear elevation.

Applicant: Mr Mark Powney**Officer:** Joanne Doyle 292198**Refused on 22/06/15 DELEGATED****1) UNI**

The proposed French doors and balcony, by virtue of their design, materials and location, would result in a visually intrusive and unsympathetic addition to the property. Due to its close proximity to neighbouring properties, the balcony would result in noise disturbance and unacceptable levels of overlooking and loss of privacy to neighbouring occupiers. The proposal is therefore contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan (2005) and Supplementary Planning Document (SPD12) 'Design guide for extensions and alterations'.

BH2015/00893**Flat 2 17 Devonshire Place Brighton**

Installation of 2no extract vents to rear elevation. (Retrospective)

Applicant: Edward Robeson

Officer: Emily Stanbridge 292359

Approved on 10/06/15 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Block Plan			15.04.2015
Existing and proposed plans			15.04.2015
Existing and proposed plans			15.04.2015
Left vent			13.04.2015
Right vent			13.04.2015

2) UNI

The new render around the hereby approved extract vents shall be painted to match the rest of the wall within 2 months of the date of this decision.

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

BH2015/00894

Flat 2 17 Devonshire Place Brighton

Internal alterations to layout of flat and installation of 2no extract vents to rear elevation. (Retrospective)

Applicant: Edward Robeson

Officer: Emily Stanbridge 292359

Approved on 10/06/15 DELEGATED

1) UNI

The new render around the hereby approved extract vents shall be painted to match the rest of the wall within 2 months of the date of this decision.

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

BH2015/00918

19 Cuthbert Road Brighton

Certificate of lawfulness for proposed loft conversion incorporating creation of rear dormer.

Applicant: Mr Peter Davies

Officer: Astrid Fisher 292337

Approved on 22/06/15 DELEGATED

BH2015/00948

Flat 2 1-2 Clarendon Place Brighton

Erection of single storey rear extension.

Applicant: Mr Phillip Barton

Officer: Emily Stanbridge 292359

Approved on 12/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	1184 PL001		18.03.2015
Existing block plan	1184 PL002		18.03.2015
Proposed Block Plan	1184 PL003		18.03.2015
Existing and proposed basement level plans	1184 PL004		18.03.2015
Existing and proposed longitudinal section AA	1184 PL005	18.03.2015	
Existing and proposed cross section BB	1184 PL006		18.03.2015
Existing and proposed roof plan	1184 PL007		18.03.2015
Existing and proposed cross section CC	1184 PL008		18.03.2015

BH2015/01023

Brooke Mead Albion Street Brighton

Application for Approval of Details Reserved by Conditions 14, 15 and 19 of application BH2013/02152.

Applicant: Willmott Dixon Ltd

Officer: Adrian Smith 290478

Approved on 19/06/15 DELEGATED

BH2015/01075

Telephone Exchange Freshfield Road Brighton

Installation of a pressed metal louvre replacing existing glazed panel to west elevation.

Applicant: British Telecom

Officer: Chris Swain 292178

Approved on 17/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

The hereby approved, metal louver shall be finished in silver (RAL 9006) to match the existing louvers on the building and shall be retained as such thereafter.

Reason: to ensure a satisfactory appearance to the development and to accord with policy QD14 of the Brighton and 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, existing and proposed elevation and proposed floorplan	PWH010-Q02	-	22 April 2015

BH2015/01090

Flat 4 50 Marine Parade Brighton

Replacement of existing timber framed single glazed windows with double glazed timber sash windows.

Applicant: Mrs Lisa Ayson

Officer: Joanne Doyle 292198

Approved on 15/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	-	A	27 Mar 2015
Window Elevations	-	A	20 Apr 2015
Window Detail	-	A	27 Mar 2015
Email dated 08 June 2015	-	-	08 Jun 2015

3) UNI

The hereby approved window frames shall be painted white 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.

BH2015/01091

Flat 4 50 Marine Parade Brighton

Replacement of existing timber framed single glazed windows with double glazed timber sash windows.

Applicant: Mrs Lisa Ayson

Officer: Joanne Doyle 292198

Approved on 15/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	-	A	27 Mar 2015
Window Elevations	-	A	20 Apr 2015
Window Detail	-	A	27 Mar 2015
Email dated 08 June 2015	-	-	08 Jun 2015

3) UNI

The hereby approved window frames shall be painted white 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.

BH2015/01335

Lower Ground Floor 56A Marine Parade Brighton

Prior approval for change of use from offices (B1) to residential (C3) to form 1no studio flat.

Applicant: St Marys Properties (Brighton) Ltd

Officer: Christopher Wright 292097

Prior Approval is required and is approved on 10/06/15 DELEGATED

BH2015/01616

10 Freshfield Place Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.2m, for which the maximum height would be 3.3m, and for which the height of the eaves would be 2.6m.

Applicant: Mr & Mrs D Curtayne

Officer: Astrid Fisher 292337

Prior approval not required on 11/06/15 DELEGATED

ROTTINGDEAN COASTAL

BH2014/02347

8 Lewes Crescent & 8A Rock Grove Brighton

Internal alterations to layout to connect the properties and create a single dwelling.

Applicant: OJK

Officer: Jonathan Puplett 292525

Approved on 17/06/15 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 works hereby approved should scribe round surviving historic features, rather than cut through them.

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

BH2014/02628

100 High Street Rottingdean Brighton

Demolition of existing garage and erection of 1no two bedroom dwelling (C3).

Applicant: Toscara Dale Ltd

Officer: Chris Swain 292178

Approved on 22/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 dwelling hereby approved shall be built only in conjunction with the first floor rear extension approved under planning application BH2014/02630 in relation to the adjacent property at 100 High Street and shall not be erected as a single entity in isolation from that adjacent development but shall be implemented jointly and simultaneously with the same.

Reason: To protect the amenity of the adjoining occupiers at 100 High Street and comply with policy QD27 of the Brighton and Hove Local Plan.

3) UNI

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

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

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

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

6) UNI

No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, 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.

7) UNI

All elevational surfaces shall be finished in smooth render down to ground level including over any plinth and should not have bellmouth drips above the damp proof course or above the window or door openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint and 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.

8) UNI

All new and replacement rainwater goods, soil and other waste pipes shall be in traditional cast iron or aluminium replicas of traditional cast iron and shall painted to match the colour of the background walls 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.

9) UNI

Notwithstanding the submitted drawings all the hereby permitted windows shall have masonry cills.

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

10) 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.

11) UNI

No development above ground floor slab level of any part of the development hereby permitted shall take place until large scale details of all joinery and architectural features (porch, dormer, windows including cills and reveals, eaves, doors and front boundary wall) are submitted to and approved 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: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

12) UNI

No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including samples of all brick, render, clay tile and surface material to front garden (including details of the colour of render/paintwork to be used) Development shall be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

13) UNI

i) 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.

ii) 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 14(i) and that provision for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This pre-commencement condition is imposed because it is necessary 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.

14) 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. No development or other operations shall commence on site until the approved tree pruning works have been completed.

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: As this matter is fundamental to the acceptable delivery of the permission to ensure the preservation of the adjacent trees on adjoining sites and to comply with policy QD16 of the Brighton & Hove Local Plan.

15) UNI

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

16) UNI

No development above ground floor slab level of any part of the development hereby permitted shall take place until a sample panel of flintwork has been constructed on the site and approved in writing by the Local Planning Authority. The flintwork comprised within the development shall be carried out and completed to match the approved sample flint panel.

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

17) UNI

No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the boundary treatment (minimum of 1.8m in height) separating the proposed patio garden with the communal garden of 100 High Street have been submitted to and approved 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 protect the amenity of the adjoining occupiers at 100 High Street and comply with policy QD27 of the Brighton and Hove Local Plan.

18) UNI

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

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Submission City Plan Part One.

19) UNI

Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have 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.

20) UNI

Notwithstanding the submitted plans 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

Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossover sited to the front of the permitted development on Steyning Road 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 and Hove Local Plan.

22) UNI

Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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.

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
Existing block and site location plans	TA 803/01		5 August 2014
Existing ZARA survey	TA 803/02		5 August 2014
Existing street elevations	TA 803/03		5 August 2014
Existing ground floor plans	TA 803/04		5 August 2014
Existing first and second floor plans	TA 803/05		5 August 2014
Existing sections AA and BB	TA 803/06		5 August 2014
Existing ZARA streetscene	TA 803/07		5 August 2014
Proposed site and block plan	TA 803/20		5 August 2014
Proposed site / roof plan	TA 803/21	A	12 January 2015
Proposed ground floor plan	TA 803/22		15 August 2014
Proposed upper level plans	TA 803/23		15 August 2014
Proposed elevations 1	TA 803/24	B	12 January 2015
Proposed elevations 2	TA 803/25	B	12 January 2015
Proposed elevations 3	TA 803/26	B	12 January 2015
Proposed street elevation	TA 803/27	A	12

BH2014/03106

8 Lewes Crescent & 8A Rock Grove Brighton

Conversion of existing house and flat to form a single dwelling.

Applicant: Mr N Cave

Officer: Jonathan Puplett 292525

Approved on 17/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
LOCATION AND BLOCK PLAN	1408/1		17/09/2014
EXISTING AND PROPOSED GROUND FLOOR PLANS	1408/2		17/09/2014
EXISTING DOOR DETAILS	1408/4		17/09/2014
EXISTING SECTION	1408/6		17/09/2014
EXISTING SECTION	1408/8		17/09/2014
PROPOSED SECTION	1408/9		17/09/2014
STAIR DETAILS	Sk12		17/09/2014
EXISTING AND PROPOSED FLOOR PLANS	1408/3	A	17/09/2014
PROPOSED SECTIONS	1408/7	B	30/10/2014
PROPOSED STAIR DETAILS	1408/10	A	30/10/2014
PROPOSED DOOR DETAILS	1408/5	B	12/11/2014

BH2014/04165

25C Sussex Square Brighton

Internal damp proofing works to north and west walls of the rear extension with other associated alterations.

Applicant: Michael Dance

Officer: Helen Hobbs 293335

Approved on 04/06/15 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.

BH2015/00057

90 Eley Drive Rottingdean Brighton

Erection of single storey side extension.

Applicant: Mr & Mrs Skinner

Officer: Joanne Doyle 292198

Approved on 09/06/15 DELEGATED

1) BH01.01

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

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

2) BH03.03

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

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

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights or doors other than those expressly authorised by this permission shall be constructed to the extension hereby approved without planning permission obtained from the Local Planning Authority.

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

4) UNI

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 regarding protection of the hedging and Eucalyptus and any other vegetation to be retained 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: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

5) UNI

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

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

Plan Type	Reference	Version	Date Received
Existing Ground Floor Plan Roof Plan Site Location Plan & Block Plan	3502.EXG.01	A	09 Jan 2015
Existing First Floor Plan & Elevations	3502.EXG.02	A	09 Jan 2015
Proposed Floor Plans Elevations Site Location Plan & Block Plan	3502.PL.01	B	04 Jun 2015

BH2015/00136

Flat 3 32 Sussex Square Brighton

Internal and external alterations including alterations to layout, installation of metal railings to terrace to replace existing, repairing of concrete floor of lower terrace and installation of cast iron soil stack to east elevation.

Applicant: Mr Ian Boyd

Officer: Joanne Doyle 292198

Approved on 15/06/15 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 new paving to the lower terrace shall be completed in Fairstone Eclipse Granite Paving in Light in accordance with the details submitted on 12 March 2015.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies QD14, HE1 & HE6 of the Brighton & Hove Local Plan.

3) UNI

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

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

4) UNI

Notwithstanding the route shown on drawing 0340.PL.001 REV E, no (kitchen installation) shall commence until details of the route of the gas pipe have been submitted to and approved in writing by the Local Planning Authority following investigative works to determine the condition and location of the joists.

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.

5) UNI

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

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

6) UNI

The new cast iron soil stack and railings to the terrace shown on the approved plans shall be painted black within one month of installation and shall be retained as such thereafter.

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

7) UNI

The new railings to the terrace shall have a rounded top rail and square-section uprights to exactly match the design and dimensions of the existing railings to the steps between the French door and the balcony.

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

BH2015/00258

4 Tudor Close Dean Court Road Rottingdean Brighton

Installation of sun tunnel to east elevation roof slope.

Applicant: Trevor Hopper

Officer: Wayne Nee 292132

Refused on 04/06/15 DELEGATED

1) UNI

The proposed external roof light of the sun tunnel would appear as an incongruous addition that would create additional clutter to the roofslope resulting in significant harm to the architectural and historic character and appearance of the Grade II listed building and the wider Rottingdean Conservation Area, contrary to policies QD14, HE1 and HE6 of the Brighton & Hove Local Plan.

BH2015/00259

4 Tudor Close Dean Court Road Rottingdean Brighton

Installation of sun tunnel to east elevation roof slope.

Applicant: Trevor Hopper

Officer: Wayne Nee 292132

Refused on 04/06/15 DELEGATED

1) UNI

The proposed external roof light of the sun tunnel would appear as an incongruous addition that would create additional clutter to the roofslope resulting in an unacceptable appearance. Furthermore the internal alterations to create the sun tunnel would result in a harmful impact on the integrity of the building. Overall the proposal would have a significantly harmful impact on the architectural and historic character and appearance of the listed building contrary to policy HE1 of the Brighton & Hove Local Plan, and would fail to preserve or enhance the character or appearance of the listed building contrary to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

BH2015/00318

31 Ainsworth Avenue Brighton

Application for Approval of Details Reserved by conditions 7, 8, 9, 10, 11, 12 & 13, of application BH2014/02018.

Applicant: Mr Russell Smith

Officer: Liz Arnold 291709

Approved on 08/06/15 DELEGATED

BH2015/00705

31 Ainsworth Avenue Brighton

Application for variation of condition 2 of application BH2014/02018 (erection of 1no two bedroom dwelling with formation of access from Dower Close) to permit amendments to the approved drawings allow alterations to the footprint of the dwelling, internal layout and fenestration.

Applicant: Mr Russell Smith

Officer: Liz Arnold 291709

Approved on 11/06/15 DELEGATED

1) UNI

The development hereby permitted shall be commenced on or before 30th August 2017.

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 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

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.

5) UNI

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

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

6) UNI

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.

7) UNI

The development approved shall be constructed to a minimum of Code for Sustainable Homes rating level 4, in accordance with the details approved under application BH2015/00318.

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

8) UNI

The development and other operations shall take place in complete accordance with the Construction Specification/Method Statement approved under application BH2015/00318.

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

9) UNI

The external finishes of the approved development shall be in accordance with the materials approved under application BH2015/00318 and shall be retained as such thereafter.

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

10) UNI

The development hereby approved shall not be occupied until the secure cycle parking facilities, as approved in application BH2015/00318 have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.

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

11) UNI

The landscaping scheme for the approved development shall be carried out in accordance with the details approved under application BH2015/00318.

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

12) UNI

The scheme to enhance the nature conservation interest of the site shall be carried out in accordance with the details approved under application BH2015/00318.

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.

13) UNI

The proposed ground levels, proposed siting and finished floor levels of all buildings and structures hereby approved shall be carried out in accordance with the details approved under application BH2015/00318.

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 and Hove Local Plan.

14) UNI

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

15) 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.

16) UNI

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

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

17) UNI

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

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

Plan Type	Reference	Version	Date
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			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	C	2/03/2015
PROPOSED REAR ELEVATION	P04	A	2/03/2015
PROPOSED FRONT ELEVATION	P05		19/06/2014
PROPOSED ELEVATION	P06	A	2/03/2015
PROPOSED SECTION	P07	B	2/03/2015
FRONT GARDEN PLAN	DL43/02		19/06/2014
REAR GARDEN PLAN	DL43/01		19/06/2014

BH2015/01048

Saltdean Lido Saltdean Park Road Brighton

Application for variation of condition 2 of BH2014/03415 (Erection of pool plant building, alterations to pool to create a single pool, new volley ball court with mesh fencing, re-instatement of paddling pool with canopy over. Five year consent for 4no portakabins (changing facilities, W.C's), with timber deck around, entrance kiosk and beach huts) to facilitate relocation and redesign of pool plant room.

Applicant: Saltdean Lido Community Interest Company

Officer: Kathryn Boggiano 292138

Approved on 17/06/15 DELEGATED

1) UNI

The development hereby permitted shall be commenced before the 8 December 2017.

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

2) UNI

All planting or seeding comprised in the approved scheme of landscaping required by condition 15 above, and all turfing required in connection with the re-profiling of the western embankment above the pool plant building hereby approved shall be carried out in the first planting and seeding seasons following the completion of the pool plant building; and 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 to any variation.

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

3) UNI

No works shall take place with regard to the relining of the pool until samples of the materials to be used in the relining of the pool 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 pool and to comply with policy HE1 of the Brighton & Hove Local Plan.

4) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the pool

lighting shall be carried out fully in compliance with the details contained within Conran & Partners document titled '2260 Saltdean Lido - Specification of items including within Listed Building and Full Planning Applications. Proposed underwater swimming pool lighting' received on 9 October 2014 and plan referenced 'Section AA + BB as proposed PL104 revision C' received on 20 April 2015.

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

5) UNI

The slide shown on plan referenced 'Plan as Proposed PL103 revision E' received on 20 April 2015 shall not be installed until full details of the slide including the design, size, materials and method of fixing to the pool, have been submitted to approved in writing with the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

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

6) UNI

Unless otherwise agreed in writing with the Local Planning Authority, the development shall be delivered in accordance with the details shown within the Phasing Plan titled 'External Works Programme' received 25 March 2015 and approved as part of application reference BH2015/01067.

Reason: To ensure that works to improve the historical character and setting of the Lido occur within an appropriate timeframe and to comply with policy HE1 of the Brighton & Hove Local Plan.

7) UNI

No works shall take place on the Pool Plant Building hereby approved, until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces and for the doors and windows of the Pool Plant Building and for the external hardsurfaces surrounding the Pool Plant Building 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 the setting of this listed building and pool and to comply with policy HE3 of the Brighton & Hove Local Plan.

8) UNI

No works shall take place on the Pool Plant Building until details of the construction of the green roof of the Pool Plant Building 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 roof 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 to protect the setting of the Lido and to comply with policies QD17 and HE3 of the Brighton & Hove Local Plan.

9) UNI

No works shall take place on the Paddling Pool and Soft Play Area until details of the lining of the Paddling Pool and samples of the material for the Soft Play area have been submitted to and approved in writing with the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of the setting of this listed building and pool and to comply with policy HE3 of the Brighton & Hove Local Plan.

10) UNI

The canopy shown on plan no. PL111 referenced 'Proposed section through shade sail canopy over children's paddling pool' received 13 October 2014 shall not be installed until full details of the canopy including the design, size and materials have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of the setting of this listed building and pool and to comply with policy HE3 of the Brighton & Hove Local Plan.

11) UNI

Notwithstanding the submitted plans, no fencing surrounding the volleyball court shall be installed until full details of the fencing including the height, design and colour have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of the setting of this listed building and pool and to comply with policy HE3 of the Brighton & Hove Local Plan.

12) UNI

No works shall take place on the installation of the beach huts until a colour scheme for the beach huts has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and retained as such thereafter.

Reason: To ensure the satisfactory preservation of the setting of this listed building and pool and to comply with policy HE3 of the Brighton & Hove Local Plan.

13) UNI

The temporary portacabins, associated decking surround and fencing and temporary beach huts and associated paths leading to these structures hereby permitted and shown on plans referenced PL106 received on 13 October 2014 and PL- 103 Revision E received on 20 April 2015 shall be permanently removed from the site before 8 December 2019 and the land reinstated in accordance with a landscape scheme to be submitted to and approved in writing with the Local Planning Authority.

Reason: As the structure hereby approved is not considered suitable as a permanent form of development within the grounds of the Lido, permission is granted for a temporary period and to comply with policy HE3 of the Brighton & Hove Local Plan.

14) UNI

No works shall take place on the southern access gate and associated steps and ramp hereby approved until full details of the colour of the gates and fencing, and full details of the surface materials for the steps, ramp and paths leading to the volleyball court, pool and portacabins hereby approved, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented fully in accordance with the approved details and unless agreed in writing with the Local Planning Authority shall be retained as such thereafter.

Reason: To ensure the satisfactory preservation of the setting of this listed building and pool and to comply with policy HE3 of the Brighton & Hove Local Plan.

15) UNI

Within 6 months of the date of this permission, details of a native grassland landscape strip on the western side of the embankment over the pool plant building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the exact area for the

landscape strip, details of the proposed planting and maintenance/management details.

Reason: To improve the biodiversity of the site and to screen the western fence and to comply with policies HE3 and NC2 of the Brighton & Hove Local Plan.

16) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan	PL-100	A	25 March 2015
Site Survey as existing	PL-101	A	25 March 2015
Section AA + BB as existing	PL-102	A	25 March 2015
Plan as proposed	PL-103	E	20 April 2015
Section AA + BB as proposed	PL-104	C	20 April 2015
Detail section through proposed pool plant room	PL-105	D	12 June 2015
Proposed temporary changing and WC facilities	PL-106		13 October 2014
Proposed section through volleyball court	PL-107		9 October 2014
Proposed + Existing Section + Elevation of new entrance to under-cliff walk	PL-108		9 October 2014
Block Plan existing and proposed	PL-109	A	25 March 2015
Proposed Section through shade sail canopy over children's paddling pool	PL-111		13 October 2014
Proposed elevations of beach hut	PL-110		13 October 2014
Proposed plant room plans	(20)-130	F	5 June 2015
Sections	(20)-131	H	5 June 2015

BH2015/01178

Flat 2 23 Sussex Square Brighton

Internal alterations to layout of flat.

Applicant: Mr A Meredith

Officer: Liz Arnold 291709

Approved on 15/06/15 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 walls of the ensuite extension hereby approved shall be finished to match the existing walls of the ensuite.

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

BH2015/01520**Saltdean Primary School Chiltington Way Brighton**

Application for Approval of Details Reserved by Conditions 8 and 14 of Application BH2014/03933.

Applicant: Brighton & Hove City Council

Officer: Kathryn Boggiano 292138

Approved on 23/06/15 DELEGATED

BH2015/01709**Saltdean Lido Saltdean Park Road Saltdean Brighton**

Application for Approval of Details Reserved by Condition 8 of applications BH2014/03415 and BH2015/01048.

Applicant: Saltdean Lido Community Interest Company

Officer: Kathryn Boggiano 292138

Approved on 18/06/15 DELEGATED

BH2015/01860**39 Roedean Road Brighton**

Application for Approval of Details Reserved by Condition 11 of application BH2014/01724

Applicant: Mr R Flavell

Officer: Liz Arnold 291709

Approved on 16/06/15 DELEGATED

BH2015/02066**Bafu House Steyning Road Brighton**

Application for Approval of Details Reserved by Condition 11 of application BH2013/02459.

Applicant: Ms Karron Stephen-Martin

Officer: Liz Arnold 291709

Approved on 23/06/15 DELEGATED

WOODINGDEAN**BH2015/00414****17 Channel View Road Brighton**

Extensions and formation of additional floor to create a two storey house. Creation of garage to front and associated alterations. (Part Retrospective)

Applicant: Mr & Mrs J Kelly

Officer: Jonathan Puplett 292525

Approved on 15/06/15 DELEGATED

1) UNI

The development hereby permitted shall be in accordance with 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			25/02/2015
Block plan			25/02/2015
Existing floor plans and elevations	001		26/02/2015
Proposed elevation	002-2		26/02/2015
Existing and proposed elevations and floor plans	10502-1		16/05/2015

BH2015/00923

89 Crescent Drive North Brighton

Alterations to roof of dwelling including raising of ridge height, roof extensions, creation of 2no dormers and insertion of 3no rooflights.

Applicant: Mr Kevin Peacock

Officer: Luke Austin 294495

Approved on 18/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan, Block Plan, Floor Plans and Elevations as Existing	1301A.001	-	16/05/2015
Floor Plans and Elevations as Proposed	1301D.001	-	16/05/2015

BH2015/00929

80 Cowley Drive Brighton

Extension of existing porch.

Applicant: Miss Nicola Fennell

Officer: Luke Austin 294495

Approved on 08/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of 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
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Location Plan	ap/04/Cowley Drive80	-	17/03/2015
Block Plan	ap/03/Cowley Drive80	-	17/03/2015
Existing Plans and Elevations	ap/03/Cowley Drive60	-	08/04/2015
Proposed Plans and Elevations	ap/03/Cowley Drive60	-	08/04/2015

BH2015/00951

56 Farm Hill Brighton

Conversion of existing dwelling to form 1no three bed and 1no four bed dwelling with associated roof alterations including extensions, raising of ridge height and dormers, creation of additional crossover and associated works.

Applicant: Mr J Morris

Officer: Clare Simpson 292321

Refused on 24/06/15 DELEGATED

1) UNI

The proposal to raise the ridge of the roof and the hip to gable extensions are considered to be an overdevelopment of the site. The alterations fail to respect the character of the area or its setting which would result in a loss of the rhythm of the roof forms seen north to south on Farm Hill. The formation of a series of triangular dormers on the front elevation would result in additional features which would be out of place in this setting. Furthermore the proposal to split the plot would result in no private garden space to plot 1. As a result the property would appear over-extended and incongruous to the detriment of the visual amenities of the area. The development would be contrary to policies QD3, QD14, QD27 and HO5 of the Brighton and Hove Local Plan and SPD12 Design for Extensions and Alterations.

2) UNI2

The proposed raising of the roof ridge would result in an increased sense of enclosure and loss of light to 58 Farm Hill. Furthermore the positioning of dormer windows on this elevation result the potential loss of privacy for this property. The development is considered un-neighbourly and intrusive and contrary to policy QD27 of the Brighton and Hove Local Plan.

BH2015/01071

45 McWilliam Road Brighton

Erection of detached three bedroom dwelling.

Applicant: KDS Developments

Officer: Jason Hawkes 292153

Refused on 24/06/15 DELEGATED

1) UNI

The proposed dwelling would have limited space around it and the proposed plot size is considered too small to adequately accommodate the proposed dwelling. In conjunction with the existing building, the proposal, by reason of its excessive footprint and plot coverage, would represent an overdevelopment of the site and fails to respect the context of the residential character of the area. For these reasons the development is contrary to policies QD1, QD2 and HO4 of the Brighton and Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.

BH2015/01275

68 Balsdean Road Brighton

Erection of two storey rear extension comprising of conservatory at ground floor

level with store below, creation of timber decking, installation of glazed balustrading and installation of 3no rooflights.

Applicant: Keith Herd

Officer: Chris Swain 292178

Refused on 08/06/15 DELEGATED

1) UNI

The proposed raised terrace area, due to its elevated position and close proximity to the shared boundary would result in significant overlooking and loss of privacy towards the adjoining property, 70 Balsdean Road, and its private garden to the detriment of the residential amenity of this dwelling. This harmful impact on neighbouring amenity is exacerbated by the large size of the raised terrace area which lends itself to a more intensive use of this space for recreational purposes. As such, the proposal is contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.

BH2015/01330

84 Cowley Drive Brighton

Certificate of lawfulness for proposed demolition of existing conservatory and erection of single storey rear extension.

Applicant: Mr Andrew Gatt

Officer: Astrid Fisher 292337

Approved on 10/06/15 DELEGATED

BRUNSWICK AND ADELAIDE

BH2014/04260

Flat 2 33 Adelaide Crescent Hove

Internal and external alterations including alterations to layout, formation of mezzanine level and creation of roof terrace over existing flat roof at rear with balustrade and glazed screening.

Applicant: Ms Polly Borland

Officer: Helen Hobbs 293335

Approved on 18/06/15 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 architrave to the new entrance door should be reinstated to its original profiles.

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 development shall take place until full details of the terrace balustrade including samples of the render and colour, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: As insufficient information has been submitted and in order to protect the historic character of the listed building; in accordance with policy HE1 of the Brighton and Hove Local Plan.

4) UNI

The glass to the mezzanine balustrade shall be clear glass only and shall be retained as such thereafter.

Reason: To minimise the visual impact of the mezzanine level and protect the

historic character of the Listed Building; in accordance with policy HE1 of the Brighton and Hove Local Plan.

5) UNI

Prior to works commencing on the internal alterations, full details of the proposed spiral staircase shall be submitted to and approved by the Local Planning Authority in writing. The scheme should be implemented in full accordance with the approved details.

Reason: As insufficient information has been submitted and in order to protect the historic character of the listed building; in accordance with policy HE1 of the Brighton and Hove Local Plan.

BH2014/04261

Flat 2 33 Adelaide Crescent Hove

Creation of roof terrace over existing flat roof at rear with balustrade and glazed screening and associated alterations.

Applicant: Ms Polly Borland

Officer: Helen Hobbs 293335

Approved on 18/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 new wall on the western balustrade hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan.

3) UNI

No development shall take place until a sample of the obscured glass balustrade has been submitted to and approved by the Local Planning Authority in writing. The scheme shall be carried out in full as approved prior to first occupation of the roof terrace and balustrade shall thereafter be retained in place at all times.

Reason: As insufficient information has been submitted and in order to protect adjoining properties from overlooking and to comply with policy QD27 of the Brighton & Hove Local Plan.

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Location and block plan	0130.PL.000		18th December 2014
Existing main and upper level plans	0130.EXG.001		18th December 2014
Existing elevational sections	0130.EXG.002		18th December 2014
Proposed rear elevations	0130.EXG.003		18th December 2014
Proposed main and upper level plan	0130PL.001		18th December 2014
Proposed elevational	0130.PL.002		18th December

sections			2014
Mezzanine details and visuals	0130.PL.003		18th December 2014
Joinery details	0130.PL.004		18th December 2014
Terrace door	0130.PL.005	a	18th December 2014
Proposed terrace elevations	0130.PL.006	C	23rd February 2015

BH2014/04311

The Cottage St Johns Road Hove

Conversion of garage into recording studio, incorporating the insertion of 2no. new windows and installation of timber doors on side elevation.

Applicant: Mr M Rosenberg

Officer: Helen Hobbs 293335

Approved on 04/06/15 DELEGATED

1) BH01.05

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

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

2) UNI

No works shall take place until full details of all new sash windows and doors 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.

BH2015/00313

1 St Johns Place Hove

Replacement of existing UPVC and aluminium windows and doors with double glazed timber framed windows, UPVC entrance door and aluminium framed patio doors.

Applicant: Mrs Austin

Officer: Luke Austin 294495

Refused on 08/06/15 DELEGATED

1) UNI

The design of proposed windows and the material of the proposed doors would be inappropriate and harmful to the historic character and appearance of the Listed Building and would fail to preserve or enhance the character or appearance of the Avenues Conservation Area. The proposal is therefore contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan, and guidance within Supplementary Planning Documents 12, Design Guide for Extensions and Alterations and 9, Architectural Features.

CENTRAL HOVE

BH2015/00949

35 & 36 Medina Villas Hove

Creation of new double vehicular crossover to replace existing crossover, with

new access gates, alterations to front boundary wall and railings and erection of side boundary wall.

Applicant: Mr Jeremy Quinlan
Officer: Mark Thomas 292336

Approved on 24/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

The hereby approved vehicular access gates and side boundary wall shall be completed, in accordance with drawing no. 15-001-301-E, within 3 months of the new crossover being first bought into use.

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

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan	-	-	14/04/2015
Existing plans and elevations	15-001-101-D	-	18/03/2015
Proposed plans and elevations	15-001-301-E	-	22/05/2015

5) UNI

The hereby approved boundary walls and pillars shall match the form, height and external materials, including colour, of the existing front boundary wall.

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

BH2015/00970

4 Grand Avenue Hove

Replacement of existing intercom fascia panel in main entrance with new brass faced unit.

Applicant: Four Grand Avenue (Hove) Man Co Ltd
Officer: Guy Everest 293334

Approved on 15/06/15 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.

BH2015/01017**Fourth Avenue Mansions 88-92 Church Road Hove**

Refurbishment of gable pediment to front elevation, replacement of section of roof and fascias, gutters and downpipes.

Applicant: Sanctuary Group

Officer: Liz Arnold 291709

Approved on 09/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan	-	-	23rd March 2015
Existing Elevations	14129_001	Rev. A	23rd March 2015
Proposed Elevations	14129_002	Rev. A	23rd March 2015

BH2015/01034**St Andrews C of E Primary School Belfast Street Hove**

Temporary relocation of existing single storey temporary classroom for a period not exceeding 3 years.

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 10/06/15 DELEGATED

1) UNI

The building hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before 30th June 2018, in accordance with a scheme of work which has been submitted to and approved in writing by the Local Planning Authority.

Reason: The building hereby approved is not considered suitable as a permanent form of development to safeguard the visual amenity of the school and to comply with policies QD1 and QD2 of the Brighton & Hove Local Plan.

2) UNI

The portacabin shall be sited in accordance with the relocation plan and relocation details received on the 13th May 2015.

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

3) UNI

The development hereby permitted shall be carried out in accordance with 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	091	A	14th April 2015
Proposed Block Plan	092	A	14th April 2015
Ownership Plan	093		23rd March 2015
Floor Plan	094		23rd March 2015
Portacabin Plan & Elevation	095	A	14th April 2015
Portacabin Elevations	096		15th April 2015
Relocation Plan			13th May 2015
Sport England Clarification	095		18th May 2015

BH2015/01293

39 Medina Villas Hove

Erection of front boundary wall with piers and metal railings with associated alterations to front entrance path and steps.

Applicant: Swanlane Estates Ltd

Officer: Mark Thomas 292336

Approved on 08/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 1:20 scale elevational drawings of the walls, railings and steps and 1:1 scale sections of the proposed finials and top rail, pier caps, coping and step nosing 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 shall be retained as such thereafter.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location and block plan	AC/39MV/02	-	13th April 2015
Existing and proposed plans and elevations	AC/39MV/01	-	13th April 2015

GOLDSMID

BH2014/04081

Flat 2 60 Cromwell Road Hove

Replacement of existing aluminum windows and door with UPVC.

Applicant: Mr Parr

Officer: Christopher Wright 292097

Refused on 11/06/15 DELEGATED

1) UNI

The proposed replacement windows and door would, by reason of the materials and detailing, have flat and wide profiling, inappropriate glazing bar detailing and opening methods, which would detract from the character of the recipient building and fail to take the opportunity to enhance the positive characteristics and historic

appearance of the property and the wider Willett Estate Conservation Area. As such the proposal is contrary to policy HE6 of the Brighton & Hove Local Plan, and guidance within Supplementary Planning Document 09, Architectural Features.

BH2014/04353

84-86 Denmark Villas Hove

Rendering of all external walls following prior approval application BH2014/01042 for change of use at first, second and third floor levels from offices (B1) to residential (C3) to form 15no flats. (Affecting the setting of a Listed Building)

Applicant: The Baron Homes Corporation

Officer: Jason Hawkes 292153

Refused on 15/06/15 DELEGATED

1) UNI

Having regard to the visual impact of the proposed render finish on the appearance of the building and surrounding area, the proposal would result in a building which would further stand out in the street scene as an inappropriate addition to the detriment of the character and appearance of Hove Station Conservation Area. The scheme is therefore contrary to policies QD2 and HE6 of the Brighton & Hove Local Plan and SPD12: Design Guide for Extensions and Alterations.

BH2015/00439

68 Davigdor Road Hove

Conversion of first floor flat and loft to create 3no flats including rear dormers and balcony, side dormer and front rooflights, removal of chimney stacks and additional rear window and doors at first floor level.

Applicant: Copsemill Properties Ltd

Officer: Helen Hobbs 293335

Approved on 08/06/15 COMMITTEE

1) UNI

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Block & site plan existing and proposed	A.01	B	10th February 2015
South elevation as existing	A.03	B	10th February 2015
East elevation as existing	A.04	B	10th February 2015
North elevation as existing	A.05	B	10th February 2015
First floor as existing	A.06	B	10th February 2015
Second floor as existing	A.07	B	10th February 2015
Roof plan as existing	A.08	B	10th February

			2015	
Section BB as existing	A.09	B	10th 2015	February
Section AA as existing	A.10	B	10th 2015	February
Photographs	A.11	B	10th 2015	February
South elevation as proposed	D.01	C	10th 2015	February
East elevation as proposed	D.02	C	10th 2015	February
North elevation as proposed	D.03	C	10th 2015	February
First floor as proposed	D.04	B	10th 2015	February
Second floor as proposed	D.05	C	10th 2015	February
Roof plan as proposed	D.06	C	10th 2015	February
Section BB as proposed	D.07	B	10th 2015	February
Section AA as proposed	D.08	C	10th 2015	February

3) UNI

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

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

4) UNI

The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards as far as is practicable prior to their first occupation and shall be retained as such thereafter.

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

5) UNI

None of the residential units hereby approved shall be occupied until a BRE issued BREEAM Domestic Refurbishment Final/Post Construction Certificate confirming that each residential unit built has achieved a rating of 'very good' 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 policy CP8 of the Submission City Plan Part One.

6) UNI

Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have 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.

7) UNI

Prior to first occupation of the development hereby permitted, details of secure

cycle parking facilities for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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.

BH2015/00531

Land Rear of 37-38 Cromwell Road Hove

Application for removal of condition 6 of application BH2014/01165 (Removal of condition 10 of application BH2013/03692) (Original permission for Erection of 1no three bedroom house including basement level) which states that 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.

Applicant: Mrs Maureen Wheeler

Officer: Helen Hobbs 293335

Refused on 24/06/15 DELEGATED

1) UNI

Condition 6 of planning permission BH2015/00100 was imposed in order to ensure a satisfactory appearance to the development and to comply with policies QD1 and HE6 of the Brighton & Hove Local Plan. The removal of this condition, and the need for material samples to be agreed by the Local Planning Authority, would fail to ensure the development was of an acceptable design and appearance, and preserved or enhanced the character or appearance of the adjoining Willett Estate Conservation Area. The removal of the condition would therefore result in a development contrary to policies QD1 and HE6 of the Brighton & Hove Local Plan.

BH2015/00714

54 Livingstone Road Hove

Alterations to layout of doors and windows on front elevation.

Applicant: SMS

Officer: Christopher Wright 292097

Approved on 22/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 guardrail/balustrade to the first floor level Juliette balcony hereby permitted shall be obscure glazed and retained as such thereafter.

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

3) UNI

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

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

Plan Type	Reference	Version	Date
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			Received
Existing Plans, Elevation and Section	3526.EXG.01	-	2 Mar 2015
Proposed Alterations to Front Elevation	3526.PL.02	-	16 Mar 2015

BH2015/01167

Kings Gate 111 The Drive Hove

Application for Approval of Details Reserved by Condition 3 of application BH2014/00075.

Applicant: Anstone Properties Limited

Officer: Christopher Wright 292097

Approved on 16/06/15 DELEGATED

BH2015/01204

39 Osmond Road Hove

Certificate of Lawfulness for proposed erection of a part one part two storey rear extension and loft conversion incorporating rear dormer.

Applicant: Mr & Mrs Heywood

Officer: Astrid Fisher 292337

Split Decision on 16/06/15 DELEGATED

1) UNI

GRANT a lawful development certificate for the proposed rear dormer for the following reason:-

1. The rear dormer is permitted under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015.

1) UNI

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

2) UNI2

1. The rear extension would have more than one storey and would be within 7 metres of a boundary opposite the rear wall of the dwellinghouse, contrary to paragraph A.1(h); and, would be within 2 metres of the boundary of the curtilage of the dwellinghouse with an eaves height in excess of 3 metres, contrary to paragraph A.1(i). The two-storey rear extension is therefore not permitted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

BH2015/01391

10 Cromwell Road Hove

Replacement of existing tiling to main entrance with black and white tiling and reinstatement of bullnose treads to steps.

Applicant: Thornton Properties Limited

Officer: Mark Thomas 292336

Refused on 18/06/15 DELEGATED

1) UNI

The proposed concrete plinth and lead flashings would appear incongruous additions, with no justification to justify this approach to the damp-proofing works, with the natural stone basement steps a historic feature of the Listed Building and worthy of retention. The proposed works would therefore have an adverse impact on the historic character, architectural setting and significance of the Grade II Listed Building, and the character and appearance of the wider Willett Estate Conservation Area, contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.

BH2015/01392

10 Cromwell Road Hove

Replacement of existing tiling to main entrance with black and white tiling and reinstatement of bullnose treads to steps.

Applicant: Thornton Properties Limited

Officer: Mark Thomas 292336

Refused on 18/06/15 DELEGATED

1) UNI

The proposed concrete plinth and lead flashings would appear incongruous additions, with no justification to justify this approach to the damp-proofing works, with the natural stone basement steps a historic feature of the Listed Building and worthy of retention. The proposed works would therefore have an adverse impact on the historic character, architectural setting and significance of the Grade II Listed Building, contrary to policy HE1 of the Brighton & Hove Local Plan.

BH2015/01513

58A Palmeira Avenue Hove

Application for Approval of Details Reserved by Condition 14 of application BH2013/01599

Applicant: Owen Property

Officer: Adrian Smith 290478

Approved on 15/06/15 DELEGATED

BH2015/01614

3C Lansdowne Road Hove

Application for Approval of Details Reserved by Condition 4 and 15 of application BH2012/03223

Applicant: PSMG

Officer: Adrian Smith 290478

Approved on 15/06/15 DELEGATED

HANGLETON & KNOLL

BH2014/03451

131a Stapley Road Hove

Change of use of an area of park land (D2) to outside space associated with children's nursery (D1) with installation of fence and gate and alterations to existing boundaries.

Applicant: Brighton & Hove City Council

Officer: Jonathan Puplett 292525

Approved on 16/06/15 DELEGATED

1) UNI

The development hereby permitted shall be in accordance with 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	007		14/10/2015
BLOCK PLAN	008	B	14/10/2015
SITE LAYOUT AND ELEVATION	006	A	22/10/2015

2) UNI

Should the children's nursery at no. 131 Stapley Road cease to operate, within 28 days of the use ceasing the area of land to which this permission relates shall be returned to public open space and the fencing and gates hereby approved shall be removed and the ground made good.

Reason: The loss of public open space is only permitted on the basis that the open space will be utilised by children attending the nursery. If the nursery use ceases in the future, public access to the land should be reinstated to accord with policy SR20 of the Brighton and Hove Local Plan.

3) UNI

No children shall access the hereby approved outdoor space other than between the hours of 09.00 and 17.00.

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

BH2014/03651

253 Old Shoreham Road Hove

Installation of plant equipment incorporating 3no air conditioning units, 1no condenser unit and 1no condenser pack enclosed by timber fencing.

Applicant: Southern Co-operative

Officer: Helen Hobbs 293335

Approved on 08/06/15 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			10th November 2014
Existing plan layout	CP-OLDS-001-000		29th October 2014
Proposed plan layout and plant location	CP-OLDS-001-001	A	10th November 2014
Proposed plan	15-368-204		18th May 2015

2) UNI

Notwithstanding the approved drawings prior to the first operation of the hereby approved units a 2m high solid wooden fence shall be erected around the plant and equipment as outlined in email correspondence (from Evolve RPS) dated 16th February 2015. There shall be no gaps within this fence or the fence and the ground. Any access gates shall be designed so that the structural integrity of the fence is not compromised. The fence, and any access gates, shall be permanently retained as such.

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

Noise associated with all 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(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.

BH2015/00233

107 Boundary Road Hove

Demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated car parking.

Applicant: Castlemist Finances Ltd

Officer: Chris Swain 292178

Refused on 11/06/15 DELEGATED

1) UNI

The proposed development by virtue of its scale, bulk and design would result in an incongruous development that would appear overly dominant within the context of the immediate Boundary Road streetscene and would detract significantly from the character and appearance of the site and the wider surrounding area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton and Hove Local Plan.

2) UNI2

The proposed car park and vehicular access would be in close proximity to 12 Gladys Road and 106 Boundary Road. Given the substantial car movements and activities generated by 7 car parking spaces the proposal would result in a significant noise impact on these adjacent properties, resulting in a loss of amenity. The proposal is therefore contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

BH2015/00234

107 Boundary Road Hove

Creation of car parking area to rear.

Applicant: Castlemist Finances Ltd

Officer: Jason Hawkes 292153

Refused on 18/06/15 DELEGATED

1) UNI

The proposed car parking would be in close proximity to 12 Gladys Road and 106 Boundary Road. The movements and activities generated by 7 car parking spaces would result in a significant and harmful noise impact on these adjacent properties, resulting in a loss of amenity for occupants of these properties. The proposal is therefore contrary to policy SU10 and QD27 of the Brighton & Hove Local Plan.

BH2015/00746

361-367 Old Shoreham Road Hove

Erection of single storey building in existing car park to create 2no units comprising dental surgery (D1) and education facility (D1), with associated relocation of recycling area and alterations to car parking.

Applicant: Sainsburys Supermarkets Ltd

Officer: Jason Hawkes 292153

Approved on 12/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 or other operations shall commence on site in connection with

the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement regarding protection of trees in the vicinity has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. 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: As this matter is fundamental to protecting the trees which are to be retained on the site during construction works in the interest of the visual amenities of the area and to comply with policies QD1 and QD16 of the Brighton & Hove Local Plan.

3) UNI

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 '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 policy CP8 of the Submission City Plan Part One.

4) UNI

The development hereby permitted shall not be brought into use until details of replacement fencing along the southern boundary have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details and retained as such thereafter.

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

5) UNI

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

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

6) UNI

The building shall only be used for Class D1 use only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the vitality of nearby local shopping centres and the amenities of the area in accordance with policies SR2, SU10 and QD27 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
Site Location Plan	CHQ.13.10651 -PL01	-	4th March 2015
Existing Site Plan	CHQ.13.10651 -PL02	-	4th March 2015
Proposed Site Plan	CHQ.13.10651 -PL16	-	4th March 2015
Existing & Proposed Detailed Site Plan	CHQ.13.10651 -PL17	-	4th March 2015
Proposed Elevations	CHQ.13.10651 -PL18	-	4th March 2015
Proposed Site Plan (Non Store Extension)	CHQ.13.10651 -PL19	-	4th March 2015
Existing & Proposed Detail Plan (Non extension)	CHQ.13.10651 -PL20	A	5th May 2015
Proposed Building Plan	CHQ.13.10651 -PL21	-	23rd March 2015

8) UNI

No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

a) samples of all cladding to be used, including details of their treatment to protect against weathering

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 & QD2 of the Brighton & Hove Local Plan.

BH2015/00854

196 Hangleton Valley Drive Hove

Erection of single storey conservatory extension to rear.

Applicant: Mr Walsh

Officer: Christopher Wright 292097

Approved on 22/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 northerly facing flank elevation of the development hereby permitted shall be constructed of solid panels and shall not incorporate any clear glazing or windows. The development shall be retained as such thereafter.

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

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			11 Mar 2015
Block Plan	107400		11 Mar 2015
Existing Plan and Elevations	099/85227	Page 1 of 2	11 Mar 2015
Proposed Plan and Elevations	099/85227	Page 2 of 2	11 Mar 2015

BH2015/01224

264 Hangleton Road Hove

Removal of existing garage/shed and erection of single storey rear extension.

Applicant: Mr Naashat Abdelmassih

Officer: Luke Austin 294495

Approved on 08/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Location Plan			08/04/2015
Existing & Proposed Plans	A1	Rev G	08/04/2015

BH2015/01483

20 Elm Drive Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.95m, for which the maximum height would be 3.95m, and for which the height of the eaves would be 2.95m.

Applicant: Mrs Susan Loxley

Officer: Astrid Fisher 292337

Prior approval not required on 08/06/15 DELEGATED

BH2015/01550

66 Hangleton Valley Drive Hove

Erection of single storey side extension incorporating conversion of existing garage to habitable accommodation.

Applicant: Mr Grover

Officer: Astrid Fisher 292337

Approved on 23/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of

three years from the date of this permission.

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan			28th April 2015
Block Plan			28th April 2015
Existing Elevations	SB/14/298/1		28th April 2015
Proposed Elevations	SB/14/298/2		28th April 2015

BH2015/01626

24 Egmont Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.5m, for which the maximum height would be 3.15m, and for which the height of the eaves would be 2.24m.

Applicant: Ms Rebecca Rork

Officer: Astrid Fisher 292337

Prior approval not required on 18/06/15 DELEGATED

NORTH PORTSLADE

BH2014/04148

Mile Oak Inn Mile Oak Road Portslade

Erection of single side extension and erection of single storey retail unit (A1) adjoining existing public house (A4).

Applicant: Punch Partnerships (PTL) Ltd

Officer: Clare Simpson 292321

Refused on 05/06/15 DELEGATED

1) UNI

The proposed development, by virtue of its design, excessive footprint, positioning and extensive flank elevation fronting on to Oakdene Crescent is considered to represent an overdevelopment of the site. The building would appear crammed-in as it fails to take in to account building lines, plot and building sizes and the spaces between buildings which characterise the area. Furthermore the new development would present a largely inactive frontage to Oakdene Crescent to the detriment of the visual amenity of the area. The proposal is contrary to policy QD1, QD2 and QD3 of the Brighton and Hove Local Plan

2) UNI2

The proposed development, including storage area and external refuse yard would be located close to the neighbouring boundary with no.1 Oakdene Crescent. Given the proximity of the development to this boundary and the intensive use of the site proposed, it is considered that the development would

significantly impact on the occupier's enjoyment of their house by reason of increased noise and disturbance. The development is considered contrary to policy QD27 of the Brighton and Hove Local Plan.

3) UNI3

The lack of an assessment of parking accumulation from both the existing pub and proposed retail use, together with the fact that no on-street parking survey has been undertaken, has meant that the applicant has failed to demonstrate that the proposed development will not have a material negative impact upon road safety and parking amenity in the local area. The proposals have therefore failed to demonstrate compliance with policies TR1, TR7 and QD27 of the Brighton & Hove Local Plan.

4) UNI4

The application, in the absence of detailed measures to promote and encourage sustainable transport and provide a legal obligation for highway improvements, fails to provide for the travel demand it creates. As such, the proposal is contrary to policies TR1, TR8 and QD28 of the Brighton & Hove Local Plan.

BH2015/01231

319 Mile Oak Road Portslade

Demolition of existing building and erection of two storey, three bedroom dwelling (C3).

Applicant: Ms Sue Gleeson

Officer: Clare Simpson 292321

Approved on 04/06/15 DELEGATED

1) BH01.01

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

Unless otherwise agreed in writing by the Local Planning Authority, the residential unit hereby approved shall not be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 4 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 policy CP8 of the Submission City Plan Part One.

5) UNI

The new dwelling(s) hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter.

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

6) UNI

No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
- b) samples of all cladding to be used, including details of their treatment to protect against weathering
- c) samples of all other materials to be used externally

Development shall be carried out in accordance with the approved details.

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

7) UNI

Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

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

8) UNI

The development hereby permitted shall be carried out in accordance with 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 plan	01	B	9/4/2015
Existing ZARA survey	02		9/4/2015
Existing ZARA survey	03		9/4/2015
Existing plan	04		9/4/2015
Existing ZARA section AA	05		9/4/2015
Existing ZARA streetscene	06		9/4/2015
Proposed ground floor plan	20		9/4/2015
Proposed first floor plan	21		9/4/2015
Proposed street scene	22		9/4/2015
Proposed side elevation	23		9/4/2015
Proposed rear elevation	24		9/4/2015
Proposed section AA	25		9/4/2015

9) 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.

BH2015/01466

21 Stonery Close Portslade

Certificate of lawfulness for proposed single storey rear extension.

Applicant: Mrs Parveen Akhter

Officer: Astrid Fisher 292337

Approved on 19/06/15 DELEGATED

SOUTH PORTSLADE

BH2015/01329

31 Shelldale Avenue Portslade

Certificate of lawfulness for proposed erection of single storey rear extension and loft conversion incorporating hip to gable roof extension, creation of rear dormer and insertion of 3no rooflights to front. Insertion of window to side elevation.

Applicant: Mrs Nilufar Begum

Officer: Astrid Fisher 292337

Approved on 18/06/15 DELEGATED

BH2015/01493

1 Sharpthorne Crescent Portslade

Removal of existing conservatory and erection of part one, part two storey extension to rear and creation of pitched roof over existing garage.

Applicant: Mr J Thorpe

Officer: Helen Hobbs 293335

Refused on 24/06/15 DELEGATED

1) UNI

The two storey rear extension, by reason of its siting, design, height design and massing, would have a discordant and unsympathetic relationship to the form and character of the host building, to the detriment of the character and appearance of the existing property and the surrounding area. As such the proposal is contrary to the requirements and objectives of policies QD1 and QD14 of the Brighton & Hove Local Plan and SPD12: Design guidance for extensions and alterations.

BH2015/01563

17 Shelldale Crescent Portslade

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 2.9m, and for which the height of the eaves would be 2.9m.

Applicant: Abujaleh Ahmed

Officer: Clare Simpson 292321

Prior approval not required on 16/06/15 DELEGATED

BH2015/01566

The Cottage Easthill Park Portslade

Erection of two storey side and single storey rear extensions.

Applicant: H Smith

Officer: Liz Arnold 291709

Approved on 24/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

No development shall take place until a sample panel of flintwork has been constructed on site, inspected and approved in writing by the Local Planning Authority. Works shall be carried out to match the approved sample panel 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 Plan	-	-	29th April 2015
Block Plan	-	-	29th April 2015
Existing and Proposed Plans	HS/001	-	29th April 2015
Existing and Proposed Elevations	HS/001	Rev. A	5th June 2015

5) UNI

The render work, brick quoining and roof slates 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.

BH2015/01857

1 Wellington Road Portslade

Non Material Amendment to BH2013/02047 for the omission of the basement.

Applicant: Beaufort Developments Southern Ltd

Officer: Christopher Wright 292097

Approved on 10/06/15 DELEGATED

HOVE PARK

BH2014/04046

142 Woodland Drive Hove

Erection of part single, part two storey rear extension with associated external alterations. Creation of dormers to both sides and rear elevations. Insertion of sun tubes to roof and rooflights to side elevation and alterations to fenestration.

Applicant: Dr Atul Sinha

Officer: Christopher Wright 292097

Approved on 08/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

Access to the flat roof over the extension hereby approved shall be for

maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.

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

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed on the external elevations of the extensions hereby permitted without planning permission obtained from the Local Planning Authority.

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

4) UNI

The first floor level window and dormer window on the north facing flank elevation of the extension 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 shall be retained as such thereafter.

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

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
Existing Location Plan and Site Plan	156 PL SD 001		1 Dec 2014
Proposed Location Plan and Site Plan	156 PL SK 001		1 Dec 2014
Existing Ground Floor Plan	156 PL SD 002		1 Dec 2014
Proposed Ground Floor Plan	156 PL SK 002		1 Dec 2014
Existing First Floor Plan	156 PL SD 003		1 Dec 2014
Proposed First Floor Plan	156 PL SK 003		1 Dec 2014
Proposed Loft Plan	156 PL SK 004		1 Dec 2014
Existing Roof Plan	156 PL SD 005		1 Dec 2014
Proposed Roof Plan	156 PL SK 005		1 Dec 2014
Existing Front Elevation (East)	156 PL SD 006		1 Dec 2014
Proposed Front Elevation (East)	156 PL SK 006		1 Dec 2014
Existing Rear Elevation (West)	156 PL SD 007		1 Dec 2014
Proposed Rear Elevation (West)	156 PL SK 007		1 Dec 2014
Existing Side Elevation (South)	156 PL SD 008		1 Dec 2014
Proposed Side Elevation	156 PL SK 008		1 Dec 2014

(South)			
Existing Side Elevation (North)	156 PL SD 009		29 May 2015
Proposed Side Elevation (North)	156 PL SK 009		1 Dec 2014
Existing Section A-A	156 PL SD 010		1 Dec 2014
Proposed Section A-A	156 PL SK 010		1 Dec 2014
Proposed Section B-B	156 PL SK 011		1 Dec 2014
Existing Site Context - Site Plan	156 PL SK 012		1 Dec 2014
Proposed Site Context - Site Plan	156 PL SK 012		1 Dec 2014
Existing Rear Site Context Elevation Section A-A & Section C-C	156 PLSD 013		1 Dec 2014
Proposed Rear Site Context Elevation Section A-A & Section C-C	156 PLSK 013		1 Dec 2014
Existing Site Context - Front Elevation Site Context - Side Elevations	156 PLSD 014		1 Dec 2014
Proposed Site Context - Front Elevation Site Context - Side Elevations	156 PLSK 014		1 Dec 2014
Existing Tree Layout Plan	156 PL SK 200		1

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.

BH2015/00388

7 Hove Park Gardens Hove

Erection of two storey front extension, hip to gable extensions to side roofslopes and insertion of front and rear rooflights.

Applicant: Mr Gavin Langley

Officer: Jonathan Puplett 292525

Approved on 12/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 first floor side facing windows hereby approved 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 shall be permanently retained as such.

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
LOCATION PLAN AND BLOCK PLAN	(10) 00	B	23/04/2015
PROPOSED SITE PLAN	(11) 00	C	23/04/2015
EXISTING GROUND FLOOR PLAN	(20) 00	A	23/04/2015
EXISTING FIRST FLOOR PLAN	(20) 01	A	23/04/2015
EXISTING ROOF PLAN	(20) 02	A	23/04/2015
PROPOSED FLOOR PLAN	(21) 00	D	23/04/2015
PROPOSED FLOOR PLAN	(21) 01	D	23/04/2015
PROPOSED FLOOR PLAN	(21) 02	C	23/04/2015
EXISTING ELEVATIONS	(30) 00	A	23/04/2015
EXISTING ELEVATIONS	(30) 01	A	27/04/2015
PROPOSED ELEVATIONS	(31) 00	D	01/05/2015
PROPOSED ELEVATIONS	(31) 01	D	27/04/2015

BH2015/00450

12 Mallory Road Hove

Application for approval of details reserved by conditions 12, 13, 15, 16 and 17 of application BH2014/01015.

Applicant: Mr & Mrs Matthew Ansell

Officer: Paul Earp 292454

Approved on 15/06/15 DELEGATED

BH2015/00627

53 Hove Park Road Hove

Application for Approval of Details Reserved by Conditions 7, 8, 9, 10 and 11 of application BH2014/02515.

Applicant: Ms Cave

Officer: Christopher Wright 292097

Split Decision on 11/06/15 DELEGATED

BH2015/00639

7 Woodland Drive Hove

Certificate of lawfulness for proposed erection of outbuilding, creation of hard standing, removal of wall and insertion of timber gate to rear of property.

Applicant: Mr & Mrs Regan

Officer: Jason Hawkes 292153

Refused on 04/06/15 DELEGATED

BH2015/00776

3 Kelly Road Hove

Re-modelling of existing property incorporating an open entrance porch, roof extensions, raising of ridge height, two storey rear and side extensions and associated alterations. (Part retrospective)

Applicant: Ms C King

Officer: Christopher Wright 292097

Approved on 16/06/15 DELEGATED

1) UNI

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

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

Plan Type	Reference	Version	Date Received
Location Plan and Block Plan	01	A	5 Mar 2015
Existing Ground Floor Plan	01		5 Mar 2015
Existing First Floor Plan	02		5 Mar 2015
Existing Roof Plan	03		5 Mar 2015
Existing Front Elevation	04		5 Mar 2015
Existing Rear Elevation	05		5 Mar 2015
Existing North Side Elevation	06		5 Mar 2015
Existing South Side Elevation	07		5 Mar 2015
Existing Typical Section	08		5 Mar 2015
Proposed Ground Floor Plan	09	A	5 Mar 2015
Proposed First Floor Plan	10	A	28 May 2015
Proposed Second Floor Plan	11	A	5 Mar 2015
Proposed Roof Plan	12	A	5 Mar 2015
Proposed Front Elevation	13	A	5 Mar 2015
Proposed Rear Elevation	14	A	5 Mar 2015
Proposed North Side Elevation	15	A	5 Mar 2015
Proposed South Side Elevation	16	A	5 Mar 2015
Proposed Front Typical Section	17	A	5 Mar 2015
Proposed Typical Long Section	18	A	5 Mar 2015
Proposed Rear Typical Section	19	A	5 Mar 2015

2) UNI

The development shall be implemented in accordance with the samples of the materials previously approved under application BH2014/01847, to which the decision notice dated 4 August 2014 refers. 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 first floor level window on the south facing flank 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.

BH2015/00842

274 Old Shoreham Road Hove

Application for Approval of Details Reserved by Conditions 13 and 14(i) of application BH2011/03791.

Applicant: Metric Property (Hove) Ltd

Officer: Helen Hobbs 293335

Approved on 15/06/15 DELEGATED

BH2015/00988**43 Dyke Road Avenue Hove**

Application for variation of condition 2 of application BH2013/03581 (Demolition of existing garages, conservatory and lean-to extensions and erection of two storey side extension, single storey side extension, detached garage in front garden and conservatory to rear, roof alterations with other associated external alterations) to permit material alterations including changes to fenestration.

Applicant: Mr & Mrs Harris

Officer: Christopher Wright 292097

Approved on 18/06/15 DELEGATED

1) UNI

The development hereby permitted shall be commenced on or before the expiration of 13 December 2016.

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	A01		18/10/2013
Block Plan	A02		18/10/2013
Existing ground floor plan	A03		18/10/2013
Existing First floor Plan	A04		18/10/2013
Existing Second Floor Plan	A05		18/10/2013
Existing Roof Plan	A06		18/10/2013
Existing East Elevation	A07		18/10/2013
Existing West Elevation	A08		18/10/2013
Existing North Elevation	A09		18/10/2013
Existing South Elevation	A10		18/10/2013
Proposed Site Plan	D01		18/10/2013
Proposed Ground Floor Plan	D02		18/10/2013
Proposed First Floor Plan	D03		18/10/2013
Proposed Second Floor Plan	D04		18/10/2013
Proposed Roof Plan	D05		18/10/2013
Proposed East Elevation (Street)	D10		18/10/2013
Proposed North and East Elevations	Y070-G-008		19/03/2015
Proposed South and West Elevations	Y070-G-009		19/03/2015
Garage Details	Y070 G 010		19/03/2015

3) UNI

The development shall be carried out in accordance with the programme of archaeological work and Written Scheme of Archaeological Investigation approved under application BH2014/00404 on 10 April 2014.

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

4) UNI

The development shall be carried out in accordance with the samples of materials

(including colour of render, paintwork and colourwash) approved under application BH2014/00404 on 10 April 2014.

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

5) UNI

The development shall be carried out in accordance with the tree protection details approved under application BH2014/01210 on 27 May 2014. No development or other operations shall take place except in complete accordance with the approved protection scheme.

Reason: To protect the character of the areas to comply with policies QD16 and HE6 of the Brighton and Hove Local Plan.

6) UNI

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

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

BH2015/01083

14 Sandringham Close Hove

Erection of single storey side and rear extension, demolition of rear garage and associated alterations.

Applicant: Mr John Cramer

Officer: Luke Austin 294495

Approved on 08/06/15 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) 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
As Existing Block Plan, Location Plan, Elevations and Plans	-	-	26/03/15
As Proposed Block Plan, Location Plans, Elevations and Plans	-	-	26/03/15

BH2015/01129

8 Mallory Road Hove

Erection of single storey rear extension, rear conservatory and raised decking.

Applicant: Mr Carlos Enrech

Officer: Christopher Wright 292097

Approved on 17/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 overall height of the glazed structure shall not exceed 3m in relation to the internal ground floor level of the existing house.

Reason: For the avoidance of doubt and in order to comply with drawing no. ADC647/01 Revision B and policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.

3) UNI

The northerly facing flank elevation of the glazed structure hereby permitted shall be obscure glazed and non-opening 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.

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			22 Apr 2015
Block Plan			30 Mar 2015
Survey of Existing Elevations - 2			22 Apr 2015
Survey of Existing - Floor Plans - 1			22 Apr 2015
Proposed Plans	ADC647/01	B	22 Apr 2015
Block Plan			9 Jun 2015
Side Elevation			9

5) UNI

The external finishes of the rear 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 and to comply with policy QD14 of the Brighton & Hove Local Plan.

BH2015/01144

80 Nevill Avenue Hove

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

Applicant: Mr & Mrs Tony & Julia McKernan

Officer: Christopher Wright 292097

Approved on 17/06/15 DELEGATED

BH2015/01235

Units 3 & 4 Clarks Industrial Site Newtown Road Hove

Change of use of units 3 and 4 from storage and distribution (B8) to light industrial (B1) and storage and distribution (B8) with associated external works including installation of roller shutters to West elevation, alterations to fenestration

and parking layout.

Applicant: Coal Pension Fund
Officer: Sonia Gillam 292265
Approved on 05/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

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

3) UNI

Prior to the installation of any new roller shutter doors, details of their colour shall be submitted and approved in writing by the Local Planning Authority. All roller shutter doors shall be carried out fully in accordance with the approved details prior to first occupation of the unit to which the roller shutter relates to.

Reason: In order to ensure an appropriate finish to the roller shutter doors in the interests of visual amenity and to comply with policy QD14 of the Brighton & Hove Local Plan.

4) UNI

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

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

5) UNI

Notwithstanding the submitted plans, prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of, and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policy TR18 and SPG4.

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 floor plan	001	A	06/05/2015
Existing mezzanine floor plan	001.2	A	06/05/2015
Proposed floor plan	002	A	06/05/2015
Proposed mezzanine floor plan	002.2	A	06/05/2015
Existing elevations	003	A	06/05/2015

Proposed elevations	004	A	06/05/2015
Existing elevations	005	A	06/05/2015
Proposed elevations	006	A	06/05/2015
Existing roof plan	007		09/04/2015
Site location plan	008		09/04/2015
Existing site plan	009		09/04/2015
Proposed parking plan	010		09/04/2015

7) UNI

The development hereby approved shall not be commenced until details of a segregated pedestrian access points near to the existing vehicular entrance, including a delineated footpath directing pedestrians to the nearest appropriate main entrance in each of the units, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to commencement of the development.

Reason: To provide for the demand for travel the site is creating including a safe, direct route for walking and to comply with Policy TR1, TR7 & TR8 of the Brighton & Hove Local Plan.

BH2015/01432

Land Rear of 6 Kelly Road Hove

Application for Approval of Details Reserved by Conditions 3, 4 and 8 of application BH2012/02307.

Applicant: Eman Barakat

Officer: Liz Arnold 291709

Approved on 16/06/15 DELEGATED

BH2015/01516

63 King George VI Drive Hove

Erection of single storey extension to side of existing rear extension, with demolition of existing garage/utility room and associated alterations.

Applicant: Mrs Susan Stockwell

Officer: Astrid Fisher 292337

Approved on 19/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Site Plan			24th April 2015
Existing and Proposed Floor Plans and Elevations	PN01		24th April 2015

BH2015/01612

64 Mill Drive Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.25m, and for which the height of the eaves would be 3m.

Applicant: Mr & Mrs Duffy

Officer: Clare Simpson 292321

Prior approval not required on 12/06/15 DELEGATED

BH2015/01617

9 Queen Victoria Avenue Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 3m.

Applicant: Gareth Rees

Officer: Astrid Fisher 292337

Prior approval not required on 16/06/15 DELEGATED

BH2015/01660

7 Sandringham Close Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

Applicant: Mrs Claire Russell

Officer: Astrid Fisher 292337

Prior Approval is required and is refused on 18/06/15 DELEGATED

1) UNI

The enlarged part of the dwellinghouse would be within 2 metres of the boundary and the height of the eaves of the enlarged part would exceed 3 metres. The development would not therefore be permitted by Schedule 2, Part 1, Class A (i) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

BH2015/01922

215 Nevill Road Hove

Non Material Amendment to BH2014/01552 to change of materials

Applicant: Bowles Building Co

Officer: Jason Hawkes 292153

Refused on 18/06/15 DELEGATED

1) UNI

1. The proposed revisions to alter the appearance of the dwelling approved under application ref: BH2015/01552 is considered material and warrants the submission of a further application for planning permission.

Informatives:

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

Plan Type	Reference	Version	Date Received
Location Plan	847/05	A	27th May 2015
Proposed Plans	847/01	B	27th May 2015
Elevations	847/02	B	27th May 2015

WESTBOURNE

BH2015/00283

Flat 1 40 Lawrence Road Hove

Replacement double glazed timber window to ground floor front elevation.

Applicant: Luke MacGregor

Officer: Adrian Smith 290478

Approved on 11/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

Plan Type	Reference	Version	Date Received
Site plan	-	-	16/04/2015
Existing and proposed elevations and proposed section.	-	00	20/01/2015

BH2015/00652

Flat B Marigold House 72 New Church Road Hove

Replacement of existing timber windows with UPVC.

Applicant: Mr Marc Blamire

Officer: Astrid Fisher 292337

Approved on 15/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 match the glazing pattern, including transoms and mullions, of the existing windows.

Reason: For the avoidance of doubt and in the interests of the visual amenities of the street, and to comply with policy QD14 of the Brighton and 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			25th February 2015
Window Details			25th February 2015
Photos			25th February 2015
Photos and Details			9th June 2015

BH2015/00737

119 Portland Road Hove

Removal of part of existing building to rear and demolition of existing garage and erection of 1no one bedroom bungalow and associated works.

Applicant: Mr Dhirajlal Lamba

Officer: Jason Hawkes 292153

Refused on 05/06/15 DELEGATED

1) UNI

The proposed dwelling, by virtue of its design, scale and siting, relates poorly to the adjacent properties, and to the host property, and would stand out in the street scene as an incongruous and unsympathetic addition. The proposed dwelling is considered an overdevelopment of the site and would be out of character with the existing residential development in the area. For this reason the development is contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan which seek to ensure that new developments emphasise and enhance the positive qualities of the local neighbourhood.

2) UNI2

The proposed dwelling, by virtue of its siting and bulk, would result in a significant loss of outlook, light and a heightened sense of enclosure to the residents of 117A Portland Road. The proposal would therefore lead to an unacceptable loss of amenity for occupants of this adjoining property and is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

3) UNI3

The living areas for the proposed dwelling would benefit from one north facing window which would provide inadequate natural light and outlook for future occupants of the unit. The proposal would result in an inappropriate standard of accommodation, contrary to policy QD27 of the Brighton & Hove Local Plan.

BH2015/00974

Ground Floor and First Floor 12 Wordsworth Street Hove

Insertion of 3no rooflights.

Applicant: Mr Joe Askew

Officer: Joanne Doyle 292198

Approved on 12/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 Existing & Proposed Floor Plans & Elevations	AS/01		17 Mar 2015

BH2015/01307**31 Pembroke Avenue Hove**

Replacement of existing UPVC and aluminium windows and doors with timber windows and doors to front elevation.

Applicant: Mr Anthony Cragg

Officer: Mark Thomas 292336

Approved on 04/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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	-	-	9th April 2015
Annotated photograph	-	-	9th April 2015
Proposed front door elevation	-	-	9th April 2015
Proposed first floor door elevation	-	-	9th April 2015
Proposed bay window elevation	-	-	9th April 2015
Proposed window section	-	-	9th April 2015
Proposed door section	-	-	9th April 2015
Window/door schedule by 'Parsons Joinery'	-	-	9th April 2015

BH2015/01504**55 Sackville Gardens Hove**

Application for Approval of Details Reserved by Condition 5 of application BH2015/00206.

Applicant: Mrs Alex Lawson

Officer: Astrid Fisher 292337

Approved on 16/06/15 DELEGATED

BH2015/01608**55 Langdale Road Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.45m, for which the maximum height would be 2.995m, and for which the height of the eaves would be 2.614m.

Applicant: Mr Daniel Smyth

Officer: Allison Palmer 290493

Prior Approval is required and is refused on 12/06/15 DELEGATED

WISH**BH2014/04323****82 Boundary Road Hove**

Erection of single storey rear extension to facilitate creation of 1no two bedroom self-contained flat at first floor level.

Applicant: Location Property Investments Ltd

Officer: Helen Hobbs 293335

Refused on 18/06/15 DELEGATED

1) UNI

The proposed first floor rear extension, by virtue of its size and siting, would appear an incongruous and unsympathetic feature which poorly relates to the appearance of the existing building and which would create an overextended appearance. The extension would be highly visible from adjoining properties and would harm the visual amenities of the wider surrounding area. The proposal is therefore contrary to policies QD1 & QD14 of the Brighton & Hove Local Plan, and Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

2) UNI2

The proposed residential accommodation would benefit from only limited levels of natural light and outlook, leading to a sense of enclosure. The proposal would therefore provide a poor standard of accommodation and would fail to meet the likely needs of future occupants. This harm is considered to outweigh the benefit provided by the additional dwelling. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.

3) UNI3

The siting and size of the first floor extension in close proximity to the adjacent building to the south and abutting an existing unit within no. 82 would result in a significant loss of light, outlook and increased sense of enclosure for occupants of these properties. The proposal would therefore result in a significant loss of amenity, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

BH2015/00691

Martello House 315 Portland Road Hove

External alterations to all elevations including to layout of doors and windows, installation of French doors, balconies and new entrance door and other associated works in association with prior approval application BH2015/00278 for change of use from offices (B1) to residential (C3) to form 28no units.

Applicant: Mr David Martin on behalf of Rampart Capital Principal Investments 2

Officer: Christopher Wright 292097

Approved on 19/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall not take place until a noise assessment, which identifies existing noise sources / levels and sets out mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be carried out in accordance with the agreed assessment at such time as the approved development is implemented. The mitigation measures shall be retained as such thereafter.

Reason: To safeguard the amenities of the future occupiers of the development 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
Location Plan			27 Feb 2015
Existing Floor Plans	001		27 Feb 2015
Existing Elevations	002		27 Feb 2015
Proposed Lower Ground Floor Plan	101	A	27 Feb 2015
Proposed Ground Floor Plan	102	D	27 Feb 2015
Proposed First Floor Plan	103	C	27 Feb 2015
Proposed Second Floor Plans	104	C	27 Feb 2015
Proposed Site Plan	106		27 Feb 2015
Proposed Ground Floor Indicating Parking Layout	110		27 Feb 2015
Proposed East and West Coloured Elevations	201	B	27 Feb 2015
Proposed North and South Coloured Elevations	202	B	27 Feb 2015
Proposed East and West Elevations	203	B	27 Feb 2015
Proposed North and South Elevations	204	B	27 Feb 2015

BH2015/00807

17 Park Avenue Hove

Erection of a single storey rear extension.

Applicant: Mrs Charlotte Gravestock

Officer: Paul Earp 292454

Approved on 08/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

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

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

3) UNI

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

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

Plan Type	Reference	Version	Date Received
Location & Block Plan	CH 661/1		9 March 2015
Existing Plans	CH 661/2		9 March 2015
Existing Elevations	CH 661/3		9 March 2015
Existing Sections	CH 661/4		9 March 2015
Proposed Plans	CH 661/5		9 March 2015
Proposed Elevations	CH 661/6		9 March 2015
Proposed Sections	CH 661/7		9 March 2015

BH2015/01122

13 Berriedale Avenue Hove

Loft conversion to create 1no studio flat (C3) including rear hip to gable roof extension and side rooflights.

Applicant: Mr Ashley Bennett

Officer: Liz Arnold 291709

Approved on 15/06/15 DELEGATED

1) BH01.01

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

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

2) UNI

The development hereby permitted shall not be occupied until the sustainability measures [floor insulation, roof insulation, improved glazing, boiler upgrade, and improved insulation of all CH and HW piping and cylinders] detailed within the Sustainability Checklist received on the 20th March 2015 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.

3) UNI

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

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Location & Block Plan	A01		30/03/2015
Existing Plans	A02		30/03/2015
Existing Elevations	A03		30/03/2015
Proposed Plans	D01		30/03/2015
Proposed Elevations	D02		30/03/2015

5) UNI

Prior to first occupation of the development hereby permitted a scheme for the storage of refuse and recycling shall have 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.

BH2015/01234**11 Boundary Road Hove**

Prior approval for change of use from retail (A1) to residential (C3) to create 1no studio flat.

Applicant: Harbour View Developments Ltd

Officer: Allison Palmer 290493

Prior Approval is required and is approved on 05/06/15 DELEGATED

BH2015/01420**124 New Church Road Hove**

Application for Approval of Details Reserved by Condition 4 of application BH2014/02494

Applicant: New Church Road Investments Ltd

Officer: Jason Hawkes 292153

Approved on 12/06/15 DELEGATED

BH2015/01489**14 Portland Avenue Hove**

Demolition of existing extension and erection of single storey rear and side extension.

Applicant: Mr & Mrs Wingate

Officer: Robin Hodgetts 292366

Approved on 19/06/15 DELEGATED

1) BH01.01

The development hereby permitted shall be commenced before the expiration of three 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing dwelling.

Reason: In the interests of the character and appearance of the building and the visual amenities of the area and to comply with policy QD14 of the Brighton & Hove Local Plan.

3) UNI

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows other than those shown on drawing 12.12.01/11B shall be installed in the elevations of the extension hereby permitted.

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

4) UNI

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

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

Plan Type	Reference	Version	Date Received
Site location plan			27/04/15
Block plan			27/04/15
Existing plans and elevations	12.12.01/3		27/04/15
Proposed plans and elevations	12.12.01/11	B	27/04/15

BH2015/01673

1 Rothbury Road Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.5m, for which the maximum height would be 2.995m, and for which the height of the eaves would be 2.855m.

Applicant: Mrs Claire Brown

Officer: Astrid Fisher 292337

Prior approval not required on 19/06/15 DELEGATED

BH2015/01701

332 Kingsway Hove

Non Material Amendment to BH2011/03300 to allow changes to internal layout to units and inclusion of a passenger lift.

Applicant: Weatherstone Properties Ltd

Officer: Jason Hawkes 292153

Approved on 16/06/15 DELEGATED

BH2015/01731

34 Grange Road Hove

Prior approval for the erection of a single storey rear conservatory, which would extend beyond the rear wall of the original house by 5.354m, for which the maximum height would be 3.267m, and for which the height of the eaves would be 2.522m.

Applicant: Catherine Castillo

Officer: Guy Everest 293334

Prior Approval is required and is refused on 23/06/15 DELEGATED

Withdrawn Applications

PLANS LIST 15 July 2015

BRIGHTON AND HOVE CITY COUNCIL

LIST OF APPLICATIONS DETERMINED BY THE HEAD OF CITY
INFRASTRUCTURE UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF
A PREVIOUS COMMITTEE DECISION

PATCHAM

Application No: **BH2015/01943**
83 Brangwyn Drive, Brighton

23no Sycamores - 30% reduction in height and shaped accordingly.

Applicant: Mr Simon Middleton

Approved on 15 Jun 2015

REGENCY

Application No: **BH2015/02135**
68 Ship Street, Brighton

2no Sycamores (T1 & T2) - reduce trees by 4m back to previous pruning points, the final height will be approx 8m.

Applicant: Mr Stephen Duance

Approved on 22 Jun 2015

Application No: **BH2015/02215**
11 Denmark Terrace, Brighton

2no Beech - lift to a height of 12 feet above ground level.

Applicant: Mr D Robertson

Approved on 26 Jun 2015

ST. PETER'S & NORTH LAINE

Application No: **BH2015/02137**
42 Dyke Road, Brighton

Fell 2no Elms (T1 - T2). (Both trees causing substantial structural damage.)

Applicant: J Hatch

Approved on 22 Jun 2015

WITHDEAN

Application No: **BH2015/01586**
Kingsmere, London Road, Brighton

Report from: 09/06/2015 to: 29/06/2015

Fell 1no Norway Spruce (T1) & 1no Norway Maple (T2).

Applicant: Mr Philip Else

Approved on 22 Jun 2015

QUEEN'S PARK

Application No: BH2015/02129

Brighton Deaf Centre, Carlton Hill, Brighton

3no Sycamore (T1 - T3) - Reduce crown of all 3 sycamores by 1.5m - 2m.

Applicant: Mr Kevin Williamson

Approved on 22 Jun 2015

Application No: BH2015/02212

Pilgrims' Home, 35-36 Egremont Place, Brighton

4no Sycamores - reduce/prune by a third.

Applicant: Mrs C Clark

Approved on 26 Jun 2015

BRUNSWICK AND ADELAIDE

Application No: BH2015/02121

12 Wilbury Road, Hove

1no Lime (T1) - reduce whole crown back to previous reduction points.

Applicant: Carlos Daly

Approved on 22 Jun 2015

Application No: BH2015/02162

34 Waterloo Street, Hove

1no Holly - Remove 5no lower limbs on the left (wall side) of tree.

Applicant: Mr Tom Bradley

Approved on 26 Jun 2015

CENTRAL HOVE

Application No: BH2015/02036

54 Norton Road, Hove

Fell 1no Elm. (Tree has no public amenity value and its position is unsustainable in the long-term.)

Applicant: Mr Nyall Thompson

Approved on 15 Jun 2015

Application No: BH2015/02037

56 Norton Road, Hove

1no Sycamore - 30% crown reduction approx 6ft off top.

Applicant: Mr Nyall Thompson

Approved on 15 Jun 2015

Report from: 09/06/2015 to: 29/06/2015

Application No: BH2015/02128
37 Ventnor Villas, Hove

1no Bay tree (T1) - reduce in height by up to 3m and reduce sides back by up to 0.75m to create a more compact tidy form.

Applicant: Mr James Cox

Approved on 22 Jun 2015

GOLDSMID

Application No: BH2015/02038
41 Cromwell Road, Hove

1no Horse Chestnut - 4m crown lift and 4m crown reduction.

Applicant: Mr Lloyd Knight

Approved on 15 Jun 2015

HOVE PARK

Application No: BH2015/01794
81 Woodland Drive, Hove

Fell one Beech. (Tree is infected with honey fungus, thus hazardous.)

Applicant: Mr M Cleveland

Approved on 15 Jun 2015

Application No: BH2015/01795
81 Woodland Drive, Hove

2no Leylandii - reduce by 50%.

Applicant: Mr M Cleveland

Approved on 15 Jun 2015

Application No: BH2015/01913
6 Woodlands, Hove

Ash (T1 on applicant's plan) - thin crown by 20%, remove small lower limb on south side. Sycamore (T2 on applicant's plan) - thin crown by 20%, remove lower limb on north side.

Applicant: Mr Jon Hounsell

Approved on 15 Jun 2015

Application No: BH2015/01915
8 Woodlands, Hove

1no Ash (T65) - reduce in height by 3.5m, reduce limbs on lower perimeter of crown by no more than 2m. No pruning wounds to exceed 75mm in diameter.

Applicant: Mr Jon Hounsell

Approved on 15 Jun 2015

Report from: 09/06/2015 to: 29/06/2015

Report from: 09/06/2015 to: 29/06/2015

NEW APPEALS RECEIVED**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2014/03446

21 Clermont Road Brighton

Alterations to ground floor front elevation including relocation of existing front door.

APPEAL LODGED

05/06/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2014/03310

Waldegrave Court Westfield Avenue Saltdean Brighton

Erection of 3no. two bedroom dwellings with associated parking, cycle stores and associated landscaping.

APPEAL LODGED

05/06/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PATCHAM**

BH2014/03782

14 Overhill Drive Brighton

Creation of timber terrace to first floor rear with balustrading and handrail.

APPEAL LODGED

09/06/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****BRUNSWICK AND ADELAIDE**

BH2015/00232

31 & 33 Selborne Road Hove

Conversion of roof space to form 1no two bedroom flat (C3) incorporating 2no rear dormers, 4no rear rooflights, 2no flat roof rooflights and 4no side rooflights.

APPEAL LODGED

10/06/2015

Delegated

WARD**APPEAL APP NUMBER****ADDRESS****CENTRAL HOVE**

BH2014/03022

13 Wilbury Road Hove

DEVELOPMENT DESCRIPTION Application for Approval of Details Reserved by Condition 3, 5 and 6 of application BH2013/04367.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 08/06/2015
APPLICATION DECISION LEVEL Delegated

WARD **ROTTINGDEAN COASTAL**
APPEAL APP NUMBER BH2015/00111
ADDRESS 2 Perry Hill Saltdean Brighton
DEVELOPMENT DESCRIPTION Erection of single storey side extension.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 10/06/2015
APPLICATION DECISION LEVEL Delegated

WARD **HOVE PARK**
APPEAL APP NUMBER BH2015/00082
ADDRESS 199-201 Old Shoreham Road Hove
DEVELOPMENT DESCRIPTION Erection of 1no three bedroom detached dwelling.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 11/06/2015
APPLICATION DECISION LEVEL Delegated

WARD **CENTRAL HOVE**
APPEAL APP NUMBER BH2015/00125
ADDRESS Flat 2 6 Medina Villas Hove
DEVELOPMENT DESCRIPTION Removal of existing balcony and canopy to front elevation. (Part Retrospective)
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 15/06/2015
APPLICATION DECISION LEVEL Delegated

WARD **WITHDEAN**
APPEAL APP NUMBER BH2015/00272
ADDRESS 8 Bramble Rise Brighton
DEVELOPMENT DESCRIPTION Erection of a single storey rear extension and alterations to fenestration.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 15/06/2015
APPLICATION DECISION LEVEL Delegated

WARD **HOLLINGDEAN & STANMER**
APPEAL APP NUMBER BH2014/04023
ADDRESS 6 Woodview Close Brighton
DEVELOPMENT DESCRIPTION Erection of two storey side and rear extension.
APPEAL STATUS APPEAL LODGED
APPEAL RECEIVED DATE 12/06/2015
APPLICATION DECISION LEVEL Delegated

WARD**APPEALAPPNUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****ROTTINGDEAN COASTAL**

BH2015/00441

12 Arlington Gardens Saltdean Brighton

Erection of a single storey rear and side extension, creation of raised timber deck to front and associated works.

APPEAL LODGED

22/06/2015

Delegated

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**
15th June 2015**Brighton & Hove**
City Council

This is a note of the current position regarding Planning Inquiries and Hearings

Brighton College, Eastern Road, Brighton

Planning application no:	BH2014/02054
Description:	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.
Decision:	Planning Committee
Type of appeal:	Informal Hearing
Date:	TBC
Location:	TBC

APPEAL DECISIONS

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A – 137 MARINE DRIVE, ROTTINGDEAN, BRIGHTON – ROTTINGDEAN COASTAL	301

Application BH2014/03801 – Appeal against refusal to grant planning permission for removal of existing porch and front bay to the existing ground floor level. Roof extension to raise the roof and enclosed balcony to the front. **APPEAL DISMISSED** (delegated decision)

B – MARLBOROUGH HOUSE, 54 OLD STEINE, BRIGHTON – REGENCY	303
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Application BH2014/03013 – Appeal against a listed building enforcement notice issued under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991. **NOTICE VARIED AS SET OUT AND APPEAL DISMISSED** (delegated decision)

C – 15 BERNARD ROAD, BRIGHTON – HANOVER & ELM GROVE	311
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Application BH2013/04307 – Appeal against refusal to grant planning permission for change of use from a dwelling house (C3) to use as a house in multiple occupation (HMO) (sui generis). **APPEAL DISMISSED** (delegated decision)

D – 17 BERNARD ROAD, BRIGHTON, BRIGHTON – HANOVER & ELM GROVE	315
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Applications (a) BH2013/00590 and (b) BH2013/00591 – Appeals against enforcement action for alleged breach of planning controls in relation to change of use from a dwelling house (C3) to use as a house in multiple occupation (HMO) (sui generis) providing 7 bedrooms for unrelated individuals, who share basic amenities including a kitchen, living space and bathroom. Requirements of the notice were that use of the property as a house in multiple occupation cease. **APPEALS DISMISSED** (delegated decision)

E – JUST ORGANICS, 4 COOMBE TERRACE, BRIGHTON – MOULSECOOMB & BEVENDEAN 319

Application BH2014/03971 – Appeal against refusal to grant planning permission for installation of a new shop front to provide separate access to first floor flat. **APPEAL ALLOWED**(delegated decision)

F – FLAT 6. 35 PRESTON PARK AVENUE, BRIGHTON – PRESTON PARK 321

Application BH2014/02254 – Appeal against refusal to grant planning permission for change of use from residential to business use. **APPEAL ALLOWED** (permission granted for a temporary period)(delegated decision)

G – 65 DYKE ROAD AVENUE, HOVE – HOVE PARK 325

Application BH2014/03787 – Appeal against refusal to grant planning permission for extension and refurbishment of existing dwelling. **APPEAL DISMISSED** (delegated decision)

H – 46 ST ANDREW’S ROAD, PORTSLADE – SOUTH PORTSLADE 329

Application BH2014/03908 – Appeal against refusal to grant planning permission for removal of existing extensions and creation of lightwell and raised patio to ground floor flat. Demolition of existing garage and erection of single storey dwelling. **APPEAL DISMISSED** (delegated decision)

Appeal Decision

Site visit made on 26 May 2015

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 June 2015

Appeal Ref: APP/Q1445/D/15/3006383
137 Marine Drive, Rottingdean, Brighton BN2 7GU

- 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 Jamie Malpass and Mrs Laura Malpass against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/03801, dated 11 November 2014, was refused by notice dated 6 January 2015.
 - The development proposed is for removal of existing porch & front bay to the existing ground floor level. Roof extension to raise the roof & enclosed balcony to the front.
-

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area, with specific reference to height; and upon the living conditions of the occupants of 135 Marine Drive, with specific reference to outlook and sunlight.

Reasons

Character and Appearance

3. The appeal site is situated within an area which is characterised by predominantly detached dwellings, comprising of a variety of storey heights which do not necessarily correspond with the changes in topography along Marine Drive. On my visit I noted a number of properties along the seafront that were of a significantly different height to their immediate neighbours, and this to some degree sets the context of the street scene.
 4. The proposal would render the subject building higher than 135 and 139 Marine Drive, although this would just be the converse of the existing situation. Taking into account the fact that there are other examples where dwellings are noticeably higher than their immediate neighbours, I find that as a design feature per se, the increased height of the building would not be out of character with its surroundings. The hipped roof form would also help to minimise its bulk and therefore, in terms of street scene impacts alone, I
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conclude that the proposal would not have an over-dominant impact on its character and appearance.

5. The proposal complies with paragraph a. of Policy QD14 of the Brighton and Hove Local Plan and the Council's Supplementary Planning Document 12: Design Guidance for Extensions and Alterations, which permit additional storeys and raised roofs where they respect the scale, continuity, roof line and general appearance of the street scene, including its topography.

Living Conditions

6. However, notwithstanding my findings above, the proposal would also provide a significantly higher eaves line running parallel to the rear side boundary shared with no 135 of some 5m in length. This neighbouring property, which is set on lower ground than the appeal property, has patio doors leading to a modest paved area to its rear elevation closest to the shared boundary. I consider that the overall increase in height of the appeal property would likely give rise to greater overshadowing from the morning sun. Furthermore, the proposal would significantly increase the sense of enclosure experienced by existing or future occupants of no 135 by virtue of the fact that the increased eaves height would be for the full extent of the existing subject building.
7. I acknowledge the application would provide additional accommodation for a young and growing family in the same location, but occupation is ultimately transitory whereas the impact upon no 135 would be permanent. I note the changes that have been made to the design from the previous proposal, and notwithstanding other material considerations, I find that the proposal before me would have a greater impact upon the sunlight received by no 135.
8. I conclude that the proposal would have a harmful effect upon the living conditions of the occupants of no 135 and conflicts with LP Policies QD14 and QD27, in that the proposal would result in a significant loss of outlook and sunlight to its occupants.

Conclusions

9. I have concluded that the proposal would not have a significantly adverse effect upon the character and appearance of the area and I acknowledge that the proposal would provide greater living accommodation for the appellants and their young family. However, these matters do not negate or outweigh my concerns with regarding the effect of the proposal on the living conditions of the occupants of no 135. For the reasons given above and having regard to all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR



Appeal Decision

Site visit made on 26 May 2015

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2015

Appeal Ref: APP/Q1445/F/14/2216670

Marlborough House, 54 Old Steine, Brighton BN1 1NH

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Anthony Antoniadis against a listed building enforcement notice issued by Brighton & Hove City Council.
 - The Council's reference is 2011/0975.
 - The notice was issued on 5 March 2014.
 - The contravention of listed building control alleged in the notice is set out in Annex A of this Decision.
 - The requirements of the notice are set out in Annex B of this Decision.
 - The period for compliance with the requirements is six months.
 - The appeal is made on the grounds set out in section 39(1)(d), (e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Decision

1. The listed building enforcement notice is varied by the deletion of the words *'replace within the existing opening with traditional cast roof lights, with slim steel or cast iron frames, which lie flush with the roof covering. Each roof light to have genuine glazing bars placed vertically and centrally within the glazing. The roof lights to be top hinged and colour coated black'* in requirement 3 and *'The central opening must be infilled and the roof reinstated externally in natural grey slate to match the existing roof covering. The two outer openings must be replaced with traditional cast roof lights, with slim steel or cast iron frames, which lie flush with the roof covering. Each roof light to have genuine glazing bars placed vertically and centrally within the glazing. The roof lights must be top hinged and colour coated black'* in requirement 4 and substitute the words *'Reinstate the roof in materials to match the originals prior to the installation of the new rooflights'*.
2. Also, delete the words *'The matchboarding must be painted in a colour to be agreed in writing by the Local Planning Authority'* in requirement 7 and substitute the words *'The matchboarding must be painted in a colour to match the original'*. Subject to these variations, the appeal is dismissed and the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Main Issues

3. I consider the main issues to be: on ground (d): Whether the works were urgently necessary for the preservation of the building and, if so, that they were the minimum measures immediately necessary;

on ground (e): the effect of the works on the special architectural and historic character of the listed building and its setting within the Valley Gardens Conservation Area and

on ground (h): whether the time for compliance is sufficient.

Reasons

4. The appeal site is a Grade 1 listed building within the Valley Gardens Conservation Area. It originally dates from about 1765 but was remodelled in 1786 by the noted architect Robert Adam and some of the major rooms contain plasterwork and joinery designed by him. The building has apparently been vacant since 1997 and is in a poor state of repair, to the extent that it is included on the 'Buildings at Risk' register compiled by English Heritage (now Heritage England).
5. The appellant has been carrying out works to the building, apparently to convert it back into a residential use, and has been liaising with the City's Conservation Department. However, there has been disagreement about the extent and scope of the works that have been carried out and this has resulted in the issue of the listed building enforcement notice that is the subject of this appeal.

Ground (d)

6. An appeal on ground (d) claims that *'the works to the building were urgently necessary in the interest of safety or health or for the preservation of the building'* and that it was not practicable to secure these objectives by *'works of repair or works for affording temporary support or shelter'* and that *'the works carried out were limited to the minimum measures immediately necessary'*. (My emphasis)
7. Although the appellant claims that works he has carried out were necessary for the preservation of the building, he has not explained why he considers this to be the case. A total of 5 dormer windows have been replaced with 'Velux' rooflights and, even if the windows were in need of repair, he has not explained why a like-for-like replacement could not have been carried out. Neither has he explained, if it was necessary to make the windows watertight, why temporary protection could not have been used.
8. Similarly, the installation of 6 'Velux' rooflights in the stable block extension at the rear does not constitute works that are *'urgently necessary for the preservation of the building'*. They might form part of the conversion works that the appellant is carrying out to the building but this does not justify their inclusion as part of an appeal under ground (d). It is not clear from the parties' representations if the rooflights are a new insertion or were replacements, but whichever is the case, they are again not justified under the ground (d) appeal.
9. Turning to the removal of the external timber porch, this might have needed repair but its total removal has not contributed to the preservation of the building. Even if it was in a dangerous condition, the appellant has produced no evidence to indicate that complete demolition of the feature was the minimum work necessary to ensure safety or that temporary support would not have been possible.

10. The removal of the internal finishes to the stable block and some areas of the basement may also have been part of the repair works but I have been given nothing from the appellant to show that this was the case. The finishes may have needed renewal but it is hard to understand why their removal could be said to be '*urgently necessary*' to the extent that they needed to be carried out without the benefit of listed building consent. For all the above reasons, the appeal on ground (d) fails.

Ground (e)

11. The ground of appeal asks that listed building consent is granted for the works that have been carried out. The appellant states that no works have been executed without consent from the authorised officer of the local planning authority but, although applications for planning permission and listed building consent for the works were submitted on 28 March 2014, this was after the issue of the listed building enforcement notice and they were still under consideration at the time the Council's Appeal Statement was submitted. I have not been informed of any update to this situation.
12. The Council also wrote to the appellant over several years, starting in 2009, outlining its concerns over works that were being carried out on the building, including the installation of the rooflights. The appellant must therefore have been aware that the Council did not consider that all the works were authorised.
13. In any event, the Council has explained why it considers the works have harmed the significance of the listed building and should not be granted listed building consent. Marlborough House is included in the highest category of buildings of historic and architectural interest and is therefore one of the most important heritage assets in the country.
14. Although the dormers in the main roof may not have been an original feature, one was shown on a drawing of the building in 1891 and, as photographs show that the others were of a similar design, it seems reasonable to assume that the others were added shortly afterwards. This drawing also shows that the rear porch was an existing feature at that time.
15. The dormers, although not original, were therefore part of the historic evolution of the building and were part of the changes made to accommodate the different uses to which it was put. Their loss diminishes the historic interest of the building and the insertion of modern rooflights in their place is, in my view, an inappropriate alteration to the roof form of the building.
16. I take a similar view about the rooflights in the stable block. As noted above, it is not clear whether they replaced earlier rooflights or are new insertions but, whichever is the case, they are modern additions which sit uncomfortably in the context of the extension and the main building. The porch was an historic feature of the building and I have been given no reason that justifies its removal and the consequent loss of the architectural interest that it brought to the building.
17. Some of the features cannot be seen from the public realm, but the porch and the rear dormers could be seen from a passage leading off East Street. Their installation has therefore had an impact on the wider Valley Gardens Conservation Area. As I have concluded that the dormers are harmful, they consequently fail to preserve the character and appearance of the conservation area.

18. Even though the internal features and the dormers on the inner roof slope could only be appreciated from within the building, this does not diminish the contribution they make to the intrinsic interest of the building. The form of the dormers and the internal finishes were traditional, historic and appropriate to the age and style of the building and the bare brickwork and blockwork that at present remains appears out of place and unfinished. I consider that it would be detrimental to the architectural character of the building to grant a listed building consent that allowed them to remain in this state.
19. The cumulative harm that the unauthorised works have caused to the architectural and historic interest may not amount to the substantial harm that the National Planning Policy Framework (the Framework) notes, in paragraph 132, should normally result in refusal of listed building consent. However, paragraph 134 requires any identified harm to be weighed against the public benefits before consent can be granted. The desirability of preserving the building or any features of special architectural or historic interest is required to be given special regard and therefore considerable importance and weight by section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (LBCA).
20. The appellant has put forward no public benefits that have arisen from the unauthorised works to set against the harm identified above in the balancing exercise and I therefore conclude that there is no justification for the harmful alterations that have been carried out. Listed building consent for them is consequently refused and the appeal on ground (e) fails.

Ground (h)

21. The appellant has not indicated how long he considers would be a reasonable period for compliance with the requirements of the listed building enforcement notice. The notice allows six months and this does not seem to me to be an unreasonable length of time to carry out the works required. Compliance with the notice would not require completion of the whole project, only those items specified. It is also the case that the Council has powers under section 38(5)(b) of the LBCA to vary the time for compliance if circumstances change, whether or not the listed building enforcement notice has come into force. The appeal on ground (h) consequently fails.

Other matters

22. The listed building enforcement notice, under requirements 3 and 4, calls for the 'Velux' rooflights to be replaced with traditional cast iron rooflights. As noted above, it is not clear whether such rooflights were removed in order to install the new versions. If there were no previous rooflights, it would be excessive to call for something other than the reinstatement of the roof to its previous state. I will amend the notice accordingly to reflect this.
23. Requirement 7 calls for the colour of the reinstated matchboarding to be agreed with the local planning authority. The wording of a listed building enforcement notice must tell the recipient precisely what is needed to comply with the requirements and cannot call for further approval from the local planning authority. I will therefore correct the notice to require the colour to match that of the boarding that has been taken out.

24. The Council has made clear that it considers the installation of traditional rooflights on the north and south roof slopes of the extensions would be acceptable but if the appellant wants to vary any of the above amended requirements to do so, he would need to apply for listed building consent to do so.

Conclusions

25. For the reasons given above I conclude that the appeal should fail.

Katie Peerless

Inspector

Annex A

The alleged breach of listed building control:

- i. The removal of two dormer windows to the main rear roof slope and installation of two Velux roof lights in these locations.
- ii. The removal of three dormer windows to the west facing inner valley roof slope and installation of three Velux roof lights in these locations.
- iii. The installation of three Velux roof lights to the south facing roof slope of the single storey rear extension (former stable block).
- iv. The installation of three Velux roof lights to the north facing roof slope of the single storey rear extension (former stable block).
- v. The removal of the timber and glass porch to the steps on the rear (west facing) elevation.
- v. The removal of the plaster finish to the internal faces of the basement walls.
- vii. The removal of the internal finishes to all walls of the former stable block and installation of brick pillars and concrete blocks to the internal faces of these walls.

Annex B

1. Remove the two unauthorised Velux roof lights to the main rear roof slope and reinstate dormer windows to match the size, proportions and design of the previously existing dormer windows and with natural grey slate covering to the pitched roofs with lead rolls to the ridge and hips and lead covering to the cheeks. The windows must be painted softwood side-hung casements of equal width, with two horizontal glazing bars to each casement. All joinery must be painted white. See attached photographs 1a, 1b and 1c showing, respectively, the unauthorised roof lights, remains of the previously existing dormers and interior view of one of the Velux roof lights.
2. Remove the three Velux roof lights to the west facing inner valley roof slope and reinstate the dormer windows to match the size, proportions and design of the previously existing dormer windows. The southern-most window must be two painted softwood horizontally sliding sashes of equal width, with each sash divided into six panes of glass by slim glazing bars. The cheeks must be fixed glazing in softwood framing and divided vertically by one glazing bar and horizontally by two glazing bars in a pattern to match the proportions of the sliding sashes. The roof must be flat and finished in lead. The other two windows must be painted softwood side-hung casements of equal width, with two horizontal glazing bars to each casement. They must have natural grey slate covering to the pitched roofs with lead rolls to the ridge and hips and lead covering to the cheeks. All joinery must be painted white. See photograph 2a showing one of the two pre existing windows to the north and 2b showing the pre existing window to the southern end.
3. Remove the three Velux roof lights to the south facing roof slope of the single storey rear extension (former stable block) and replace within the existing opening with traditional cast roof lights, with slim steel or cast iron frames, which lie flush with the roof covering. Each roof light to have genuine glazing bars placed vertically and centrally within the glazing. The roof lights to be top hinged and colour coated black. See photograph 3 showing the position of the unauthorised roof lights.

4. Remove the three Velux roof lights to the north facing roof slope of the single storey rear extension (former stable block). The central opening must be infilled and the roof reinstated externally in natural grey slate to match the existing roof covering. The two outer openings must be replaced with traditional cast roof lights, with slim steel or cast iron frames, which lie flush with the roof covering. Each roof light to have genuine glazing bars placed vertically and centrally within the glazing. The roof lights must be top hinged and colour coated black. See photograph 4 showing the unauthorised roof lights.

5. Reinststate the timber and glass porch to the steps on the rear (west facing) elevation to match the previously existing porch. The sides of the porch must be constructed of vertical softwood matchboarding ledged and braced on the internal faces. The gable end must be in horizontal softwood matchboarding. The windows must be horizontal sliding sashes (three to each side) with each sash divided into six panes. All joinery must be painted white. The roof must be covered in natural grey slate. The gutters and downpipes must be in cast iron and painted black. See photograph 5a showing the previously existing porch and photograph 5b following removal of this porch.

6. Reinststate the plaster finish to the internal faces of the basement walls where this has been removed using a lime plaster and providing a smooth finish.

7. Reinststate the softwood matchboarding from floor to eaves level on the internal faces of all walls of the former stable block at the rear of the ground floor, where the internal finishes have been removed or the walls rebuilt. The matchboarding must be painted in a colour to be agreed in writing by the Local Planning Authority. See photographs 7a, 7b, 7c and 7d showing the removal of the internal finish and unauthorised brick pillars and concrete blocks to the internal faces of the walls.



Appeal Decision

Site visit made on 26 May 2015

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2015

Appeal Ref: APP/Q1445/A/14/2229022
15 Bernard Road, Brighton BN2 3ER

- 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 Paul Griffin against the decision of Brighton & Hove City Council.
 - The application Ref BH2013/04307, dated 18 December 2013, was refused by notice dated 18 June 2014.
 - The development proposed is change of use to HMO.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue in this case is the effect of the proposed development on the character of the surrounding community, with particular reference to the need to ensure a mixed and balanced community, and local amenity.

Site and surroundings

3. The appeal property is a terraced house in a residential street where there are a mixture of single family dwellings and houses in multiple occupation (HMOs), many of which are rented out to students. The house at present contains 4 bedrooms for rent to individual occupants, who share a sitting room, kitchen, bathroom and another, separate WC.
4. There is a small garden to the rear from which a sizeable storage area, sited under the rear ground floor room and suitable for bicycles, can be accessed. There is unregulated on-street car parking outside the property. The house has been registered as an HMO with the Council and has been granted the appropriate licence.

Reasons

5. The Brighton and Hove Local Plan 2005 (LP) contains policies HO14 which notes that such accommodation is needed but must be to an acceptable standard and QD27 which seeks to protect the amenities of nearby occupants where a change of use is proposed. The LP is now out of date and is in the process of being replaced by the Brighton City Plan which has been the subject of public examination and is now awaiting the Inspector's Report.

6. This emerging Plan contains policy CP21, which relates to student accommodation and, in part B (ii), notes that applications for a change of use of a single dwelling to an HMO will not be permitted where more than 10% of dwellings within a 50m radius of the application site are already in such a use. This is to ensure that a suitable range of housing types remain available and to maintain mixed and balanced communities.
7. This part of the policy has not been subject to any objections and is in conformity with the aim of delivering a mix of housing types to suit local demand, as explained in paragraph 50 of the National Planning Policy Framework. Other modifications to the City Plan have taken place since the appeal decisions quoted by both the parties in support of their cases were issued and it is now closer to adoption than it was at those times. The examining Inspector has been in consultation with the Council about the various potential modifications to the emerging Plan, but policy CP21 was not included in these discussions. I therefore consider that the policy should be afforded significant weight when reaching my decision.
8. The Council has adopted a direction under Article 4 of the Town and Country Planning Act 1990 (as amended) which requires a change between Class C3 (use as a dwellinghouse) and Class C4 (use as a dwellinghouse by not more than 6 residents as a HMO) to be authorised by a grant of planning permission.
9. The conversion of the appeal property from a family house to a 'small' HMO would, in this particular case, have no perceptible impact on the appearance of the area and, because it is for 4 only people, it is unlikely to result in a level of occupation that would prove disturbing to other residents. However, it is also the case that a grant of planning permission for the proposed 'small' HMO could lead to the use of the property by more than the 4 residents currently proposed, as it would authorise the building to be used for up to 6 individuals, which could prove disturbing for nearby occupiers. Consequently, although there appear to have been no particular problems arising from the use by 4 people, this could change in the future and the Council would have no control over the higher occupancy level.
10. I am also concerned that to allow the conversion would undermine the Council's objective of maintaining a balanced supply of family dwellings and accommodation for rent to individuals. The emerging Local Plan takes account of the most up-to-date information on housing need, including that for the student population of the City. The relatively recently¹ adopted Article 4 Direction confirms that it has been considered necessary to retain planning controls over the loss of family housing to HMO uses. Although the appellant states that there is a shortage of affordable accommodation for individuals who cannot afford to rent a whole house, the above facts seem to me to indicate that this is not necessarily the case.
11. The Council have carried out an assessment of the number of HMO uses in the 50m radius of the appeal site as referred to in policy CP21 and, from the plan submitted by the Council this shows that the numbers considerably exceed the 10% limit set by policy CP21, being over 19%. Although this is a relatively broad brush approach, the percentage figure has nevertheless been set taking the most recent information on housing need into account.

¹ April 2013

12. I therefore conclude that the use as an HMO would undermine the aims and objectives of policy CP21 and have a cumulative effect, further increasing the existing imbalance in the mix of available housing types.
13. I note that the Council intend to keep the 10% limit under review and it may be that the situation on housing need will change in the future. However, at present, the proposal does not accord with the most recent emerging policy and I consider that this material consideration indicates that planning permission should not be granted for the proposal. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Katie Peerless

Inspector



Appeal Decisions

Site visit made on 26 May 2015

by Katie Peerless Dip Arch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 June 2015

2 Appeals at 17 Bernard Road, Brighton BN2 3ER

Appeal A: APP/Q1445/C/14/2225896

Appeal B: APP/Q1445/C/14/2225897

- The appeals are 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 Mr D Rayward (Appeal A) and Mrs S Rayward (Appeal B) against an enforcement notice issued by Brighton & Hove City Council.
 - The Council's reference is 2013/0590.
 - The notice was issued on 11 August 2014.
 - The breach of planning control as alleged in the notice is a change of use of the property from a dwellinghouse (C3) to use as a house in multiple occupation (HMO) (*sui generis*) providing 7 bedrooms for unrelated individuals, who share basic amenities including a kitchen, living space and a bathroom.
 - The requirements of the notice are cease the use of the property as a house in multiple occupation (HMO) (*sui generis*).
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (g) of the Town and Country Planning Act 1990 as amended.
-

Decisions

1. The appeals are dismissed.

Main Issues

2. I consider that the main issues in this case are:
 - (i) on ground (c), whether the change of use is material, such that planning permission is required to authorise it and
 - (ii) on ground (a), effect of the development on the character of the surrounding community and local amenity.

Site and surroundings

3. The appeal property is a terraced house in a residential street where there are a mixture of single family dwellings and houses in multiple occupation (HMOs), many of which are rented out to students. The house at present contains 7 bedrooms for rent to individual occupants, who share a kitchen/living area, 2 shower rooms and another separate WC.
4. There is a small garden to the rear from which a sizeable utility room/storage area, sited under the rear ground floor room and suitable for bicycles, can be accessed. There is unregulated on-street car parking outside the property. The house has been registered as an HMO with the Council and has been granted the appropriate licence.

Planning policy

5. The Brighton and Hove Local Plan 2005 (LP) contains policies HO14 which notes that such accommodation is needed but must be to an acceptable standard and policy QD27 which seeks to protect the amenities of nearby occupants where a change of use is proposed. The LP is now out of date and is in the process of being replaced by the Brighton City Plan which has been the subject of public examination and is now awaiting the Inspector's Report.
6. This emerging Plan contains policy CP21 which relates to student accommodation and, in part B (ii), notes that applications for a change of use of a single dwelling to an HMO will not be permitted where more than 10% of dwellings within a 50m radius of the application site are already in such a use. This is to ensure that a suitable range of housing types remain available and to maintain mixed and balanced communities.

Reasons

Ground (c)

7. The appellants claim that that planning permission is not required for the proposal to use the house as a *sui generis* 'large' HMO (that is one for more than 6 residents) because the change of use is not 'material' in planning terms.
8. The conversion of the appeal property from a family house to a large HMO would, in this particular case, have no perceptible impact on the appearance of the area. However, the change of use has already been noticed by nearby residents who have complained about noise levels from the property, which have been the result of the type and intensity of the use. Despite the appellants stating that there have been no objections to the proposal, I have received 4 detailed complaints about the impacts of the current levels and type of occupation, in addition to the concerns raised by the Council. The appellants suggest that any noise and disturbance reported does not go beyond that reasonably expected from a Class 3 dwelling.
9. However, all the main living rooms have been converted into bedrooms, the attic has been converted to 2 additional bedrooms and a typical Class 3 family dwellinghouse is not occupied by 7 unrelated adults of similar ages. Such a group, who in this case would normally be students, are likely to have different lifestyles from working families with young children and the way they use the building is already having an impact on the amenity of their neighbours. There have been reports of a greater level of night time comings and goings, in noisier and larger groups, than would generally be the case in a residential street and these have provided disturbing to other residents.
10. I conclude that there has been a material change of use through the conversion to a *sui generis* HMO and planning permission for this change is required. The appeals on ground (c) therefore fail.

Ground (a)

11. The relevant part of policy CP21 has not been subject to any objections and is in conformity with the aim of delivering a mix of housing types to suit local demand, as explained in paragraph 50 of the National Planning Policy Framework. Other modifications to the City Plan have taken place since the appeal decisions quoted by both the parties in support of their cases were issued and it is now closer to adoption than it was at those times.

12. The examining Inspector has been in consultation with the Council about the various potential modifications to the emerging Plan, but policy CP21 was not included in these discussions. I therefore consider that the policy should be afforded significant weight when reaching my decision.
13. The Council has adopted a direction under Article 4 of the Town and Country Planning Act 1990 (as amended) which requires a change between Class C3 (use as a dwellinghouse) and Class C4 (use as a dwellinghouse by not more than 6 residents as a HMO) to be authorised by a grant of planning permission. Although this is not directly relevant to this case, which concerns development in a different use class, the relatively recent¹ adoption of the Direction confirms that it has been considered necessary to retain planning controls over the loss of family housing to HMO uses.
14. The Council have carried out an assessment of the number of HMO uses in the 50m vicinity of the appeal site and it seems that the numbers considerably exceed the 10% limit set by policy CP21, being over 18%. The appellants complain that it is not clear how the Council has calculated the relevant number of properties in HMO use. However, the method for doing this is set out in the supporting text to policy CP21, at paragraph 4.217. Although this is a relatively broad brush approach, the percentage figure has nevertheless been set taking the most recent information on housing need into account.
15. I am concerned that to allow the conversion would undermine the Council's objective of maintaining a balanced supply of family dwellings and accommodation for rent to individuals. The emerging Local Plan takes account of the most up-to-date information on housing need, including that for the student population of the City. The use as an HMO would not only conflict with the aims and objectives of policy CP21 but would also have a cumulative effect, further increasing the existing imbalance in the mix of available housing types.
16. I also consider that because the development is having a detrimental impact on the living conditions of neighbouring occupants, as explained above, this conflicts with the aims of adopted policy QD27 and the 4th bullet point of paragraph 17 of the National Planning Policy Framework.
17. It is also the case that the amenity space for the occupants of the property within the house is very limited. Although it may be acceptable for the issue of an HMO licence, it nevertheless means that the bedrooms are more likely to be used by the occupants for living space as well as for sleeping. As some of these rooms are adjacent to the bedrooms of the adjoining properties, this more intensive use could also result in increased disturbance for the adjacent occupiers in the terrace. For all these reasons I conclude that the appeals on ground (a) should not succeed.

Ground (g)

18. The appellants consider that the compliance period of 6 months is not long enough as the house is let on an assured shorthold tenancy that ends in June 2015. Due to the length of the appeal process, this date has now been reached and it would be a reasonable assumption that the property has not been re-let past this date, given the uncertainty about the legality of the current use. I therefore consider that 6 months is a reasonable period to comply with the enforcement notice and the appeals on ground (g) fail.

¹ April 2013

Conclusions

19. For the reasons given above I conclude that the appeals should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Katie Peerless

Inspector



Appeal Decision

Site visit made on 5 May 2015

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 June 2015

Appeal Ref: APP/Q1445/W/15/3004999

Just Organics, 4 Coombe Terrace, Brighton BN2 4AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Choudhury against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03671, dated 31 October 2014, was refused by notice dated 21 January 2015.
 - The development proposed is installation of new shop front to provide separate access to first floor flat.
-

Decision

1. I allow the appeal and grant planning permission for installation of new shop front to provide separate access to first floor flat at Just Organics, 4 Coombe Terrace, Brighton BN2 4AD in accordance with the terms of the application, Ref BH2014/03671, dated 31 October 2014 and the plans submitted with it, namely PL001/rev1 and PL002/Rev1.

Reasons

2. The application is retrospective as the replacement shop front is in place, but the appellant has provided a photograph of the previous shop front, by which to judge the effect of the change. The main issue is the effect of the development on the character and appearance of Coombe Terrace and the surrounding area.
3. The shop, with its reduced floor area and reduced window display, appears still capable of viable use and the separate entrance to the flat above is an enhancement to the living conditions of the occupier and brings about an improvement in security for the shop business and the fire safety of the building. The appellant refers to the shop being within a 'local parade' as defined in the Local Plan, which states that it is important to keep A1 uses viable in such locations.
4. Policy QD10 requires new shopfronts to respect the style, proportions, detailing, colour and materials of the parent building, and surrounding Shopfronts/buildings; not interrupt architectural details; be part of a design strategy and allow access for everyone. Special requirements are stated for conservation areas and listed buildings but this proposal concerns neither. Supplementary Planning Document 02 '*Shop Front Design*' says that there are usually sound reasons why a shop front may be proposed for replacement, with examples given which are clearly not exhaustive, and in those cases the

principle of replacement will normally be accepted. In this case there is sufficient reason as set out above for the principle of replacement to be acceptable. Nevertheless, the document continues with guidance on design and at page 4 includes a shop front with a separate access to residential space above, albeit with a wider overall frontage than is available at number 4. Paragraph 56 of the National Planning Policy Framework makes clear the importance of good design.

5. The terrace in which the shop front sits is very varied, and it is possible to identify various phases, with a limited number of unaltered twin sash window ground floors, with others having altered openings and replacement windows, yet others with Shopfronts installed, again very varied themselves, and another variation which give the impression of once being shops and now having reverted to residential. In all this it is the rhythm of the upper floor shallow bays, windows and gable roof forms that give the terrace an attractive unifying appearance. That unifying feature is clearly seen from either end of the terrace and within, and also from the open car parking of the retail park on the far side of the main road. Whilst not a heritage asset, the significance of the building and its contribution to the character and appearance of the area resides in the upper floor, with only the limited examples of the original ground floor windows or openings remaining.
6. The shop front now installed does have 2 doors and being narrow, does have only a limited shop window between as a result. However, within the considerable variety of shop-fronts, or other ground floor arrangements, in the vicinity and particularly in the three neighbouring properties to the north and a significant number to the south, the arrangement at number 4 does not appear jarring or out of place and does not erode the pleasing uniformity and architectural details of the first floor and roofs. The proportions that result from obtaining the functional benefits of the separate flat access are not common in the long terrace, but do not represent poor design and do not cause visual harm in this location. The replacement shop front accords with the aims of Local Plan Policy QD10 and guidance SPD02, as well as the requirements of the Framework in that respect. In providing for the continuing use of both the shop and the residential premises separately, in this highly accessible location, the development is sustainable and the use of resources in replacing a shop front is justified.
7. The Council rightly state that generally no conditions are needed for this retrospective work, but do say that the one listing the drawings should be attached. In fact this is not needed as that comes from the provisions for greater flexibility in planning permissions and concerns only unimplemented permissions, to allow minor amendments prior to implementation. A retrospective permission does not accord with that requirement. However, the drawing numbers are listed in the permission itself for the avoidance of doubt. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR



Appeal Decision

Site visit made on 15 April 2015

by G J Rollings BA(Hons) MA(UD) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 June 2015

Appeal Ref: APP/Q1445/W/14/3001069

Flat 6, 35 Preston Park Avenue, Brighton, BN1 6HG

- 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 Philip Warford against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/02254, dated 8 July 2014, was refused by notice dated 10 November 2014.
 - The development proposed is a change of use from residential to business office.
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Decision

1. The appeal is allowed and planning permission is granted for a temporary period for a change of use from residential to business office at Flat 6, 35 Preston Park Avenue, Brighton, BN1 6HG in accordance with the terms of the application, Ref BH2014/02254, dated 8 July 2014, subject to the following conditions:
 - 1) The use hereby permitted shall be for a limited period, being the period of three years from the date of this decision.
 - 2) At the end of three years, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plan: 00.100.

Procedural Matters

2. The appeal property is unlisted but is within the Preston Park Conservation Area. There is no dispute between the parties that the proposed physical works to the property, which would be minor in nature, would not have an adverse effect on the character or appearance of the Conservation Area. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the character and appearance of the designated area and I shall make no further reference to this matter.
3. I have used the address of the appeal site provided on the Council's decision notice and the appeal form, as the address given on the application form does not include the flat number.

Main Issue

4. The main issue is the effect of the proposed change of use on the supply of housing within the city.

Reasons

5. The appeal property is a detached building accommodating several flats. The proposal concerns the change of use of flat 6, which is a one-bedroom residential flat on the second floor of the building. The Council's adopted Local Plan (2005) Policy HO8 resists the loss of residential accommodation. The proposal is not within the scope of any of the policy's exception criteria, and I therefore consider that a change of use would not be in accordance Local Plan.
6. The Council's evidence suggests that there is significant housing demand within the area. The loss of a one bedroom flat would result in a small but material amount of harm with regard to the availability of housing in the city. Given the nature of the proposed office use, there would be limited potential for additional harm, such as additional traffic or parking generated from visitors to the property. I noted that there was no on-site staff parking available and that surrounding street parking was controlled.
7. I have considered the appellant's evidence on the charitable nature of the proposed enterprise, which is described as a small legal practice working with local charities and specialising in the protection of vulnerable people, especially those with learning disabilities. The flat is owned by the proprietor of the enterprise and as such, the enterprise would not need to pay rental costs. All of the charitable work is undertaken by the firm on a pro-bono basis, and as such, the availability of rent-free space would enable the firm to continue and expand the pro-bono work. It is evident that work carried out by the proposed enterprise would provide a significant benefit to the local community, and as such, I have given this significant weight in my considerations.
8. I acknowledge the proximity of the property to the city centre and the likely availability of other, vacant office space which would be suitable for an enterprise of this nature. However, finding alternative free or low cost premises could take some time. The availability of the flat as rent-free premises is in this case linked with the nature of the enterprise and provides an opportunity for a higher level of assistance to the community than were it to occupy alternative premises.
9. I have weighed the benefits of the enterprise against the harm that would result from the loss of the residential unit. Although the proposal would provide benefits for the community, some harm would result from the loss of the residential unit. Given the charitable work carried out by the enterprise and the other considerations as set out above, in this case the totality of the benefits results in exceptional circumstances. Because of the enterprise's exceptional nature, and the highly specific and targeted nature of the work that is carried out by the enterprise, I do not consider that allowing this appeal would result in a precedent for further changes of use of existing residential properties.
10. Given the effect on local housing provision, I do not consider that a permanent permission could be justified, as this could lead to the indefinite loss of housing for which there is also a strong local need. However in this case, given the

exceptional circumstances, I have considered whether a temporary permission period would be an appropriate method of balancing the harm and the benefits. The main parties were consulted on whether a temporary change of use would be appropriate. I have taken into account the Council's comments that a five-year temporary use would be a considerable period of time, and that this would detrimentally affect the future likelihood of reversion to a residential use. I therefore consider, also taking into account the Planning Practice Guidance's (PPG) advice on the appropriateness of further temporary approvals¹, that a shorter period would be appropriate. A period of three years would provide a sufficient window for the growth of the business, but provide reasonable certainty that the premises would revert to a residential use at the end of this period. Taking into account all of these factors, I consider in this instance that the benefits of the temporary change of use would demonstrably outweigh the harm

11. I have given consideration to the comments provided by the Preston and Patcham Society but do not consider that these would alter the overall balance of benefits against harm. I therefore conclude that although the proposed change of use would have a harmful effect of the supply of housing within the city, that this harm would be temporary, and that the benefits would outweigh the harm.

Conclusion and Conditions

12. For the reasons given above, and having regard to all other matters, I conclude that the appeal should be allowed.
13. I have considered the list of conditions provided by the Council against the tests as set out within the Framework, and the PPG. The first two conditions are required to ensure that there is no detrimental impact on the city's housing provision beyond the approved period. Condition 3 is necessary to ensure that the development is built in accordance with the approved plans, and in the interests of proper planning. Given the limited nature of the internal works proposed on the approved plan, I do not consider a condition requiring the restoration of the internal area of the flat to its residential state to be necessary.

G J Rollings

INSPECTOR

¹ PPG Reference ID: 21a-014-20140306.



Appeal Decision

Site visit made on 20 April 2015

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th June 2015

Appeal Ref: APP/Q1445/W/15/3005929
65 Dyke Road Avenue, Hove BN3 6DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Joseph Prince against Brighton & Hove City Council.
 - The application Ref. BH2014/03787 is dated 11 November 2014.
 - The development proposed is extension and refurbishment of the existing dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice was dated 9 March 2015. However, on 2 March 2015 the appellant submitted an appeal on the grounds that the Council had failed to determine the application within the required period. I have therefore considered the appeal on this basis, noting the Officers' report and the decision notice as being the Council's view had it retained the power to determine the application.
3. The description of development set out above is taken from the application form. The appeal form and the Council's notice describe the proposal as *'remodelling of existing house incorporating front and rear extensions and rear terrace at ground and first floor level. Replacement of existing roof with extension to create second floor level. Erection of new perimeter wall and front boundary wall rendered with timber panels'*. In my view this describes the work shown on the submitted drawings more fully and I have determined the appeal accordingly.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area, and the effect on the living conditions of the adjoining occupiers in terms of privacy.

Reasons

Character and Appearance

5. The appeal property is a detached house, built around the late 1950s, situated on the south-western side of Dyke Road Avenue. It has an integral garage, a

- hipped roof with a front gable feature and a cat-slide roof on the north-western elevation facing no.67. There is a single storey, flat-roofed addition at the rear with a false-pitched element to the side, and a raised terrace along the full width of the house. The main elevations are brick with rendering to the front gable and the rear ground floor and the roof is tiled. To the front there is a low brick wall topped with railings and hedging between tall piers between 2 sets of high wrought iron gates with a similar height brick wall to either side. The land slopes gently from front to rear so that the house sits slightly below road level and the rear terrace is raised above the garden.
6. No.67 to the north-west is a detached house and no.63 to the south east is a care home which has undergone considerable extension at the rear with single and 2-storey flat-roofed additions.
 7. It is proposed to remodel and extend the appeal dwelling. At ground and first floor level the main additions would be at the rear. There would be a single story extension to the ground floor incorporating a family/dining area, living room and pool. At first floor level there would be bedroom extensions and a terrace which is shown on the floor plan, but not the elevations, as being surrounded with a privacy screen (though the plans also suggest a screen in front of the balcony doors). At second floor level the roof would be replaced with a flat roofed master bedroom suite. At the front there would be a small single storey extension to enlarge the garage area to provide an internal utility/boot room. The ground floor would be faced in stone and the upper floors would be a mix of render and timber cladding. A 2.4m high rendered wall with timber panels would be provided along the side and rear boundary, and the front boundary wall would also be rendered with timber infill panels.
 8. The surrounding area is predominantly residential with substantial, detached houses set back from the road on generous plots. Dyke Road Avenue is a wide road. The houses vary considerably in age and design with no cohesive character. One of the main defining characteristics of the area is that the houses are substantial 2 or 2½ storey dwellings with pitched or hipped roofs. The roof form emphasises the gaps between the properties, provides visual separation and adds to the spaciousness of the area. The main materials are brick, or brick and render, with tiled roofs. Some houses have half timbered features or tile hanging.
 9. Objectors have referred to the fact that the remodelled dwelling would bear no relation to the existing house or others in the area. Nevertheless, the Officers' report notes that the setting of the appeal property is not so sensitive that a modern design, if well conceived and executed, would necessarily be detrimental to the prevailing character and appearance of the area. I have no reason to disagree. This is not a conservation area and there is sufficient space and variety in the street scene to accommodate a contemporary design.
 10. The proposed design would be contemporary in style, with staged flat-roofed elements to all the elevations, and it would be a modern, more sustainable building than the current house. The overall height would be about 850mm higher than the existing building. Despite the objections of neighbours, with the variations in building height along the road I do not consider that this would be particularly discernable or unacceptable.
 11. However, while the enlarged house would sit on a similar footprint as the existing dwelling at the front and sides, it would be higher on the side

elevations (2-storey rather than single storey) and would not have a roof which would slope away from the boundary on each side. Rather, there would be an imposing, flat-roofed 2-storey wall. This would reduce the characteristic gap between the dwellings, particularly to no.67 where both the appeal and neighbouring dwellings sit relatively close to the boundary, as seen on drawing no.010. There would be an awkward relationship between the 2 dwellings at this point and, in the context of the dwellings in Dyke Road Avenue, the appeal property would appear cramped on the plot. I realise there are a few instances in the area where the gaps have been closed down, but to my mind this underlines the harm to the character of the area and the street scene.

12. In addition, the pallet of materials proposed would not reflect that of the surrounding area. There is white render to parts of many of the houses, and half timbering to the houses and wooden fencing on the boundaries are quite prevalent. Nonetheless, grey stone is not typical of the area where the main material is brick. The rendered boundary walls with timber panelling, particularly on the front elevation, while complementing the clean lines of the remodelled building itself, would be very stark and would contrast unfavourably with the more mellow brick and/or timber front boundaries, generally softened by vegetation, found at most properties in the vicinity. I appreciate that further along Dyke Road Avenue there are one or two rendered front walls but, it seems to me, they serve to emphasise the unsympathetic nature of such boundary treatment.
13. The National Planning Policy Framework advises that local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. Even so, the Framework states that it is proper to seek to promote or reinforce local distinctiveness.
14. Thus, while there is no objection in principle to contemporary design, as set out above, I find that there are elements of the proposal which would not reflect and respond to some of the distinctive attributes of the area to the detriment of its character and appearance. As such, I conclude that the scheme would not accord with saved policies QD1 and QD2 of the Brighton and Hove Local Plan 2005 which, among other things, require all new development to make a positive contribution to the visual quality of the environment and be designed to emphasise and enhance the positive qualities of the local neighbourhood.

Living Conditions

15. The Council's second reason for refusal relates to the effect on no.63 in terms of loss of privacy. In the proposed scheme there would be a terrace at ground floor level in front of the swimming pool extension, and another at first floor level, both close to the boundary with no.63. There appears to be only one habitable room window in the flank of no.63, and this is set back from the boundary and towards the front of the property. It would not be materially affected by the proposed development where there would be no windows in the first floor flank elevation on this side of the house.
16. To the rear, there is already a raised terrace at the appeal site close to this boundary, albeit set further back than the proposed terrace would be. The care home has large single and 2-storey rear extensions which screen the view into the rear garden from the upper floor windows at the appeal site. A privacy

screen to the first floor terrace could be required, by condition, if permission were granted, and the proposed extensions themselves would further foreshorten the view from the second floor master suite. I therefore do not consider that there would be an unacceptable loss of privacy to occupiers of the care home at no.63.

17. The neighbours at no.67 and 1 Dyke Close have also raised concerns about loss of privacy.
18. There is an existing first floor balcony close to the boundary with no.67. I do not consider that the oblique views which would be obtained from the first floor bedroom windows in the proposed scheme would result in a significantly greater degree of overlooking. In built-up areas such as this, a certain level of intervisibility between properties is commonplace.
19. The nearest window in the second floor extension would be to an en-suite bathroom and it could be required that this is glazed with obscured glass. The main master bedroom windows would be offset from the boundary by over 10m and the views down into the garden of no.67 would be partially obscured by the flat roofs of the proposed ground and first floor extensions. I am also mindful of the fact that it is likely that dormer windows could be inserted in the existing roof without the need for planning permission.
20. With regard to 1 Dyke Close, the objector states that most of the boundary trees have been removed and so there would be further loss of privacy to the house and garden. The proposed extension would be visible from no.1, but that house is offset from the appeal site with the garden of no.67 running along much of its north-eastern boundary. Views from the proposed second floor extension towards the house at no.1 and the more private area of garden would be at some distance, at an oblique angle and partially obscured by vegetation in the garden of no.67. I therefore do not consider that there would be a substantial loss of privacy for the occupiers.
21. I conclude that there would not be a harmful effect on the living conditions of the neighbouring occupiers in terms of loss of privacy and that the proposal would accord with Local Plan policies QD14b and QD27 which seek to protect the privacy and amenity of adjacent residents. However, this does not outweigh my conclusion on the first issue with regard to the effect on the character and appearance of the area.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

Isobel McCretton

INSPECTOR



Appeal Decision

Site visit made on 5 May 2015

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 June 2015

Appeal Ref: APP/Q1445/W/15/3004909

46 St Andrews Road, Portslade, Brighton BN41 1DE

- 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 Park Avenue Estates Ltd against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03908, dated 20 November 2014, was refused by notice dated 15 January 2015.
 - The development proposed is removal of existing extensions and creation of lightwell and raised patio to ground floor flat. Demolition of existing garage and erection of single storey dwelling.
-

Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposed development on the character and appearance of the St Andrews Road and Norway Street area of Portslade.
 - The effect of the development on the living conditions of neighbouring residential occupiers.

Reasons

Generally

3. The site is within the built-up area, close to shops, transport and other services and the proposed development would make more efficient use of land. The principle of new housing in this location is accepted, subject to the effects, as was the case for a previous appeal in 2007. In addition the Council is unable to demonstrate a five year supply of identified and available housing land, as set out in the committee report.
4. Paragraphs 49 and 14 of the National Planning Policy Framework set out the presumption in favour of sustainable development; permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework as a whole. The Development Plan contains Policies QD1, QD2 and QD3 on design, and Policies QD14 and QD27 on both design and the effect on neighbours, all matters that are contained within the aims of paragraph 56 of

the Framework which states that the Government attaches great importance to the design of the built environment; good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These Local Plan policies should not therefore be considered out-of date by reason of the housing supply situation.

Character and Appearance

5. The general arrangement of development along St Andrews Road is of regular terraces or pairs of two-storey houses with similar roof heights and distinctive gable features facing the road. Number 46 has a significant length of frontage onto Norway Street and the terrace further north along that road is lower and has a plainer roof arrangement. There are however some unattractive aspects of this return frontage, including a garage and lean-to additions that would be replaced by the proposed development.
6. The 2007 appeal Inspector found a proposal for a two story detached dwelling on the site of the garage to have an unsatisfactory relationship with nearby buildings through its lack of alignment of roof levels, and the reduction in openness. In view of the presence of the garage this latter point is taken to result from the two-storey height with pitched roof arrangement then proposed. The proposal now is for a single storey dwelling, of no greater height than the present garage, and occupying the plan form of the garage plus a similar area nearer the rear of number 46. The removal of the lean-to would however reinstate a similar length of open frontage.
7. The effect is to place the open space nearer number 46 and to introduce a wider building close to 79 Norway Street, which would appear poorly related to that terrace, whilst being visually divorced from number 46, an impression that would be accentuated by the separate curtilage for the new dwelling. The new low, blocky building would appear out of place and disruptive to the regular lines of the terrace on Norway Street, failing to mediate successfully between the design and massing of the two existing adjacent buildings, harming appreciation of both buildings and the wider streetscene.
8. The proposed development, taking account of the removals and improvements, would fail to accord with the aims of Policies QD1 and QD2 on the scale and height of development, and QD14 on siting relative to the existing building and surrounding development. The overall layout and design does not reach the standard sought in paragraph 56 of the Framework.

Living Conditions

9. Due to this being a corner plot, the dwellings that may be affected by the development are number 79 Norway Street, 48 St Andrews Road and the ground floor flat of number 46. The first already has the garage adjacent to it and itself has a blank wall alongside the alleyway that lies between. The part of the proposed dwelling nearest to this property would be little different in its effect and would accord with the aims of Policy QD27 on residential amenity.
10. The neighbouring dwelling on St Andrews Road, number 48, presently has the rear wall of the garage on its mutual boundary together with the wall of one of the lean-to additions that is to be removed, and a boundary wall of varied height. It appears that a previous scheme placed the higher rear wall of part of the new dwelling on the boundary also, resulting in a raising of the height of

part of the present boundary treatment. The proposal now is that this part would be placed nearer Norway Street leaving a 1m gap between it and the existing boundary wall. Drawing TA810/12c shows the reduction in the height of this boundary wall where the lean-to is removed and cross-section TA810/14c shows the effect of the forward placement. It is concluded that the effect of redevelopment would be broadly neutral in terms of daylight and sunlight, and would not appear more obtrusive than at present. The requirements of Policy QD27 would be met.

11. The occupiers of number 48 are of the view that the development would invade their privacy but the new dwelling would have no windows overlooking the garden of number 48. They also mention the presence of the party wall, a matter that would need to be considered under The Party Wall Act. Their reference to property rights could be considered to engage the European Convention on Human Rights, but in this case, having mind to the conclusions in this Decision, there is no need to consider this further now. There is no official backing for their concern over parking.
12. Turning to consider the ground floor flat at number 46, this would benefit from improvements in internal layout and the replacement of the poor quality lean-to parts and no windows would be placed in the new north facing wall other than to a bathroom. On balance, the benefits are such that no harm would be caused to the living conditions of the occupiers.

Planning Balance and Conclusions

13. The proposal would not cause harm to the living conditions of neighbouring residential occupiers and would make better use of land in an accessible and sustainable location. The provision of a new dwelling in an area where there is a shortfall of housing provision and where the Council cannot show a five year supply of housing land carries significant weight. There is also benefit in the removal of the dilapidated garage and unattractive additions to the rear of the main building, and the accommodation in the main building would be improved.
14. However, to be balanced against these benefits is the substantial visual harm that the low, flat roofed building would cause, failing to respond appropriately to the context of the site and surrounding buildings and introducing new shortcomings in the presentation of the site in this highly visible corner location. Whilst the principle of additional accommodation on the overall site is accepted, the method now proposed would cause substantial visual harm in public views so that the adverse effects would significantly and demonstrably outweigh the benefits. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR

