





**Brighton & Hove  
City Council**

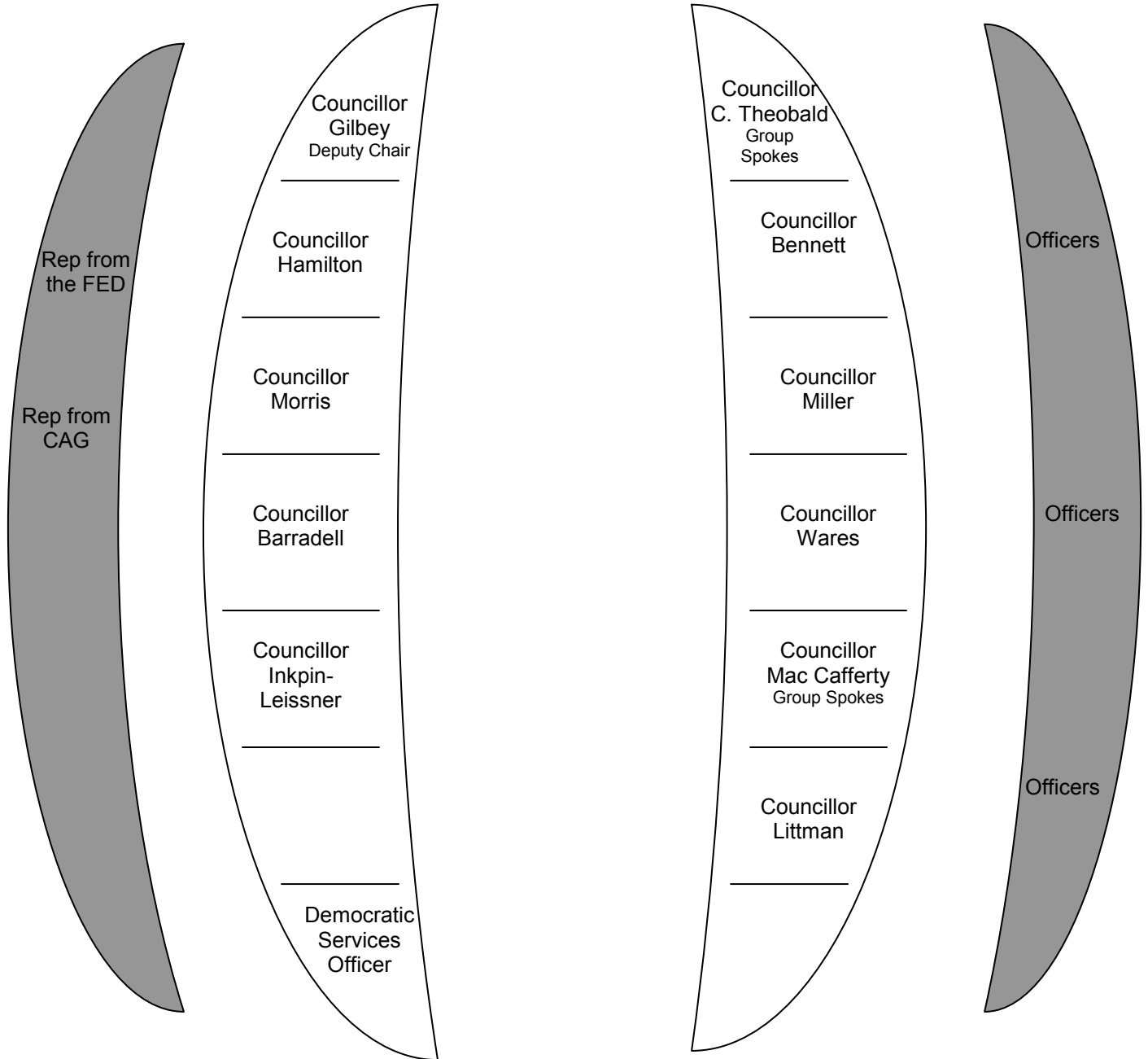
# Planning Committee

Title:	<b>Planning Committee</b>
Date:	<b>26 August 2015</b>
Time:	<b>2.00pm</b>
Venue	<b>The Ronuk Room, Portslade Town Hall</b>
Members:	<p><b>Councillors:</b> Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares</p> <p><b>Co-opted Members:</b> Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p><b>Ross Keatley</b> Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

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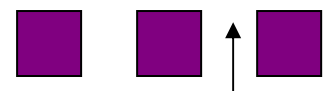
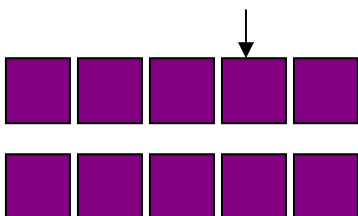
# Democratic Services: Planning Committee

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



Press

## AGENDA

### 52 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

### 53 MINUTES OF THE PREVIOUS MEETING 1 - 28

Minutes of the meeting held on 5 August 2015 (copy attached).

### 54 CHAIR'S COMMUNICATIONS

### 55 PUBLIC QUESTIONS

**Written Questions:** to receive any questions submitted by the due date of 19 August 2015.

### 56 PLANNING INSPECTION AND ENFORCEMENT TEAM YEARLY REPORT: APRIL 2014- MARCH 2015 29 - 54

Report of Executive Director of Environment, Development and Housing (copy attached)  
*Ward Affected: All Wards*

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

### 58 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 BH2015/01121,119 Lewes Road, Brighton - Full Planning 55 - 86**

Demolition of existing buildings and erection of a part 3/part 4 storey building (plus basement) comprising 51 self-contained studio flats for student occupation, plant room, communal areas, cycle parking, recycling/refuse facilities and associated works.

**RECOMMENDATION – MINDED TO GRANT**

*Ward Affected: Hanover and Elm Grove*

#### MINOR APPLICATIONS

#### **B BH2015/01562,70 Barnett Road, Brighton-Full Planning 87 - 94**

Change of use from four bedroom single dwelling (C3) into five bedroom small house in multiple occupation (C4).

**RECOMMENDATION – GRANT**

*Ward Affected :Hollindean and Stanmer*

#### **C BH2015/01974,Hanover Mews, Brighton -Full Planning 95 - 104**

Installation of automatic gates across vehicular entrance into

## PLANNING COMMITTEE

Hanover Mews and adjoining pedestrian gate across existing path.

### **RECOMMENDATION – GRANT**

*Ward Affected: Hanover and Elm Grove*

**D BH2015/01548, Glebe Villas Playing Field, Chelston Avenue, Hove - Removal or variation of condition 105 - 118**

Application for variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to change the hours of usage to 08.00 to 21:00 Monday to Friday and 10:00 to 19:00 on Saturdays for a maximum of 10 days throughout the year.

### **RECOMMENDATION – GRANT**

*Ward Affected: Wish*

**E BH2015/01475, Spa Court, Kings Esplanade, Hove- Full Planning 119 - 126**

Installation of 2no gas risers to front and rear elevations.

### **RECOMMENDATION – GRANT**

*Ward Affected: Central Hove*

**59 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**

**60 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 127 - 128**

(copy attached).

**61 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 129 - 180**

(copy attached)

**62 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 181 - 184**

(copy attached).

**63 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 185 - 186**

(copy attached).

(copy attached).

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

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

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

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

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Therefore by entering the meeting room and using the seats around the meeting tables you are deemed to be consenting to being filmed and to the possible use of those images and sound recordings for the purpose of web casting and/or Member training. If members of the public do not wish to have their image captured they should sit in the public gallery area.

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

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

Date of Publication - Tuesday, 18 August 2015

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 5 AUGUST 2015**

**THE RONUK HALL, PORTSLADE TOWN HALL**

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), Mac Cafferty (Group Spokesperson), Barradell, Hamilton, Inkpin-Leissner, Janio, Littman, Miller, Morris, A Norman and K Norman

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

**Officers in attendance:** Paul Vidler, Planning Manager (Major Applications); Nicola Hurley, Planning Manager (Applications); Adrian Smith, Principal Planning Officer (Applications); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

**PART ONE**

**40 PROCEDURAL BUSINESS**

**40a Declarations of substitutes**

40.1 Councillor Janio declared that he was in attendance in substitution for Councillor Bennett. Councillor A Norman declared that she was present in substitution for Councillor C Theobald. Councillor JK Norman stated that he was in attendance in substitution for Councillor Wares.

**40b Declarations of interests**

40.2 Councillor Cattell, the Chair, declared a direct personal interest in application BH2015/00445, Diplock's Yard by virtue of the fact that the architect for the scheme was known to her and she had worked as a planning agent on this site in the recent past. The Chair explained that she would vacate the Chair which would be taken by the

Deputy Chair, Councillor Gilbey, would leave the meeting during consideration of this application and would take no part in the discussion or voting thereon. Councillor Cattell also declared an interest in application BH2015/01138, East House, 7 and West House 8 Pavilion Mews & 17 Jubilee Street, Brighton; Application BH2014/03546, the Compound, Northease Close, Hove and application BH2015/01278, Warehouse, 1A Marmion Road, Hove by virtue of the fact that she had professional knowledge of the architects or those representing the applicants; however, she had not worked with any of them in relation to the submitted schemes. Councillor Cattell confirmed that she remained of a neutral mind and would remain present during consideration of these applications and would take part in the discussion and voting thereon.

- 40.3 Councillor Morris referred to application BH2015/00445, Diplock's Yard, 73 North Road, Brighton stating that he lived in the area and the application site was therefore known to him. He confirmed that he remained of a neutral mind and would remain in the meeting during discussion and voting thereon.
- 40.4 When application BH2015/01677, 23 Ditchling Crescent was due to be considered Councillor Inkpin-Leissner confirmed that the objector Mr Lawden was known to him, they were employed by the same company, but he had not realised this until Mr Lawden had stepped up to speak He confirmed that he remained of a neutral mind and intended to remain at the meeting during discussion and determination of the application.
- 40.5 When application BH2015/01677, 23 Ditchling Crescent was due to be considered Councillor Barradell stated that she was a Member of the city's Adoption Panel, but confirmed that she remained of a neutral mind and intended to remain at the meeting during discussion and determination of the application.
- 40.6 Councillor Littman stated that he knew the Vicar of St Luke's, application BH2014/03428, St Luke's Church, 64 Old Shoreham Road, Brighton, this did not impact on his consideration of the application, he remained of a neutral mind and intended to remain at the meeting during discussion and determination of the application.

#### **40c Exclusion of the press and public**

- 40.7 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.
- 40.8 **RESOLVED** - That the public be not excluded during consideration of any item of business on the agenda.

#### **40d Use of mobile phones and tablets**



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

**41 MINUTES OF THE PREVIOUS MEETING**

41.1 The Chair stated that in common with other Members of the Committee she had received e mails from the two speakers who had spoken in objection to Application BH2015/01472, Clarendon House, Conway Court, Ellen House, Livingstone & Goldstone House, Clarendon Road & Garages 1-48 Ellen Street, Hove, querying the accuracy of the minutes in that they did not mirror transcripts they had provided. The Chair stated that the minutes were intended to crystallise points made and were not verbatim (that representing the difference between the webcast and the minutes). It was important that Members were happy that the minutes reflected their debate and the means by which the Committee had reached their decisions. In her view the speakers had not been disadvantaged in any way. They had spoken in support of the officer recommendation that the application be refused. The Committee had considered the officer report, submissions made by all parties and all germane planning issues and the application had been refused.

41.2 The Chair noted a matter of factual accuracy raised by one of the speakers and was happy to agree the following amendment to the minutes. Members were invited to suggest amendments if they had any but they had none.

Amendment to paragraph 5 (fourth line):

“There was a long payback period, over 70 years and it was disappointing that following the earlier refusal a very similar scheme had been resubmitted.”

41.3 **RESOLVED** – That subject to the amendment set out above the Chair be authorised to sign the minutes of the meeting held on 15 July 2015 as a correct record.

**42 CHAIR'S COMMUNICATIONS**

42.1 There were none.

**43 PUBLIC QUESTIONS**

43.1 There were none.

**44 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

44.1 There were none.

**45 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**MINOR APPLICATIONS**

**A BH2015/00195, 132 Longhill Road, Brighton - Full Planning -**

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.

- (1) It was noted that this 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. It was explained the application site comprised a vacant plot of land located on the south side of Wanderdown Road, which had formerly comprised a bungalow and garage however both buildings had now been demolished. The site immediately to the rear at 128 Longhill Road had recently been redeveloped with four houses (no.128, 128a, 130 & 130a) set in two rows of two. Further back land developments at 118a, 122 & 136 Longhill Road sat adjacent to the north and south of the site. Access to the site was via a driveway from Longhill Road that ran alongside 134 Longhill Road and also served the four new dwellings at 128 Longhill Road.
- (3) It was reiterated that the recent refusal which had been dismissed at appeal was relevant; plans, and elevational drawings highlighting the differences between the refused scheme and the current application were displayed. It was noted that a further representation received in relation to access arrangements onto the site had been set out in the "Additional Representations List" as had the officer response to them. Further clarification of this matter had been possible during the course of the site visit the previous afternoon. A response had been received from the East Sussex Fire and Rescue Service confirming that they had no objections subject to the installation of sprinkler systems.
- (4) The main considerations in determining the application related to the design and appearance of the proposed development and its impact on the street scene, impact on the amenities of adjacent occupiers, the standard of accommodation to be provided and sustainability and transport issues. It was considered that the proposed development was 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. Approval was therefore recommended.

### **Questions for Officers**

- (5) Councillor Miller referred to the turning circle available enquiring whether it would be sufficient to accommodate delivery vehicles. The Principal Transport Officer, Steven Shaw responded that this would be sufficient for use by a standard size car using forward gear and that this was considered adequate in that location.

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

- (6) As there were no further questions or matters of debate a vote was taken and of the 11 Members present when the vote was taken planning permission was granted on a vote of 7 to 4.

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

**Note:** Councillor Gilbey was not present when the above application was considered and voted on.

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

- (1) It was noted that this 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, including one showing the front of the building and its relationship with the neighbouring properties and the rear elevation, and plans and elevational drawings including views taken from the rear looking towards the application site. Comparative plans were shown indicating the scheme as proposed and including the scheme in respect of 24 Carden Avenue (for which there was an extant permission) if built. It was confirmed that that the applicants and the Council's Estates Team had clarified that the western site boundary did not encroach onto Council land.
- (3) It was explained that the application site comprised a detached chalet style bungalow which had last been used as a day care centre for up to 12 persons with learning disabilities. The property had a large rear garden which sloped upwards steeply towards the rear of the site with some terraced level areas. The main considerations in determining the application related to the principle of the loss of the day care centre and erection of a care home, the design of the proposal and its impact on the character of the area, transport impacts as well as landscape and sustainability considerations.
- (4) It was considered that the proposed development would provide residential care accommodation for up to 16 persons with learning disabilities within a suitably scaled, positioned and designed building that would not harm the appearance of the site or wider street scene. Further the building, as revised, would not substantially harm the amenities of adjacent occupiers and would suitably mitigate its impact on the safe operation of the public highway, in accordance with development plan policies. Minded to grant approval was therefore recommended.

**Public Speakers and Questions**

- (5) Mrs Young spoke on behalf of neighbouring residents setting out their objections to the application. She stated that if built the proposed development would dwarf their own property and would be completely unneighbourly as it would severely compromise their amenity and would have a detrimental impact on them and on the other properties immediately nearby. The outside space to be provided would be inadequate and could result in up to 35-38 individuals using space in close proximity to their home. It could

also have implications in terms of increased traffic flow and generate additional waste which could give rise to unacceptable odour and/or attract rodents.

- (6) Councillor Wares spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme and those of his fellow ward councillors. He concurred with all that had been said by the objector and considered that the proposal represented a clear overdevelopment of the site. The scheme sought to shoehorn a much larger building than the existing onto a site which was far too small for the level of development proposed and which would dwarf the neighbouring properties. Councillor Wares and his ward colleagues considered that given the level of care facilities in the area that this should be retained as a dwelling house. It would generate far higher levels of traffic and would also create on street parking problems. Insufficient parking space would be provided on site for the 19 staff to be employed or for visitors and the level of on-street parking available was already used fully.
- (7) Mr Sayer spoke on behalf of the applicant in support of their application. He explained that 16 staff would be employed on a shift basis (i.e., all 16 would not be present at any one time). The applicants had an established record for effective delivery of care, at over 100 homes catering to those with a variety of special needs. This scheme would bring together two smaller care homes which would be closing. Existing experienced staff, the majority of whom would not travel to work by car, would be transferring there. The facility was intended to equip those living there to live independently, residents had very few visitors and therefore additional traffic/parking requirements would be minimal.
- (8) In answer to questions by Councillor K Norman Mr Sayer explained that the 16 staff employed worked across 3 shifts 7 nights per week. Consistent levels of staffing would be provided at all times.
- (9) Mr Sayer explained in answer to questions by Councillor Janio that this facility would replace two smaller care homes currently located in Vallance Gardens and Walsingham Road, Hove respectively. Only two staff drove to work and it was not anticipated that would change as other members of staff arrived each day mainly by public transport with some walking to work.

#### **Questions for Officers**

- (10) Councillors Barradell and Miller requested further sight of the plans delineating the differences between this scheme and that previously approved and both with and without the approved scheme at no 24.
- (11) Councillor Barradell and Miller also enquired regarding the colour of the brick and render finishes proposed and whether conditions could be added to ensure that this scheme if approved and that for no 24 would be of matching/complementary materials. It was explained that conditions could not be added to the previously granted permission for no 24, however, the condition requiring approval of materials had yet to be discharged. Materials in respect of both applications would need to be approved prior to commencement of any works.

- (12) Councillor Gilbey enquired whether the proposed scheme would be situated closer to neighbouring bedrooms than the existing building and also regarding the distances between the rear elevations and those of the neighbouring properties. This was shown including the level of set back of the upper floors by reference to the relevant site plans and elevational drawings. Councillor Gilbey also sought clarification in respect of the proposed traffic management measures. The Principal Transport Officer, Steven Shaw, stated that subject to an appropriate contribution to fund the cost of providing double yellow lines outside and opposite the site to enable safer access/egress arrangements the proposals were considered to be acceptable.
- (13) Councillor Miller sought clarification of the distance between the development and the lounge windows of the neighbouring property. These distances were given and it was explained that windows to the side elevation would be located adjacent to secondary windows of that property at their closest point.
- (14) Councillor Mac Cafferty sought confirmation that guidance in relation to potential loss of light and other thresholds in relation to the neighbouring property had been respected and also the BREAM level required to be met. It was confirmed that all necessary requirements had been met and that a “very good” would need to be achieved.

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

- (15) Councillor Barradell stated that whilst she was not particularly enamoured of the design she considered that her hands were somewhat tied in view of the previous decisions taken regarding use of the site. Councillor Miller stated that whilst he understood that any application needed to be considered on its individual merits it was also the case that the outcome of previous applications in relation to the site were relevant planning considerations.
- (16) Councillor Morris considered that it appeared that the Committees’ decision making powers were fettered as a result of previous decisions taken. The Legal Adviser to the Committee, Hilary Woodward explained that this was not the case, however, notwithstanding that Members should consider each application with a neutral mind, past history including decisions of a Planning Inspector were germane material planning considerations.
- (17) Councillor Littman stated it was a matter of balance and the role of the Committee was to make a balanced assessment on planning grounds.
- (18) Councillor K Norman noted all that had been said but stated that in his view the application represented an overdevelopment of the site which he felt unable to support. Councillors A Norman and Janio concurred in that view.
- (19) A vote was taken and on a vote of 7 to 5 minded to grant planning permission was granted.
- 45.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and

guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

**C BH2015/01677, 23 Ditchling Crescent, Brighton - Full Planning -**  
Change of use from dwelling house (C3) to residential children's home (C2).

- (1) The Principal Planning Officer (Applications), Adrian Smith , gave a presentation by reference to photographs, plans and elevational drawings. The application site comprised a semi-detached bungalow located on the west side of Ditchling Crescent. The area was characterised by similar bungalows set on land that fell sharply to the rear. A grassed embankment sat opposite with Ditchling Road beyond. This application was a re-submission of the previous application refused on 11 May 2015.
- (2) The main considerations in determining the application related to the principle of change of use, including the loss of housing, the impact of the proposal on amenities of adjacent occupiers, and transport. It was noted that no external alterations were proposed to the building. The previous application for this use had been refused on the grounds that no information had been provided with the submission to identify the nature of the use, how it would operate on a day-to-day basis, or how it would be likely to impact on the amenities of adjacent occupiers. This information had been provided subsequently and it was now considered that the earlier grounds for refusal had been overcome. Matters raised in relation to covenants on the land were not a material planning consideration and although a resident had identified a badger sett nearby, as no external construction works were proposed there was no evidence that this would be disturbed. It was noted that a letter had been received from one of the Ward Councillors, Councillor G Theobald setting out his objections to this proposal and indicating that he had received many representations from local residents objecting to this proposal, this had been appended to the "Additional Representations List". A separate petition signed by local residents who objected to the scheme had also been received and had been circulated to Members. These matters had been addressed in the report and there was no evidence that the children residing at the home would require specialist amenities above and beyond those suitable for a family. Photographs had been submitted by the objector showing damage to the wall which divided the application site from his property, but it was confirmed that this was a separate issue and was not a relevant planning consideration in determining this application.
- (3) It was considered that the change of use of the site would be acceptable and that subject to the proposed conditions would not significantly harm the amenities of neighbouring occupiers or impact on highway safety, in accordance with development plan policies. Approval was therefore recommended.

**Public Speaker(s) and Questions**

- (4) Mr Lawden spoke on behalf of neighbouring objectors setting out their objections to the proposed scheme. He referred to the petition which set out the concerns of all neighbouring residents. He explained that the applicant had disposed of a property which was not fit for the purpose proposed. The property which formed part of a pair of semi-detached dwellings represented an unneighbourly development which would seriously impact on his amenity and cause significant harm and disturbance to himself

and his neighbours due to noise and anti-social behaviour emanating due to a residential home being placed in such close proximity. Further disturbance would result from use of the steep shared driveway. Mr Lawden worked as a pilot often having to sleep during the day and was concerned that he would be unable to do so due to noise disturbance.

- (5) Mr Hall spoke on behalf of the applicant in support of their application and was accompanied by Ms Gibson who was available to answer questions on behalf of the provider. Mr Hall explained that measures had been undertaken to overcome the previous reasons for refusal. Ms Gibson pointed out that although perhaps not planning considerations, it should be noted that Compass who would be providing care at the home were recognised by Children's Services as providers with a good reputation for quality care, meeting rigorous Ofsted requirements, being inspected twice annually. All facilities ran by Compass, had been rated good or excellent, they wished to work in partnership with their neighbours. The children would be local placements and the intention was to mirror a safe caring home environment.
- (6) In answer to questions by Councillor A Norman it was explained that the house would be fully staffed 24 hours, there would also be a manager in residence.
- (7) In answer to further questions by Councillor Gilbey it was explained that it was anticipated that the children would attend local mainstream schools and that when at home they would be engaged in various organised activities and that use of the garden would be regulated.

#### **Questions for Officers**

- (8) Councillor Inkpin-Leissner referred to comments purportedly made by the applicant in relation to potential noise nuisance and enquired regarding the level of soundproofing to be installed. It was explained that proposed Conditions 4 and 5 identified the level of soundproofing to be undertaken. Officers would need to be satisfied that this would be sufficient.
- (9) Councillor Cattell, the Chair, enquired whether it would be possible to require a higher level of soundproofing than that required by Building Control regulations. It was noted that Environmental Health had raised no objections provided that details of the soundproofing to be provided between the party walls were received and were deemed to be sufficient.
- (10) Councillor Miller enquired whether account had been taken of the need for one of the occupiers of the neighbouring dwelling to sleep during the day, the speaker had indicated that noise nuisance could result in significant harm for him. It was explained that many individuals in the city worked shift patterns which required that they sleep during the day. It was not considered that noise generated would be different from that generated by a family home, those living there would be at school/college during the day.
- (11) Councillor Janio enquired regarding measures that could be put into place to ensure that there would not be an intensification of use of the site in future. It was explained

that the floor plans showed three bedrooms for the children who would be living there, one for each of them.

- (12) Councillor Morris enquired regarding the level of information provided detailing how the home would be run on a day to day basis and regarding measures to be put into place to ensure its effective management. He also requested sight of a photograph indicating the location of the shared driveway between the application site and the neighbouring dwelling.

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

- (13) Councillor A Norman whilst recognising the need to provide a family home for these children considered that use of the shared driveway and the potential requirement for on-street parking was contentious. The fact that a semi-detached rather than detached property was to be used could be problematic, notwithstanding that soundproofing measures would be undertaken, she was aware of instances in her own ward where the level of soundproofing installed had been inadequate and had resulted in noise nuisance. She queried whether in the light of these issues and the level of local objections this was the best location to provide a home environment for vulnerable children.
- (14) Councillor Miller had similar concerns, whilst acceptable in planning terms he considered that use of a detached property would have been preferable.
- (15) Councillor Janio stated that he did not consider that the application site was suitable for use as a children's home. The driveway would be heavily used, more so than if it was a family dwelling and this would give rise to nuisance and loss of amenity.
- (16) Councillor Barradell considered that the proposed use would provide a family environment. Provided sound proofing works were carried out to an appropriate standard she considered that it was acceptable and supported the officer recommendation. Councillor Gilbey concurred.
- (17) Councillor Littman supported the application, he did not consider that the proposed use would, subject to proper soundproofing generate any greater noise levels than if it was in use as a traditional family dwelling.
- (18) A vote was taken and on a vote of 10 to 2 planning permission was granted.

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

### **D BH2015/00445, Diplocks Yard, 73 North Road, Brighton - Full Planning** Erection of part single, part two storey building to provide 8no office units (B1) with side entrance door removed.

- (1) The Chair, Councillor Cattell vacated the Chair during consideration of this application and Councillor Gilbey, the Deputy Chair, took the Chair.



- (2) It was noted that this application had been the subject of a site visit prior to the meeting.
- (3) The Principal Planning Officer (Applications), Adrian Smith introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was noted that the application site comprised a rectangular parcel of land to the rear of buildings on Queen's Gardens and Upper Gardener Street, Brighton. The site was accessed from an undercroft beneath 73 North Road and sat within the North Laine Conservation Area. The site was currently in use as a flea market with fruit, vegetable and bric-a-brac stalls and included a number of timber and steel structures. Both the structures and the use of the site did not have the benefit of planning permission. As originally submitted the second floor elements would have been held within a mansard roof, however subsequent amendments had been received which would change the mansard to a pitched roof with a central ridge.
- (4) The main considerations in the determination of this application related to the principle of change of use, the impact of the proposed building on the appearance of the site and North Laine Conservation Area, its impacts on neighbouring amenity, and transport and sustainability impacts. Also material were the decisions of the Appeal Inspector relating to the previous schemes for B1 office use of the site, which had been dismissed, BH2008/02421 and BH2014/00603.
- (5) It was considered that the proposed development would provide modern office accommodation in a sustainable location within a building that would be of a suitable scale, form and appearance that would not harm the appearance of the site or North Laine Conservation Area, or significantly harm the amenities of adjacent occupiers, in accordance with development plan policies. Approval was therefore recommended.

#### **Public Speaker(s) and Questions**

- (6) Councillor Deane spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. Councillor Deane explained that she did not believe that the proposed roof arrangement would safeguard the impact on outlook for affected neighbouring residents nor was the scheme it in keeping with the North Laine Conservation Area in which the site lay. The site was integral to the quintessential character of the North Laine and Brighton itself in that it was quirky and unique. The proposals would destroy what had become a popular market space and the cobbled yard, which was a rarity and represented an important relic of the areas industrial heritage, would be lost.
- (7) Mr Blake and Ms Petrykow spoke on behalf of the applicants in support of their application. The proposals would provide 8 small office units which could be used as start up space and providing modern flexible accommodation.

#### **Questions for Officers**

- (8) Councillor Barradell asked to see photographs showing the adjoining building in Upper Gardner Street and enquired regarding any restrictive covenants in place to restrict the height of new buildings on the application site to no higher than single storey. The

Legal Adviser to the Committee, Hilary Woodward explained that this would constitute a private matter for agreement/enforcement between the parties involved and was not a planning consideration.

- (9) Councillor Littman referred to the grounds on which the previous application had been refused and the weighting, if any, which had been given to loss of the market space. The Legal Adviser to the Committee, Hilary Woodward stated that it was important for the Committee to be consistent in its decision making. It could expose the planning authority if the Committee sought to refuse permission for structure similar to one which had previously been considered acceptable.
- (10) Councillor Janio asked whether the site had been in use as a market at the time of the previous refusal. The market use appeared to have revived the site and he asked what weight could be given to this. It was explained that no planning permission was in place for use as a market, the site sat outside the regional shopping area and there was alternative retail provision nearby.
- (11) Councillor Mac Cafferty referred to the North Laine Conservation Area Statement. No reference had been made to this site and he queried the reasons for that. The Planning Inspector had considered the proposals acceptable in general terms as a backland development. It could however be argued, in his view that the proposed changes including the roof slope were at variance with the character of the area. It could also be argued that the roof line as now proposed would be more dominant.
- (12) Councillor Barradell referred to the planning history of the site stating that a number of councillors now sitting on the Committee had not been party to those earlier decisions, as some elements had been dealt with by officers under their delegated powers she queried whether it would be appropriate for Members to revisit this application in the light of current circumstances. The Legal Adviser to the Committee re-iterated that whilst the Committee could consider all germane planning issues past decisions including those of the Planning Inspectorate were relevant, the Committee needed to be consistent in its decision making.
- (13) Councillor Miller sought clarification regarding the weight which should be attached to previous planning decisions in respect of the site.

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

- (14) Councillor Morris stated that he was familiar with the location of the site, considering that the proposals would dwarf the neighbouring properties and were at variance with the prevailing character of the North Laine. He considered that this had been apparent when Members had visited the site the previous day. The proposed development would not preserve the character and appearance of the site or the surrounding area and he could not support this application.
- (15) Councillor Gilbey was in agreement also considering that the arguments put forward relating to creation of employment were fatuous in that employment opportunities had been created by the existing thriving market.

- (16) Councillor Miller noted all that had been said but considered that small start-up offices of the type proposed were also needed in the city centre. He considered that the proposed scheme was acceptable.
- (17) Councillor Janio stated that previous decisions had not taken account of the thriving market that was now in situ. The proposed office development was not appropriate for this site and should be refused.
- (18) Councillor Barradell stated that she considered that the proposed scheme would destroy the character of the area, she also had concerns in respect of the height of the proposed development; in her view it would be too high.
- (19) Councillor Mac Cafferty stated that this application needed to be considered in the context of the history of both its locality and the wider North Laine and the rationale for its adoption as a Conservation Area. Very careful thought needed to be exercised in seeking to ensure developments here were in keeping with the prevailing character of the area. The urban grain needed to be protected and preserved. An urban development of the type proposed did not enhance that by virtue of its scale, bulk or appearance he could not therefore support this application.
- (20) Councillor Littman concurred with all that had been said by Councillors Morris and Mac Cafferty, the proposed scheme would have a detrimental and negative impact in the immediate vicinity and on the North Laine area and he could not support it.
- (21) A vote was taken and the 11 Members present when the vote was taken voted that planning permission be refused on a vote of 10 to 1.
- (22) Councillor Littman proposed that the application be refused on the grounds set out below, this was seconded by Councillor Morris.
- (23) A recorded vote was taken and Councillors Gilbey (in the Chair), Barradell, Hamilton, Inkipin-Leissner, Janio, Littman, Mac Cafferty, Morris, A Norman and K Norman voted that the application be refused. Councillor Miller voted that the planning permission be granted.

45.4 **RESOLVED** - That the Committee resolves to **REFUSE** planning permission on the grounds that: The proposed development by reason of its height, scale, bulk and design does not enhance the positive qualities of the local neighbourhood and thereby fails to preserve the character and appearance of the conservation area. The proposed development is therefore contrary to Policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan 2005.

**Note:** Having declared an interest in this application the Chair, Councillor Cattell vacated the Chair and left the meeting during consideration of the above application, taking no part in the discussion or voting thereon. Councillor Gilbey, the Deputy Chair took the Chair.

**E BH2014/03428, St Lukes Church, 64 Old Shoreham Road, Brighton - Full Planning**

Demolition of existing side extension and erection of part one part two storey side extension incorporating a glazed pitched roof, alterations to windows and doors, installation of new ramped access, alterations to boundary walls and associated works.

- (1) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site was a red brick building located on the corner of the Old Shoreham Road and Stanford Road. Since the application was submitted the church had been included on the list of Local Heritage Assets and was described as a relatively modest but well-executed example of a late 19th Century church. To the north of the site was Stanford Road which was characterised by three storey Victorian terraced housing and Lancaster Road, characterised by semi-detached and terraced housing. To the south of the site on the opposite side of the road were purpose built blocks of flats. To the west of the site were detached and semi-detached houses in Old Shoreham Road. The main considerations in determining the application related to the impact of the proposed extension on the existing building and the wider street scene and the impact on existing residential amenity.
- (2) It was considered that the extension was well designed, sited and detailed in relation to the existing locally listed building on the site and would not cause detriment to the character of the surrounding area. The development would not have a significant impact on amenity for occupiers of adjoining properties or create significant travel demand and approval was therefore recommended.

#### **Questions for Officers**

- (3) Councillor Barradell sought clarification of the distance between the existing building and the neighbouring building, the location of the toilets and measures which would be put into place to seek to ensure that no noise nuisance occurred, making reference to noise complaints which had been received in the past. It was explained that these had been addressed and that the new building which would have to meet higher building control regulations would be far less likely to give rise to noise break-out problems.
- (4) In answer to questions by Councillor Hamilton regarding the location of halls 1 and 2 it was explained that hall 1 was the existing hall located within the church building itself and that it did not form part of this application.

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

- (5) Councillors Barradell and Inkpin-Leissner considered that it would be appropriate for a condition to be added to any permission granted to ensure that adequate sound proofing measures were undertaken and the Committee were in agreement that this would be appropriate.
- (6) A vote was taken and Members voted and the 11 Members present when the vote was taken voted unanimously that planning permission be granted subject to inclusion of the additional condition (6) set out below:

45.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and

guidance in section 7 and resolves to **GRANT** planning permission, subject to the Conditions and Informatives set out in section 11 and to the additional condition set out below:

**Additional Condition 6:**

No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the sound insulation of Hall 2 shown on drawing no.PL-108 rev.P6, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

**Note:** Councillor Gilbey was not present the above application was considered and voted on.

- F BH2015/01138, East House 7 and West House 8 Pavilion Mews & 17 Jubilee Street, Brighton -Full Planning** - Application for variation of conditions 8, 9, 13, 14, 15, 16, 17, 21 and 22 of application BH2013/01034 (extensions and alterations to building including 14no new hotel guest suites, enlargement of the two ground commercial floor units, refurbishment of basement car park into multi-purpose music venue, the formation of a 3no bedroom penthouse flat, installation of canopy over main entrance, associated landscaping and alterations) to enable a phased implementation of the approved development.
- (1) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings.
  - (2) It was explained that planning permission had been approved under application BH2013/01034 for extensions and alterations to the building including 14 new hotel guest suites, enlargement of the two ground commercial floor units, refurbishment of basement car park into multi-purpose music venue, the formation of a 3 bedroom penthouse flat, installation of canopy over main entrance, associated landscaping and alterations. This application sought to vary a number of conditions imposed on this consent. The National Planning Practice Guidance (NPPG) which accompanied the NPPF stated that conditions could enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
  - (3) Whilst it was considered acceptable to vary conditions 13, 14, 15, 16, 17, 21 and 22, conditions 8 and 9 were considered to be enhancements to the existing building and necessary to the visual amenities of the area. It was therefore recommended the request to vary Condition 8 and Condition 9 was refused and these conditions are re-imposed on any subsequent consent. The remaining conditions could be phased to allow the outstanding details to be submitted prior to development commencing on the corresponding parts of the works. It was therefore recommended conditions 13, 14, 15, 16, 17, 21 and 22 were amended accordingly. All the remaining conditions imposed on

BH2013/01034, and not subsection to the request for a variation must be re-imposed and it was therefore recommended that variation of conditions 8 and 9 be refused.

### **Public Speaker(s) and Questions**

- (4) Mr Nicholson spoke on behalf of the applicants in support for their request that conditions 8 and 9 of the extant planning permission be varied. He explained that all of the variations sought were being requested in conjunction with the proposed phasing of the scheme including those in conjunction with conditions 8 and 9.

### **Questions for Officers**

- (5) Councillor Littman sought further confirmation as to the rationale for the applicants seeking to vary conditions 8 and 9 which related to landscaping and “greening” of the buildings rather than the phased building works.
- (6) Councillor Barradell referred to the level of objections received in relation to conditions 15 and 16 asking why these had not been revisited. It was explained that these issues had been addressed as part of the overall scheme when permission had been granted.
- (7) Councillors Janio and K Norman enquired regarding where parking would be displaced to as a result of the scheme. It was explained that whilst this information could be provided as it had formed part of the considerations when the earlier application had been approved it was not relevant in relation to the requested variations.
- (8) Councillor Hamilton sought clarification regarding the detailed plans which had been submitted and approved and Councillor Mac Cafferty stated that it was his recollection that permission had been granted by the Committee contrary to the original officer recommendation.
- (9) Councillor Gilbey enquired regarding the proposed variations relating to the siting of plant and machinery and general landscaping conditions. It was confirmed that when those elements came forward they would be required to take account of the extant permission.

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

- (10) Councillor Littman stated that he fully supported the officer recommendations including the recommendation conditions 8 and 9 be retained in their current form and that the request they be varied be refused.
- (11) Councillor Mac Cafferty supporting the proposed variations was in agreement that variation of conditions 8 and 9 be refused. He stated that when the green roof and green walling had been approved under application BH2013/01034, the Committee had been clear that it was essential for details of this element to be submitted prior to the commencement of any remodelling of the building as these elements were not associated with the residential extension to the building but formed part of the treatment of the building as a whole. Nothing had changed and he considered that it would not therefore be appropriate for those conditions to be varied.

(12) A vote was taken and on a vote of 11 to 1 it was agreed to vary the conditions set out in below (1). A further vote was taken and Members voted unanimously that the request to vary conditions 8 and 9 as set out in (2) below be refused.

45.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 of the report and resolves to make a **SPLIT DECISION** to:

(1) **GRANT** a variation to conditions **13, 14, 15, 16, 17, 21, and 22**; and

(2) **REFUSE** a variation to conditions **8 and 9** subject to the Conditions and Informatives set out in section 11 of the report.

**G BH2014/03283, 54 Woodland Drive, Hove - Full Planning** - Change of use from residential dwelling (C3) to day nursery (D1) including alterations to fenestration and construction of gable ends and two rear dormers to allow accommodation in the roof space.

(1) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained that the application site related to a detached two-storey dwelling house located on the west side of Woodland Drive. The house was of traditional design with a cat slide roof to the front elevation. The house included a hardstanding area to the front for car parking. The site sloped up to the rear and the rear garden was split into different levels to reflect the topography of the site. The dwelling included a conservatory to the rear. Woodland Drive also sloped up from south to north. To the rear of the garden was a woodland area known as the Three Cornered Copse. This was a Site of Nature Conservation Importance. The dwelling was adjacent to a pathway to the north which led to the copse and was also opposite the junction with Shirley Drive which contained a parade of shops. The remainder of the surrounding area was predominately comprised of detached dwelling houses set in substantial grounds. The site was adjacent to the Woodland Drive Conservation Area to the north and west of the site.

(2) The main issues to be considered in determination of the application were the acceptability of the proposed nursery in this location having regard to the existing use as a dwelling, the impact on neighbouring amenity, impact of the design on the host property and surrounding area (including the setting of the adjacent Conservation Area), impact on trees and traffic issues.

(3) It was considered that the development would provide a day nursery capable of meeting the Council's standards and would also retain a residential unit of an acceptable standard of accommodation within the premises. Subject to compliance with the suggested conditions, the day nursery use would not cause undue noise or disturbance for occupiers of adjoining properties. Likewise the proposed parking and access arrangements would not create a highway safety hazard. The proposal was also appropriate in respect of its design and would preserve the appearance of the host building and surrounding area. The scheme would not detrimentally affect the setting of the adjoining Woodland Drive Conservation Area, approval was therefore recommended.

**Public Speakers and Questions**

- (4) Mr Beardmore spoke on behalf of neighbouring residents setting out their objections to the proposed scheme. He stated that it would create a high level of noise nuisance, disturbance and disruption and represented an unneighbourly form of development. Parents dropping off and picking up their children at certain times of the day were likely to exceed the on-street parking available and could lead vehicles being parked on grass verges. A toddler swimming group previously located nearby had resulted in similar problems. Given the close proximity to the elevated section of the T junction nearby this would impede visibility and give rise to serious road safety issues.
- (5) Councillor Bennett spoke in her capacity as a Local Ward Councillor setting out her objections and those of her ward colleague, Councillor Brown. She stated that they did not believe that the application site situated as it was in a quiet residential street was a suitable location. Woodland Drive was also extremely busy particularly in the mornings and evenings when children would be arriving/going home, as it was a main route into Hove. Parking was always difficult and the lay by was located on the opposite side of the road. Due to the close proximity of the T junction there was no safe crossing place. Overall it was considered that the accommodation was too small for its proposed use, that the level of outside play space was insufficient and noise nuisance would result for near neighbours.
- (6) Mr Wood was in attendance accompanied by Ms Shahi, the applicant, to speak in support of her application. Ms Shahin was present in order to answer any questions in relation to her application. Mr Wood explained that that the proposal would provide a much needed nursery facility whilst also retaining a residential unit of an acceptable standard and preserve the appearance of the existing building. It was not considered that it would give rise to parking problems or create a highway safety hazard.
- (7) In answer to questions by Councillor Miller Ms Shahin explained the ratio of staff to children required dependent on their ages. There would be between 7-10 staff on site at any time.

**Questions for Officers**

- (8) Councillor Littman asked in respect of any shortfall in provision, as in accordance with planning policy he understood that the loss of a dwelling house should be resisted unless a shortfall had been identified which made an exception to policy appropriate. It was explained that, although there was no shortfall in provision the Council's Early Years Team had indicated their support for the proposal
- (9) Councillor Barradell sought confirmation regarding of the height of the fence to the front of the property and whether it was typical of the area.
- (10) Councillor Miller asked to view plans showing the proposed and existing side elevations, noting that provision of a gable as proposed would result in a large roof in relation to that of neighbouring dwellings. He also sought clarification regarding the level of parking available on and off-street. The Principal Transport Officer, Steven



Shaw explained that it was anticipated that dropping off and picking up times were likely to be staggered, also that not all parents or staff would drive to the nursery. A bus route passed nearby and some parents and staff would arrive by public transport or on foot. A Travel Plan would be required as a condition of any permission granted.

- (11) Councillor Gilbey asked whether parking would be available on site associated with the staff flat which would be provided.

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

- (12) Councillor Miller stated that he did not consider that a compelling case had been made for loss of the existing residential dwelling. He also considered that there would be a detrimental impact on parking in the area and that this also gave rise to highway safety concerns. Also, that the roof alterations would be out of keeping with the neighbouring street scene and would have a negative impact.
- (13) Councillor Littman concurred stating that as an exception to policy had not been demonstrated, there was no significant short fall in provision, a consistent approach should be maintained and existing policies upheld. On that basis the application should be refused.
- (14) The Chair, Councillor Cattell, stated that she shared concerns expressed regarding the suitability of the site, the level of traffic that would be generated and loss of a family home.
- (15) A vote was taken and on a vote of 9 to 3 planning permission was refused.
- (16) Councillor Miller proposed that the application be refused on the grounds set out below, this was seconded by Councillor Littman.
- (17) A vote was taken and Councillors Cattell, the Chair, Gilbey, Barradell, Janio, Littman, Miller, Morris, A Norman and K Norman voted that planning permission be refused. Councillors Hamilton, Inkpin-Leissner and Mac Cafferty voted that planning permission be granted.

- 45.7 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 but resolves to **REFUSE** planning permission for the reasons set out below:

(1) The Brighton and Hove Local Plan 2005 Policy HO26 exception to Policy HO8 does not apply as it has not been demonstrated that there is a significant shortage of the provision of nursery facilities in the vicinity. The loss of housing is not therefore justified.

(2) The location of the application site by virtue of its proximity to a busy T junction, and the lack of on-site parking spaces would have a detrimental impact on road safety contrary to Policies TR1, TR7 and TR12 of the Brighton & Hove Local Plan 2005; and

(3) The roof alterations by reason of their scale and design would fail to respect the character of the property and the immediate vicinity contrary to Policy QD14 of the Brighton & Hove Local Plan 2005 and SPD 12: Design Guide for Alterations and Alterations.

**H BH2014/03546, The Compound, Northease Close, Hove-Full Planning -**  
Demolition of existing buildings and erection of 2 no four bedroom houses (C3) with detached garages, cycle parking and landscaping.

- (1) It was noted that this 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 plans, photographs and elevational drawings and aerial views of the site. It was noted that the application site related to a builders yard known as "The Compound", located off Northease Close. The site was enclosed, surrounded by residential properties and included single-storey buildings used as offices and for storage associated with the use of the site. The buildings were sited adjacent the north, south and eastern boundaries. The site also included skips for building waste and a central parking and loading area. Due to the topography of the site, the houses to the north on Gleton Avenue were at a higher ground level. The houses on Gleton Avenue were two-storey detached dwellings. The houses to the south of the site at West Way were set at a lower ground level than the application site and were also two-storey dwellings. The dwellings on Northease Close were detached bungalows in a cul-de-sac.
- (3) The main considerations in the determination of this application related to the loss of the existing use and the principle of residential use, whether the scheme was appropriate in terms of its design and appearance, its impact on the amenity of adjacent properties, highway considerations, sustainability, land contamination, standard of accommodation and impact on trees. It was considered that the development was of an appropriate height, scale, bulk and design and would fit in with the character of the area. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and was also appropriate in terms of highway safety and sustainability and approval was therefore recommended.

### **Public Speakers and Questions**

- (4) Ms Neadley spoke on behalf of objectors to the proposed scheme. She referred to visuals which she had prepared showing the application site in relation to her neighbouring property. The proposal would be overbearing and would have a detrimental impact on the availability of natural light to her property and to other neighbours. The scheme would be overbearing oppressive and would have a negative impact on amenity.
- (5) Mr Bareham spoke on behalf of the applicants in support of their application. He explained that the proposed use would result in a small reduction in traffic movements onto the site. Due to the gradient of the site whilst the properties would be visible they

would not be overbearing and would improve the appearance of the site by replacing the existing hardstanding with garden space.

### Questions for Officers

- (6) Councillor Mac Cafferty sought clarification whether due to gradients across the site the neighbouring properties were set at a higher level than the site itself and the height of the boundary fences. He also asked for clarification whether daylight studies were required in relation to smaller schemes and it was confirmed they were not. In answer to questions officers confirmed that they were unable to verify the accuracy of the visuals provided by the objector.
- (7) Councillor Barradell, requested to see section drawings of the site indicating the location of the northern most buildings on the site in order to satisfy herself regarding the potential impact of the development on sunlight to the existing properties neighbouring the site.

### Debate and Decision Making Process

- (8) The Committee then moved directly to the vote. A vote was taken and on a vote of 8 to 4 planning permission was granted.

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

### I **BH2015/01278, Warehouse 1A Marmion Road, Hove - Full Planning -**

Demolition of existing warehouse (B8) and erection of 4 no. two/three storey residential dwellings (C3) and offices (B1).

- (1) The Planning Manager (Applications), Nicola Hurley, introduced the application by reference to photographs, plans and elevational drawings. It was explained that the merits of the scheme had been substantially discussed as part of the preceding applications. The principle of demolition, the change of use, impact on the amenities of adjacent occupiers, standard of accommodation, transport and sustainability issues were found to be acceptable as part of the previous planning applications and subsequent appeal decision. The quantum, siting and scale of the development had not altered significantly and assessment of this application therefore mainly related to those aspects of the current scheme which differed from the previous application and related to the impact of the proposal on the character and appearance of the area and its relationship with "The Cottage", which adjoined the site to the north. Reference was also made to the further representations which had been received and were set out in the "Additional Representations List" accompanied by the officer response to them.
- (2) It was considered that the proposed demolition of the building and the change of use of the site were acceptable having regard to the retention of employment floor-space in the new scheme. The proposed development was considered to be of a suitable design standard that would not significantly harm the amenities of adjacent occupiers. Subject to appropriate conditions the development would meet the appropriate sustainability

standards and provide safe parking for vehicles, in accordance with development plan policies. Approval was therefore recommended.

### **Public Speakers and Questions**

- (3) Councillor Nemeth spoke in his capacity as a Local Ward Councillor setting out his reservations in respect of the scheme, whilst broadly supporting it he had some concerns specifically in relation to the relationship between the development and “The Cottage”. Whilst amendments had been made in order to address the previous reasons for refusal and decisions of the Planning Inspectorate to dismiss the previous appeals, he considered that changes made to address any potential harm to “The Cottage” were minimal, it would be completely dwarfed by this development. Late changes had been made to the colour of the render and brickwork, but had a more sympathetic scheme been devised from the outset it would have been built and occupied by now. If the Committee were minded to approve the proposed development he considered that it would be appropriate for the roof room to be removed as this would reduce the level of overlooking and would reduce the level of harm and loss of amenity to the neighbouring dwelling.
- (4) Mr Bareham spoke on behalf of the applicants in support of their application and was accompanied by Mr Turner, the architect who was available to answer any questions as appropriate. Mr Bareham stated that the applicants had sought to overcome the previous reasons for refusal and to achieve a more sympathetic form of development. There would be a gap between the development and “The Cottage” and the upper storey at that end of the development had been scaled back in order to address previous concerns. Whilst it had not been possible to address all concerns the current scheme had addressed them as far as it was possible to do so, a number of conditions were also proposed which would control the form of the development.

### **Questions for Officers**

- (5) Councillor Janio explained that he had found the references to the planning history and constituent elements of the various schemes confusing and sought further clarification of the differences between them. The Planning Manager (Applications), Nicola Hurley did this by further reference to the submitted elevational drawings and plans.
- (6) Councillor Hamilton sought clarification regarding the height of the existing warehouse building and that of the new building. He also sought clarification of the rationale for the “redundancy” test being met as the requirements of the Local Plan did not appear to have been met. It was explained that the Planning Inspector had accepted the building as redundant for warehouse use, that was a relevant planning consideration.
- (7) Councillor Littman requested that the material differences between the current scheme and the previous one be highlighted. The Chair also asked that a photomontage showing the scheme overall be displayed. In answer to further questions it was explained that the previous scheme had been refused by a Committee decision.
- (8) Councillor Mac Cafferty sought clarification regarding the sustainability level required to be met, levels 3 and 4 appeared to be referred to in the report. It was confirmed that the

current scheme would be required to meet Code 4, a condition to that effect would be included in any planning permission granted.

- (9) In answer to questions from Councillor Morris it was explained that details of the cladding to be used would be required under Condition 9.
- (10) Councillor Gilbey requested details of the amenity space to be provided, the distance and height of the building in relation to its neighbours and the buildings on Mainstone Road.
- (11) Councillor Janio referred to the previous decision of the Planning Inspector and it was explained that the previous appeal had been dismissed on only two grounds, the Inspector had considered that all other elements of the scheme were acceptable.

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

- (12) Councillor Barradell stated that she had not been involved in making the previous decision and was concerned that an old building (1898), of character would be lost and replaced by a less sympathetic structure. In her view there had been no attempt to respect the neighbouring cottage or street scheme. The proposal was completely at variance with that. The existing building should be retained and works undertaken to the existing envelope.
- (13) Councillor Morris stated that whilst he respected the Inspector's decision he did not agree with it. He was concerned that due to the height of the development there would be a significant degree of overlooking into the bedrooms of neighbouring dwellings including those located on the opposite side of the road. He did not feel able to support the proposed scheme.
- (14) Councillor Miller stated that notwithstanding the fact that he had some reservations regarding the scale of the development he understood that the Planning Inspector's decision was a relevant planning consideration. He welcomed the greater use of brick which represented an improvement to the scheme.
- (15) Councillor Mac Cafferty stated that it was important to recognise that the building although old was not protected, had not been listed or recorded as being of importance on either the Local List or elsewhere. The Inspector's decisions had found demolition of the building was acceptable and that ultimately except on two grounds the scheme overall was acceptable. The previous decisions and those of the Planning Inspectorate were relevant in considering and determining the application.
- (16) Councillor K Norman stated that he considered that the building was too tall and he was concerned that the top floor rooms would be main living accommodation, which would give rise to a greater degree of overlooking. He considered that the scheme would be more acceptable if the top floor were to be removed.
- (17) Councillor Janio concurred with Councillor Norman asking whether it would be possible to ask the applicant's representatives if they would agree to that element of scheme being amended. The Planning Manager (Applications), Nicola Hurley explained that

the Committee needed to determine the application as submitted, if significant changes were made that would constitute a different scheme.

- (18) Councillor Littman stated that he considered the Committee's hands were tied to a degree as a result of the Inspector's previous decisions. It was unfortunate the existing building had not been protected by inclusion on the Local List, but it had not. He found it hard to support the proposed scheme but considered it was difficult to refuse it given its planning history.
- (19) Councillor Gilbey stated that she considered that this scheme was as overly dominant as the previously refused scheme. The matter was one of "balance" and on balance she did not consider that the scheme was acceptable and she would not be voting in support of it.
- (20) Councillor Hamilton agreed, the Committee had previously been of the view that the scheme was not in keeping with the neighbouring street scene and that it detracted from its neighbours. He considered that was still the case and could not support this application.
- (21) Councillor Cattell, the Chair, stated that she concurred with the comments made by Councillor Mac Cafferty considering that the previous grounds for refusal had been overcome.
- (22) A vote was taken and on a vote of 8 to 2 with 2 abstentions planning permission was refused.
- (23) Councillor Barradell proposed that the application be refused on the grounds set out below, this was seconded by Councillor Janio.
- (24) A recorded vote was then taken and Councillors Barradell, Gilbey, Hamilton, Inkpin-Leissner, Gilbey, Morris, A Norman and K Norman voted that the application be refused. Councillor Cattell, the Chair and Mac Cafferty voted that minded to grant permission should be given and Councillors Littman and Miller abstained.

45.9 **RESOLVED** - That the Committee resolves to **REFUSE** planning permission on the grounds that the proposed development by reason of its height and scale would represent an incongruous feature in the street scene and would also result in the new development having a dominating relationship with the surrounding houses. The proposed development was therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan 2005.

**J BH2014/03996,4A Blatchington Road, Hove - Full Planning -**  
Change of use from retail (A1) to hot food takeaway (A5) and installation of extract duct.

- (1) The Planning Manager (Applications), Nicola Hurley introduced the report and gave a presentation by reference to photographs, plans and elevational drawings. It was explained that the application related to a vacant ground floor retail unit within a three storey mid-terrace property on the south side of Blatchington Road. Residential flats were housed on the upper floors, including within the roof space. There was also a

single storey flat roofed extension located to the rear occupying the entire rear garden area. The property was situated adjacent the Old Hove Conservation Area.

- (2) The main considerations in determining this application related to the principle of the change of use, the impact of the external alterations on the character and appearance of the recipient building and the wider area, the impact of the development on the amenity of occupiers of the neighbouring properties and the impact on parking and the highway network in the locality. It was considered that the proposed change of use would not have a significantly detrimental impact on the vitality and viability of the Hove Town Centre. The proposed external works would not have an unacceptably harmful impact on the character and appearance of the recipient property, the wider street scene or adjoining Conservation Area. The proposed change of use would not have a significantly harmful impact on the amenity of occupiers of neighbouring properties, nor would it result in undue parking street or traffic congestion in the locality and approval was therefore recommended.

### **Public Speakers and Questions**

- (3) Mr McComb spoke on behalf of objectors to the proposals. He stated that it was both disappointing and concerning that in the face of categorical refusals by the owner of the property to permit the applicant to use the premises as a hot food take-away they had pursued this application. The owner of the freehold of premises was themselves intending to submit an application to convert the site to housing in addition to the flats located above, this was considered more acceptable, as there were already a number of take-away food outlets nearby. Additionally, there were concerns regarding access for delivery and storage and removal of waste as that would only be possible from the front as access from the rear would be denied. There were also concerns in respect of fire safety, (there were no proper means of escape from the floors above in the event of a fire), noise and odour controls for those living in accommodation above.
- (4) Mr McComb stated that he refuted the information contained in the acoustic report submitted by the applicant, the equipment had been placed on an adjoining roof, had not been positioned correctly, nor had the readings been taken at the times indicated. If granted the Committee was minded to grant approval it was requested that a condition be applied ensuring that the premises closed by 6.00pm.
- (5) Councillor Moonan spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. She concurred with all that Mr McComb had said on behalf of objectors, considering that the application was "provocative" as no discussions had taken place with neighbouring occupiers or local residents. It would give rise to noise, fumes and traffic issues and would be unneighbourly for those occupying the residential accommodation above and nearby.

### **Questions for Officers**

- (6) Councillor Littman sought confirmation that a planning application could be submitted irrespective of whether or not the premises in question were in the ownership of the applicant. The Legal Adviser to the Committee, Hilary Woodward confirmed that this was the case and that issues relating to landlord and tenant issues, such as the issuing

of a lease, access and fire safety were not planning considerations. They would need to be resolved as separate issues.

- (7) Councillor Inkpin-Leissner enquired regarding conditions which could be applied to control noise and fumes from the extractor fan.
- (8) Councillor A Norman asked whether/what arrangements the applicant had made in respect of fire safety arrangements or in order to mitigate any noise or other nuisance. It was explained that these were not planning considerations but would need to be addressed under Building Control or Environmental Health requirements.
- (9) Councillor Barradell sought clarification of the arrangements which would be put into place for the removal of refuse from the premises and regarding verification of the acoustic data provided by the applicant.
- (10) The Planning Manager (Applications), Nicola Hurley, stated that a number of fast food establishments in the city had timed daily waste collections from the front of their buildings, including a number of premises located nearby in Boundary Road. It was confirmed that until the objector had raised the issue officers had been unaware any queries in respect of to the validity of the acoustic assessment. The Chair, Councillor Cattell suggested that in view of the queries raised it would be appropriate to defer consideration of the application until such time as the information provided could be verified. Members were in agreement this would be appropriate.
- (11) It was agreed to defer determination of the application in order to refer back to applicant regarding the validity of the acoustic data provided, following receipt of information from the speaker at Committee about removal of testing equipment.

45.10 **RESOLVED** – That for the reasons set out above consideration of this application be deferred in order for those matters to be investigated further.

**Note:** It was noted that as the decision to defer determination of the application, pending verification by the applicant of the validity of the submitted acoustic data had been made after the objector and the Ward Councillor had spoken (the applicant/agent had also been invited to attend but had not done so), no further public speaking would be permitted in respect of this application.

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

46.1 There were none.

**47 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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



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

- 48.1 It was noted that Councillor Hamilton had advised that was an error in respect of the application for 233 Old Shoreham Road, Portslade, (Page 279 of the agenda), it was listed as being in Hove Park Ward. In fact, the applicant, Mr Miah, was one of his constituents in the South Portslade ward. It was confirmed that this information had been corrected on file and in the information appearing on the Council website.
- 48.2 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.]

**49 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**50 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**51 APPEAL DECISIONS**

- 51.1 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 7.55pm

Signed

Chair

Dated this

day of

<b>Subject:</b>	<b>Planning Investigations and Enforcement Team Yearly Report April 2014 - March 2015</b>
<b>Date of meeting:</b>	<b>26 August 2015</b>
<b>Report of:</b>	<b>Head of City Planning &amp; Development for Executive Director Environment, Development &amp; Housing</b>
<b>Contact officer: Name: Email:</b>	<b>Matthew Gest, Planning Manager- Enforcement Tel: 292106 <a href="mailto:Matthew.gest@brighton-hove.gov.uk">Matthew.gest@brighton-hove.gov.uk</a></b>
<b>Ward(s) affected:</b>	<b>All</b>

**1. SUMMARY AND POLICY CONTEXT:**

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

**2. RECOMMENDATIONS:**

- 2.1 That Members' note the contents of this report.

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

- 3.1 The Planning Enforcement Team has progressed a high number of investigations and resolved a significant number of breaches of planning control during 2014/2015. The team have, however, experienced significant pressure within the past 12 months. A very high proportion of alleged breaches have been reported, whilst capacity within the team has been reduced due to a number of long term absences that have occurred within the team together with a reallocation of some officer time in order to work flexibility across the Development Control teams, in order to respond to acute service demands, particularly in the applications team.
- 3.2 Despite these challenging circumstances a high volume of investigations were progressed and a good level of customer satisfaction was

achieved. Very few corporate complaints were received in relation to enforcement activity/investigations.

- 3.3 There has been a small raise in the actual number of investigations received over the previous year.
- 3.4 The team has been supported with some additional capacity by temporary staff at administration and Enforcement Officer levels for a temporary period, which has assisted in progressing investigations and enabled the team to function well during a time of significant pressures.

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

- 3.5 During the 2014-2015 period a total of 542 cases have been closed following enforcement investigation which is a decrease of 152 cases from the previous year. There are currently 508 live enforcement investigations
- 3.6 In 34% of the cases closed, there was found to be no breach of planning control. This is a significant proportion and we are considering ways to minimise the time spent on such cases whilst ensuring they are fully investigated and continuing to deliver a good level of customer service. This was 32% for the previous year.
- 3.7 In 17% of cases closed, it was determined that it was not expedient to pursue formal enforcement proceedings, as the breach was minor and not causing unacceptable harm. This is a reduction from 26% the previous year.
- 3.8 In 44% of cases there were breaches of planning which needed to be investigated and were significant but which were resolved through negotiation. This is an increase from 39% for the previous year.
- 3.9 Where there was found to be a significant breach of planning control, or where development was considered to be causing unacceptable harm, compliance was achieved in 92% of these cases, before formal action was required.
- 3.10 In 3% of all cases received, compliance was achieved through the issuing of a formal enforcement notice.
- 3.11 The table below provides a comparison between this year and the last two as to the reasons why cases were closed.

	<b>No breach</b>	<b>Not expedient</b>	<b>Full Compliance</b>	<b>Compliance following notice</b>
<b>2014/15</b>	176 (34%)	91 (17%)	230 (44%)	20 (3%)
<b>2013/14</b>	225 (32%)	178 (26%)	275 (39%)	19 (3%)
<b>2012/13</b>	255 (37%)	95 (14%)	291 (42%)	52 (7%)

**Formal notices**

- 3.12 Serving an Enforcement Notice is the most common and most effective method of remedying unauthorised development when informal negotiation has not been successful. Enforcement notices are served in an investigation when the breach of planning control is causing significant harm or where the transgressor has made it clear that they are unwilling to remedy the breach.
- 3.13 Forty one (41) formal notices have been served in the 2014-15 period, an increase of 13 from the previous year. The table in appendix 1 is an extract from the enforcement register and shows the types of notices served, the dates served and the requirements of the notice.
- 3.14 The Formal Notices served take a variety of forms as set out below.

**Enforcement Notices**

- 3.15 Enforcement notices are served against unauthorised development which can consist of a change of use as well as general unauthorised development. A listed building enforcement notice is a very similar notice served only in relation to listed buildings. 18 Enforcement Notices were served in 2014/2015. The transgressor has the right to appeal against the notice, and the appeal is considered by the planning inspectorate.

**Enforcement Notice Appeals**

- 3.16 If an appeal is lodged against an enforcement notice, the requirements of the notice are held in abeyance until the appeal is determined by the Planning Inspectorate.
- 3.17 The grounds upon which an enforcement notice can be appealed include:

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

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

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

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

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

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

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

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

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

### **Section 215 Notices**

3.20 Where the condition of land or a building is adversely affecting the amenity of a neighbourhood, the Council may issue a Notice under Section 215 of the Town and Country Planning Act 1990, requiring the owner or occupier to improve the condition of the land or building. Failure to comply with the Notice is a criminal offence. The Council also has powers, where a Notice has not been complied with, to enter the land and carry out the work itself and recover the cost from the owner. Twenty two (22) Section 215 notices were served in 2014/2015.

### **Section 215 Notice appeals**

3.21 A section 215 notice can only be appealed in the Magistrates Court. In 2014/2015 no appeals against the service of a 215 notice were made.

### **Breach of Condition Notices**

3.22 These can be used as an alternative to an Enforcement Notice. There is no right of appeal against a breach of condition notice. No Breach of Conditions Notices were served in 2014/2015.

### **Stop Notices**

3.23 Stop Notices can be used to require the immediate cessation of the most serious breaches of planning control, where unacceptable harm to amenity or the environment is being caused. A stop notice can only be used in connection with an enforcement notice and requires the breach/operation (that is defined within the enforcement notice) to cease until such time as an appeal has been heard. Normally an enforcement notice will cease to take effect if an appeal is heard, if a stop notice is served the enforcement notice continues to take effect. There is a risk of compensation to the local authority if an appeal is eventually successful against the notice. No Stop Notices were served in 2014/2015.

### **Injunctions**

3.24 An injunction can be served to restrain or require an operation to cease. The actions required to cease must be of a criminal nature and must be causing unacceptable and irreversible harm. No injunctions were applied for in 2014/2015.

### **Other significant achievements**

#### **3.25 Increased Public Awareness**

Part of the work of the team involves raising public awareness. The strategy during the 2014-2015 period has been for the Planning Enforcement and Investigations Team to collate success stories and issue press releases to local newspapers and enhance and update the Planning Enforcement and Investigations web page.

3.26 When necessary, the team manager has attended a number of residents meetings (LAT's) to discuss planning enforcement matters that are of concern, be it generally or in relation to a specific investigation.

3.27 The team have operated a pro-active programme of work to notify developers when works have commenced without the appropriate discharging of the necessary planning conditions. Often these actions have resulted in these matters being addressed at the earliest stage.

3.28 The team have also operated a further pro-active programme to notify homeowners who are commencing "permitted developments" that they must ensure the works are compliant with the "permitted development regulations". This has assisted in increasing the awareness of the planning enforcement team and the regulations and requirements.

3.29 The awareness amongst residents has, and continues to improve with residents and developers regularly remedying breaches of planning control without formal enforcement action becoming necessary. This is supported by the a high proportion of all cases closed being those due to full compliance (44%).

**3.30 Workload**

The Planning Investigations and Enforcement Team has progressed a high volume of cases over the past 12 months however live investigations are currently slightly lower than they have been previously, currently at 508 cases (July 2015).

3.31 This is due to capacity within the team being restricted due to staff sickness. Officers have, however, been very successful in ensuring the thorough and successful processing of investigations in general accordance with the timeframes set out in the Planning Enforcement Policy. There is currently no backlog of cases waiting to be allocated, and all open investigations are progressing.

3.32 Every investigation is being carried out in depth, in a timely manner and seeking to resolve breaches to ensure material planning harm is removed. Cases are not closed until the matter has been fully investigated and further action considered.

**3.33 Pro active work**

The team has continued to take pro-active action which has focused on improving the condition and appearance of dilapidated properties through use of Section 215 powers. This action has seen significant improvements to the appearance of properties along London Road, Brighton, New England Quarter, the Seafront, Brighton.

3.34 Following on from the 2013/2014 programme of resident complaints regarding satellite dishes, a pro-active programme to remove new and historic satellite dishes has progressed within conservation areas across the city leading to the removal of a substantial number of dishes, particularly in the Hanover and Elm Grove Ward.

3.35 As already mentioned the team implemented the pro-active work programme of reminding developers and homeowners of their responsibilities when development commences.

**3.36 Team integration**

The Planning Enforcement Team is integrated with the Development Management service with officers now managing some planning applications as well as enforcement investigations.

**3.37 The coming year**

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

- I. Continuing to work with internal Council departments and external organisations to resolve breaches in legislation that are causing



- material planning harm. Development of closer internal links with Private Sector Housing, Environmental Health and City Clean.
- II. Continuing to identify areas in the City where pro-active enforcement projects will improve their character and appearance using powers under Section 215. This will be focused on continuing our work along the Seafront and St James's Street.
  - III. The establishment of a proactive programme of work for the wards covered by the Article 4 (HMO) direction with a focus on To-Let and Estate Agent boards as well as proactively working to address the number of unauthorised HMO's within the five wards covered by the Article 4 direction.
  - IV. Promoting the success of the team through regular press briefings and use of the Council website;
  - V. Undertake a review and improvement of the Planning Enforcement pages of the Council's website. This will improve the interaction of residents with the service and promote better understanding of planning regulations and the planning enforcement service.
  - VI. A move towards a more active role in terms of issuing prosecutions and direct action to improve the image of the team and to act as a deterrent to other developers in the City.
  - VII. Development of our current ICT systems to support better performance management and a move to a paperless working system.

#### **4. CONSULTATION**

- 4.1 None required.

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

##### **Financial Implications:**

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

##### **Legal Implications:**

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

##### **Equalities Implications:**

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

##### **Sustainability Implications:**

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

**Crime and Disorder Implications:**

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

**Risk and Opportunity Management Implications:**

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

**Corporate/Citywide Implications:**

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

**APPENDIX 1 – PLANNING ENFORCEMENT NOTICES ISSUED  
BETWEEN APRIL 2014 – MARCH 2015**

**APPENDIX 2 – PLANNING ENFORCEMENT POLICY DOCUMENT**

**APPENDIX 1 – PLANNING ENFORCEMENT NOTICES ISSUED BETWEEN  
APRIL 2014 – MARCH 2015**

**In order of service**

<b>NOTICE</b>	<b>ADDRESS</b>	<b>DATE OF ISSUE</b>	<b>EXPIRY</b>	<b>REQUIREMENTS</b>
<b>Enforcement Notice</b>	119 Compton Road, Brighton	15/06/2015	24/10/2015	1. Remove completely the timber decking from the flat roof at first floor level to the rear of the property. 2. Remove completely the timber railings that border the flat roof at first floor level to the rear of the property.
<b>Enforcement Notice</b>	2A Forest Road, Brighton	04/06/2015	13/08/2015	Remove the secure storage container from the land
<b>Section 215 Notice</b>	42 Vallance Gardens, Hove	03/06/2015	07/02/2016	Wash down and repaint the external façade of the building. Repair and make good all the windows and external woodwork on the property. Repaint all external timberwork including window frames, doors and soffits on the property. Remove the wooden boards from the front ground floor window and replace/repair the window panes and frames as necessary.
<b>Enforcement Notice</b>	9 Adams Close, Brighton	08/05/2015	19/12/2015	Cease the use of the property as a House in Multiple Occupation (Class C4)
<b>Section 215 Notice</b>	130 Springfield Road, Brighton	05/05/2015	19/06/2015	1. Wash down and repaint the external façade of the dwelling 2. Repaint in white all external timberwork including window frames, doorframes soffits to the front and rear elevations 3. Clear the garden of rubbish and prune all the overgrown shrubbery and remove all resulting debris
<b>Section 215 Notice</b>	21 Brunswick Place Hove BN3 1ND	05/05/2015	26/09/2015	1. Clear the hoppers and remove all vegetation and debris from the front elevation. 2. Repair the damaged rendering on the ground floor and first floor front elevation using a lime based mix plaster (an information leaflet is enclosed with this notice). 3. Repair or replace the mouldings surrounding the first floor window frame on the front elevation adjacent to the down pipe to match the original crisp profiles. 4. Repaint the front elevation. The paint colour must adhere to the specifications established in the Article 4 Direction for this conservation area (details of which are enclosed with this notice).
<b>Enforcement Notice</b>	1 Abbotsbury Close, Saltdean	10/04/2015	22/11/2015	Cease the use of the house as two self-contained residential units and restore the property to its condition before the breach (subdivision) took place, as a single dwellinghouse.
<b>Section 215 Notice</b>	Strathfield (land to the rear of) South Road, Brighton	10/04/2015	26/08/2015	Repair and repaint all timber work of the garage. Remove the graffiti from the garage door and repaint it. Remove tarpaulins, pots and boards from the roof of garage. Repair garage roof to match existing materials and finishes. Clear from the land all debris, and boards. Cut back overgrown vegetation from the western side area of the garage and remove resulting debris from the Land.

	87 Chester Terrace, Brighton.	17/02/2015	09/06/2015	Remove all building materials and stockpiles from the exterior cartilage land of premises including stockpiles of bricks, wood and house-ware. Remove all development apparatus, including tarpaulin, scaffolding, dust sheets and construction tools from the rear garden. Remove all rubbish, broken, discarded and unusable materials from the land. Cut back and remove all overgrown vegetation from the premises
<b>Section 215 Notice</b>	8 Eileen Avenue, Saltdean	05/02/2015	17/05/15 and 17/09/15	<ul style="list-style-type: none"> <li>• Remove all matter and material (excluding grass and plants) and overgrown vegetation from the Land (including from the front and rear gardens)</li> <li>• Install windows throughout the dwelling situated on the Land</li> </ul>
<b>Enforcement Notice</b>	89 Elm Grove, Brighton.	23/01/2015	30/04/2015	<ol style="list-style-type: none"> <li>1. Completely remove the single storey, timber outbuilding with pitched roof from the land at the rear of the property.</li> <li>2. Completely remove the metal flue that is located on the roof of the timber structure described above.</li> <li>3. Completely remove all resultant debris from the site.</li> </ol>
<b>Enforcement Notice</b>	65 Ladies Mile Road, Brighton	22/01/2015	05/09/2015	Cease the use of the house as two, self-contained residential units and restore the property to its condition before the breach took place i.e. as a single dwelling house.
<b>Enforcement Notice</b>	7 Aymer Road, Hove	09/01/2015	20/05/2015	Remove the railings that sit above the wall on the north, east and southern boundaries of the front garden. Make good and repair any damage to the existing walls caused by the removal of the railings.
<b>Listed Building Enforcement notice</b>	2 St. Georges Place, Brighton	31/10/2014	01/06/2015	<ol style="list-style-type: none"> <li>1. Remove the existing plain glazed fanlight over the front entrance door and replace with a fanlight to exactly match the glazing pattern of the pre-existing fanlight; having a semi-circular glazing bar fixed centrally to the bottom rail with two equally spaced glazing bars set at an angle connecting the semi-circular glazing bar to the top rail. The fanlight is to be constructed in white-painted timber with single glazing. See photograph 1 attached below showing the previous fanlight.</li> <li>2. Remove all of the painted covering from the facing brickwork at first to third floor levels on the front elevation, using a non-abrasive method, and return the gault facing bricks and mortar to their previous appearance.</li> </ol>
<b>Section 215 Notice</b>	18 Bengaim Avenue, Brighton, BN1 8RH	11/09/2014	23/01/2015	<ol style="list-style-type: none"> <li>1. Cut back overgrown vegetation in the front and rear gardens and remove all resulting debris from property.</li> <li>2. Repair the rendering to the parapet wall on the front elevation, and pain the repaired wall white to match the rest of the property.</li> </ol>
<b>Section 215 Notice</b>	25 Regency Square, Brighton	09/09/2014	20/12/2014	Paint all woodwork, window frames, sashes and glazing bars to the front elevation in pale cream gloss/ smooth masonry paint British Standard Colour Code BS 10 C 31, as stipulated in an Article 4 Direction under the General Development Order 1977 (copy attached appendix 1).
<b>Enforcement Notice</b>	Whitehawk Football Club, Brighton	09/09/2014	20/01/2015	<ol style="list-style-type: none"> <li>1. Remove the deposited spoil from the area coloured red and green on the plan;</li> <li>2. Once the spoil has been removed, clear the resultant surface of ruderal vegetation and seed the area coloured green on the attached plan with chalk grassland species;</li> <li>3. Create a reptile habitat on the north facing slope in the position shown coloured red on the plan and such reptile habitat shall be stocked with 2no. Great Crested Newt Reptile Hibernaculums and other species as detailed in the attached Figure 8;</li> </ol>

				4. Create a new wildlife habitat on the bank between the 3G pitch and the main pitch in the position shown coloured blue on the attached plan. The new habitat shall be seeded with chalk grassland species and landscaped in accordance with the details attached at Appendix 1.
<b>Enforcement Notice</b>	15 Bernard Road, Brighton.	26/08/2014	30/03/2014	Cease the use of the property as a house in multiple occupation ("HMO") (C4).
<b>Enforcement Notice</b>	17 Bernard Road, Brighton	26/08/2014	30/03/2014	Cease the use of the property as a house in multiple occupation ("HMO") (sui generis).
<b>Section 215 Notice</b>	25 Regency Square, Brighton	26/08/2014	30/12/2014	Paint all woodwork, window frames, sashes and glazing bars to the front elevation in pale cream gloss/ smooth masonry paint British Standard Colour Code BS 10 C 31, as stipulated in an Article 4 Direction under the General Development Order 1977 (copy attached appendix 1).
<b>Section 215 Notice</b>	130 Springfield Road, Brighton	18/08/2014	25/02/2015	1. Wash down and repaint the exterior front elevation of the property shown edged in red on the plan attached to this Notice. 2. Repair and make good all the windows frames and woodwork to the front elevation of the property 3. Repaint in white all external timberwork including window frames, doorframes soffits to the front elevations 4. Remove all rubbish from the front garden 5. Prune back all overgrown shrubbery and vegetation and remove all resulting debris from the site.
<b>Section 215 Notice</b>	77 Hanover Terrace	14/08/2014	24/11/2014	Remove satellite dish from front elevation of building.
<b>Enforcement Notice</b>	80-82 Preston Street, Brighton	07/08/2014	18/12/2014	Remove the timber cladding from the seafront. Revert the shopfront to original form and profiles that existed prior to the recent works being undertaken, as shown on the two photographs produced at Appendix A
<b>Section 215 Notice</b>	56 Newtown Road – 70 Goldstone Lane, Hove	04/08/2014	18/10/14 and 18/05/15	Step 1. Remove the wooden boarding from within all of the window openings and install timber two panel casement side hung windows with a centred vertical division, and glazing- within 8 months from the date the notice takes effect. Step 2. Remove the graffiti from the front of the building within 1 month from the date the notice takes effect.
<b>Section 215 Notice</b>	8 Eileen Avenue, Saltdean	04/08/2014	12/11/2014 and 12/03/15	<ul style="list-style-type: none"> <li>Remove all matter and material (excluding grass and plants) and overgrown vegetation from the Land (including from the front and rear gardens)</li> <li>Install windows throughout the dwelling situated on the Land</li> </ul>
<b>Listed Building Enforcement Notice</b>	Flat 1, Basement Level, 7 Regency Square, Brighton	25/07/2014	01/11/2014	1. Remove the new entrance door and replace it with a traditional timber 4 panel door 2. Remove any building debris and make good any damage to the surround
<b>Section 215 Notice</b>	38 Barnett Road, Brighton	22/07/2014	28/02/2015	<ul style="list-style-type: none"> <li>Wash down and repaint the rendering, pipe-work and guttering to the front and rear elevations of the property</li> <li>Repair and make good all the windows and woodwork on the front and rear elevations of the property</li> <li>Repaint all external timberwork (including window frames and doors) on the front and rear elevations of the property</li> <li>Cut back overgrown vegetation in the front and rear gardens and remove from property</li> <li>Remove all debris, rubbish and discarded items from the front and rear gardens of the property</li> </ul>

<b>Section 215 Notice</b>	2 Tumulus Road, Saltdean	17/07/2014	25/10/2014	Repair and replace all the missing tiles on the West facing elevation, Washdown and repaint the property, Repaint while all external timberwork
<b>Section 215 Notice</b>	41 Rugby Place, Brighton, BN2 5JB	15/07/2014	18/10/2014	1. Remove all metter and material stored on the front steps and front garden of the property including those items chained to the front boundary. 2. Cut back overgrown vegetation in the front garden and remove from property
<b>Listed Building Enforcement Notice</b>	67 Preston Street, Brighton	26/06/2014	01/02/2014	<p>Preston Street (west facing elevation)</p> <p>1. The blind window to the south side of the portico on the western elevation should be made to match exactly the cill and window head heights of the new ground floor window to the north of the portico and the reveal depth of the first and second floor blind windows above.</p> <p>2. Make good the elevation using materials of matching composition, form and finish to those of the existing listed building. This must involve the following works:</p> <p>a. Remove timber noggin-pieces positioned between ground and first floor level and plug the holes using matching material.</p> <p>b. Prepare, prime and protect the steel beams and pack the recess with fixed vertical timber battens with a stainless steel mesh applied to provide a key for a render finish.</p> <p>c. Apply a smooth render finish above the shopfront in place of the removed fascia and to the areas of exposed concrete blockwork and brick either side of the portico. The render should not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work must not use metal or plastic expansion joints, corner or edge render beads.</p> <p>d. The render shall be prepared to a sound base and redecorated in accordance with the paint manufacturer's instructions using a smooth masonry paint to match the existing colour scheme.</p> <p>3. The three unauthorised window openings (as described in 3. (iii) above) shall be altered to match exactly the opening width and the depth of reveals of the original openings to the first floor, and to conceal the timber sash boxes. The windows must be painted timber, double hung, sliding sash windows with concealed sash boxes to exactly match the appearance of the original first floor windows (i.e. the sash windows either side of the unauthorised, 1st floor window on the western elevation).</p> <p>4. Carefully remove the railings and salvage them for re-use. Replace the concrete plinth with a natural limestone plinth to match the scale (including size, height, form), design and finish of the existing plinth to the area railings to the Regency Square elevation. The new plinth must be of reduced length so that it returns to abut the main face of the building and not the portico.</p> <p>5. The salvaged railings shall be reinstated using the traditional method of fixing; the uprights shall be individually leaded into the stone plinth and the top rail shall be leaded into the main face of the building.</p> <p>Regency Square (south facing elevation)</p> <p>6. The curved bay spandrel detail must be reinstated to exactly match that shown on the attached</p>

				<p>photograph of the building taken in 1979. The curved masonry and rendered finish must be achieved either by leaving the angular steel in situ or alternatively, carefully removing the existing steel and replacing it with a curved steel beam. The curve must exactly match the radius of the bay above.</p> <p>7. The masonry should be re-built in bricks, and lime mortar.</p> <p>8. The curved masonry returns and bottom spandrel panel shall then be rendered using a matching render mix with a smooth finish and rustication detail scribed to exactly match the detail shown in the attached 1976 photograph.</p> <p>9. The render shall be prepared to a sound base and redecorated in accordance with the paint manufacturer's instructions using a smooth masonry paint to match the existing colour scheme.</p> <p>10. The flush timber door to the basement entrance within the lightwell to the Regency Square elevation shall be replaced with a simple timber plank and batten door with discreet hinges. The timber door shall be painted black.</p>
<b>Section 215 Notice</b>	67 Preston Street, Brighton	20/05/2014	01/01/2015	<p>West elevation (fronting Preston Street) Windows Rotten sections of timber should be removed from the windows generally and repairs carried out to match the existing joinery. Cracks should be repaired and open joints filled and sealed. Any windows found to be beyond economic repair shall be replaced in their entirety, to exactly match the existing in design, dimensions, detail and materials. The missing window panes to the second floor casement window shall be replaced with new single glazed panes. Any redundant brackets and pipework/rainwater goods should be removed together with cables and fixings. Miscellaneous repairs All debris / rubbish must be removed from the lightwell areas and disposed of. South elevation (fronting Regency Square) Balcony The rotten timber decking to the balcony shall be replaced in hardwood planks to match the existing and the underside painted in gloss paint to match the colour of the walls. The cast iron balustrade shall then be re-fixed to the new decking. The rotten bracket supports must be replaced using timber of a matching design and profile and shall be appropriately fixed to timber joists within the floor structure and tied back into the building. Windows The timber boarding to the basement and ground floor bay windows shall be painted dark grey or a colour to match the building. The broken window pane to the sash window in the first floor bay must be removed and a new single glazed pane inserted. Rotten sections of timber shall be removed from the windows generally and repairs carried out to match the existing joinery. Cracks should be repaired and open joints filled and sealed. Any windows found to be beyond economic repair must be replaced in their entirety, to exactly match the existing in design, dimensions, detail and materials.</p>



				<p>The area railings, including the gate, shall be repaired.</p> <p>The metal handrail to the external basement steps in the lightwell shall be repaired if possible, if repair is not possible then a handrail and uprights of matching design and material shall be made, and installed on the basement steps.</p> <p>Structure</p> <p>The cracks to the rendered facade, open fractures and areas of failed render shall be cut out, back to a line of sound render and repaired to a smooth finish in matching materials flush with adjoining surfaces.</p> <p>The render shall be prepared to a sound base and redecorated in accordance with the paint manufacturers instructions using a smooth masonry paint to match the existing colour scheme, or such other colour scheme as may be agreed in writing with the Council.</p> <p>The hoppers, gutters and downpipes should be cleared of blockages including plant growth, checked for soundness and repaired or replaced (other than original and cast iron hoppers) if necessary to match the existing design and material.</p> <p>Any damaged/missing sections of downpipes should be repaired or replaced if necessary using matching materials.</p> <p>All original and cast iron hoppers should be retained.</p> <p><b>REDECORATION</b></p> <p>The joinery shall be cleared of loose and flaking paint to a sound base and redecorated in accordance with the paint manufacturers instructions using an external gloss paint to match the existing (or otherwise agreed) colour scheme.</p> <p>The render shall be prepared to a sound base and redecorated in accordance with the paint manufacturers instructions using a smooth masonry paint to match the existing (or otherwise agreed) colour scheme.</p> <p>The front and side area railings and cast iron rainwater goods shall be thoroughly cleaned of all rust, grease and salt. Loose, perished or flaking paint should be removed and sound paint surfaces rubbed down. The ironwork should be redecorated in accordance with the paint manufacturer's instructions with a black gloss finish.</p> <p>The plinth to the railings on the south elevation should be prepared to a sound base and redecorated using a smooth masonry paint to match existing colour.</p>
<b>Listed building Enforcement Notice</b>	67 Preston Street, Brighton	20/05/2014	01/01/2015	<p>Preston Street (west facing elevation)</p> <ol style="list-style-type: none"> <li>1. The blind window to the south side of the portico on the western elevation should be made to match exactly the cill and window head heights of the new ground floor window to the north of the portico and the reveal depth of the first and second floor blind windows above.</li> <li>2. Make good the elevation using materials of matching composition, form and finish to those of the existing listed building. This must involve the following works: <ol style="list-style-type: none"> <li>a. Remove timber noggin-pieces positioned between ground and first floor level and plug the holes using matching material.</li> <li>b. Prepare, prime and protect the steel beams and pack the recess with fixed vertical timber battens with a stainless steel mesh applied to provide a key for a render finish.</li> <li>c. Apply a smooth render finish above the shopfront in</li> </ol> </li> </ol>



			<p>place of the removed fascia and to the areas of exposed concrete blockwork and brick either side of the portico. The render should not have bell mouth drips above the damp proof course or above the window, door and archway openings and the render work must not use metal or plastic expansion joints, corner or edge render beads.</p> <p>d. The render shall be prepared to a sound base and redecorated in accordance with the paint manufacturers instructions using a smooth masonry paint to match the existing (or otherwise agreed) colour scheme.</p> <p>3. The three unauthorised window openings (as described in 3. (iii) above) shall be altered to match exactly the opening width and the depth of reveals of the original openings to the first floor, and to conceal the timber sash boxes. The windows must be painted timber, double hung, sliding sash windows with concealed sash boxes to exactly match the appearance of the original first floor windows (i.e. the sash windows either side of the unauthorised, 1st floor window on the western elevation).</p> <p>4. Carefully remove the railings and salvage them for re-use. Replace the concrete plinth with a natural limestone plinth to match the scale (including size, height, form), design and finish of the existing plinth to the area railings to the Regency Square elevation. The new plinth must be of reduced length so that it returns to abut the main face of the building and not the portico.</p> <p>5. The salvaged railings shall be reinstated using the traditional method of fixing; the uprights shall be individually leaded into the stone plinth and the top rail shall be leaded into the main face of the building. Regency Square (south facing elevation)</p> <p>6. The curved bay spandrel detail must be reinstated to exactly match that shown on the attached photograph of the building taken in 1979. The curved masonry and rendered finish must be achieved either by leaving the angular steel in situ or alternatively, carefully removing the existing steel and replacing it with a curved steel beam. The curve must exactly match the radius of the bay above.</p> <p>7. The masonry should be re-built in bricks, and lime mortar. (Unless a structural engineer confirms in writing that a lighter form of construction is required)</p> <p>8. The curved masonry returns and bottom spandrel panel shall then be rendered using a matching render mix with a smooth finish and rustication detail scribed to exactly match the detail shown in the attached 1976 photograph.</p> <p>9. The render shall be prepared to a sound base and redecorated in accordance with the paint manufacturers instructions using a smooth masonry paint to match the existing (or otherwise agreed) colour scheme.</p> <p>10. The flush timber door to the basement entrance within the lightwell to the Regency Square elevation shall be replaced with a simple timber plank and batten door with discreet hinges. The timber door shall be painted black.</p>
<b>Section 215 Notice</b>	2 Goldsmid Road, Hove	19/05/2014	<p>1. Remove the satellite dishes from the front elevation, 2. Tie back loose cables on the front elevation, 3. Wash down and repaint dormer on the front elevation, 4. Wash down and repaint all wood work on the front elevation, 5. Cut back and remove all overgrown vegetation from the front of the property</p>

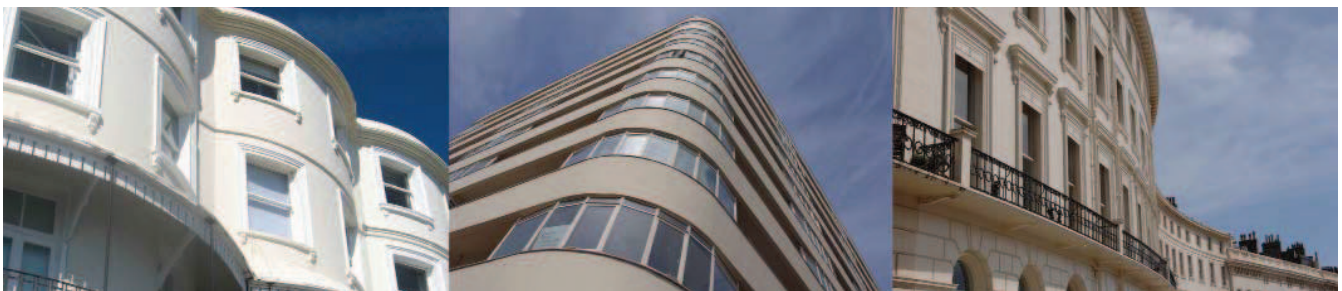
<b>Enforcement Notice</b>	Lucerne Rd, Between Preston Park Tavern and 81 Waldegrave RD	13/05/2014	28/08/2014	<ol style="list-style-type: none"> <li>1. Render/repair front boundary wall.</li> <li>2. Repair/replace guttering fronting Lucerne Road.</li> <li>3. Cut back overgrown vegetation fronting Lucerne Road.</li> <li>4. Remove scaffold poles from boundary wall fronting Lucerne Road.</li> <li>5. Clean and repaint/repair the exterior of the property.</li> </ol>
<b>Section 215 Notice</b>	72 Hanover Street, Brighton	05/05/2014	10/08/2014	Removal of satellite dish
<b>Enforcement Notice</b>	36 baker Street, Brighton	28/04/2014	10/10/2015	<ol style="list-style-type: none"> <li>1. Cease the unauthorised use of the property as two studio flats and a two bedroom maisonette.</li> <li>2. Remove the second and third floor extensions to the rear of the property.</li> <li>3. Remove the dormer from the rear of the property.</li> <li>4. Restore the property to the form that existed prior to the 4. unauthorised development being undertaken</li> </ol>
<b>Enforcement Notice</b>	2 Baywood Gardens, Woodingdean	15/04/2014	30/06/2014	Remove the mobile home, deck structure and all associated paraphernalia; remove any resulting debris
	62 Hova Villas	15/04/2014	20/07/2014	Removal of Satellite Dishes
<b>Section 215 Notice</b>	10 College Terrace, Brighton	10/04/2014	13/07/2014	Remove satellite dish on the front elevation
<b>Section 215 Notice</b>	40 Hova Villas, Hove	10/04/2014	13/07/2014	Removal of Satellite Dishes
<b>Section 215 Notice</b>	72 Hanover Terrace, Brighton	10/04/2014	13/07/2014	Remove satellite dish from front elevation of building.

## **Foreword**

Brighton & Hove City Council was formed in 1997 and is an historic and vibrant city housing 247,817 people (2001) and employing over 10,000. Demands on land and its use increases continually thereby creating the groundwork for friction between competing users of land be they commercial or residential.

Brighton & Hove City Council has numerous areas of special architectural or historic interest, which it is committed to preserving and enhancing through effective use of its enforcement powers particularly in relation to its 900 plus listed buildings and 34 conservation areas. There is evidence of growing public concern over development that takes place without the appropriate planning permission or without proper reference to approved plans or attached conditions. The number of enforcement enquiries in the City of Brighton & Hove has grown steadily over the years and the Government also recognises that public expectations in this area have become more demanding.

This Planning Enforcement Policy sets a framework for how the Planning Enforcement Team will handle complaints and any subsequent investigations into breaches of planning control. It will clearly set out the aims of the Planning Enforcement Team, the background to Planning Enforcement and the scope of enforcement powers. This Planning Enforcement Policy will set out priorities for responses to complaints and clarify the timescales for response by Enforcement Officers. This policy document will also seek to formulise how Members and the general public will be kept up to date in relation to the work being carried out by the Planning Enforcement Team.



## **Introduction**

The Development Control service operates in connection with the council's statutory role as local planning authority in the regulation of the use and development of land and buildings under the Planning Acts and related legislation. Given the high quality of its townscape, particularly its important conservation areas and listed buildings, the enforcement of planning control is very important to Brighton & Hove City Council in order to:

- Help ensure the credibility of the planning system, and to ensure fairness for those who adhere to planning controls.
- Protect it from the effects of unacceptable development.
- Remedy the unacceptable harmful effects of unauthorised development.
- Ensure the adopted planning policies applicable to the City of Brighton & Hove are properly implemented.

This document sets out the council's approach to handling planning related enforcement matters. It is designed to let the public know what action they can expect when a breach of planning control is reported, where resources will be targeted and the timescales they can expect for a response at certain key stages in the process.

It is an important principle of the planning system that the use of formal planning enforcement action is a discretionary power of the council. In considering any enforcement action, the decisive issue for this Council is whether the breach of planning control would unacceptably affect public amenity or the existing use of land and buildings, and therefore merit such action in the public interest.

The council considers that educating its residents in relation to both national and local planning legislation is a key element to effectively enforcing planning controls. As residents become more informed and aware of the regulations it is hoped that less unauthorised building work will take place within the City of Brighton & Hove.

## **Principle of Enforcement**

Brighton & Hove City Council believe in firm but fair regulation. Underlying the policy of firm but fair regulation are the principles of:

- Proportionality in the application of the law and in securing compliance.
- Consistency of approach.
- Transparency about how the service operates and what those regulated may expect from the service.
- Targeting of enforcement action and education.

## **Proportionality**

Proportionality means relating enforcement action to the risks. Those whom the law protects and those on whom it places duties, expect the action taken by the enforcing authority to be proportionate to the seriousness of any breach.

## **Consistency**

Consistency of approach does not mean uniformity, it means taking a similar approach in similar circumstances to achieve similar ends. The Council aims to achieve consistency in advice given, the response to incidents, the use of powers and decisions on whether to prosecute.

Officers need to take account of many variables:

- The scale of impact.
- Matters of fact and degree.
- The history of previous incidents or breaches.

Decisions on enforcement action are a matter of professional judgement and discretion needs to be exercised. The Planning Enforcement Team will continue to develop arrangements to promote consistency including effective arrangements for liaison with other Council services and enforcing authorities.

## **Transparency**

Transparency is important in maintaining public confidence in the service's ability to regulate. It is about helping those regulated and others, to understand what is expected of them and what they should expect from the Council. It means making clear why an officer intends to take or has taken enforcement action. It also means distinguishing between statutory requirements and advice or guidance about what is desirable or good practice but not compulsory.

## **Targeted enforcement action and education**

Targeting of enforcement action and education are crucial factors in an effective enforcement service. They ensure that the public is aware of planning regulations as well as increasing public confidence in the service.

## The Council's Approach to Planning Enforcement

The Council recognises the importance of establishing effective control over unauthorised development and will not condone wilful breaches of planning control. It must however be remembered that enforcement is a discretionary activity. Apart from some listed building and advertisements cases it is not illegal to carry out works without the relevant consent. It only becomes, illegal after the Council issue an enforcement notice and those in breach fail to comply with the requirements of the notice. In considering whether it is expedient to take enforcement action, the Council will take into account its relevant planning policies and all other material considerations including relevant appeal decisions and case law. Consideration will also be given to the reasonable time and resources available to carry out the enforcement function.

The Council will assess whether a breach of planning control unacceptably affects public amenity or causes harm to land and buildings. The Council considers that the objective of planning enforcement is compliance not punishment and as such will encourage its officers to work with those in breach to achieve favourable outcomes without having to issue a formal notice. In cases where those in breach are not pro-actively working with officers or fail to meet agreed deadlines, formal action will be considered and notices issued where it is appropriate to do so.

### Investigating Alleged Breaches

In some cases the enforcement team may be unable to take formal action against developments that are reported by members of the public. For example when:

- The works or change of use fall within 'permitted development' tolerances under the terms of the Town and Country Planning Act 1990 (General Permitted Development Order as amended 2008) or use classes order.
- An advertisement benefits from 'deemed consent' under the Town and Country Planning (Control of Advertisements) Regulations 2007.
- Immunity from enforcement action has occurred by way of a use being established for a period of 10 years (4 years for a self-contained dwelling) or building works have been being completed more than 4 years ago.
- The works are considered 'de minimis', i.e too minor to fall under the scope of planning control.

Breaches of planning control which may require action could include:

- Unauthorised works to a listed building, a property or building in a conservation area or property or building subject to, an Article 4 direction.
- Unauthorised change of use of a building or land.
- Conditions of a planning permission not being met or discharged.
- Unauthorised extensions to a residential property.
- Unauthorised display of a sign or advertisement.
- Engineering operations.

In addition to responding to complaints the service will carry out targeted pro-active campaigns when resources allow.





## **What the complainant can expect from the enforcement service**

To initiate a planning enforcement investigation, complaints should be made via the standard form which can be found on the council's website, Council offices or can be sent out to complainants if requested. The complaint will only be accepted if this form is filled out in full including the identity and address of the writer, the address at which the alleged breach of planning control has taken place, a description of the unauthorised development/use and the harm that is considered to be caused by it. Complainants will also be encouraged to send in dated context photographs of the alleged breach, in order to assist the enforcement investigation. Only in exceptional circumstances, such as when emergency action is required, or when there is a special reason why using the standard form is not feasible, will be possible to initiate investigations by telephone or personal visit to speak to the Planning Enforcement Team.

The council will not investigate anonymous complaints as it means we cannot verify particular aspects of the complaint at a later stage. All complaints received will be treated in the strictest confidence. However sometimes in exceptional circumstances complainants may be asked to provide evidence to assist the investigation's legal proceedings.

Issues such as boundary positioning and land ownership disputes do not fall under the remit of town planning. Should complaints be made to the Planning Enforcement Team which fall outside the Team's remit, the Team will endeavour to re-direct the complaint or to advise accordingly. Formal enforcement action will not normally be taken where a trivial or technical breach of planning causes no harm to the local environment.

In respect to complaints received about alleged breaches the following service standards apply:

- 1) Written acknowledgements of receipt of complaint within three working days.
- 2) Other than in cases where immediate or urgent action may be required (see (3) below) initial investigation to be undertaken within ten working days of receipt.
- 3) In cases of reported breaches in planning control involving a serious and/or irreversible harm, the complaint will be investigated as a matter of priority, usually within 48 hours of receipt. Urgent action will be instigated to stop unlawful activity where harm being caused makes this appropriate. Such cases include damage or demolition of listed buildings or any other cases where there is a serious and imminent danger of harm to people or irreversible damage to property.
- 4) The complainant is advised to contact the designated case officer preferable by email or phone 4/6 weeks after receiving their acknowledgement letter. At this stage the officer will be able to inform the complainant on the progress of the investigation.
- 5) Within 5 days of the decision to close an enforcement case the complainant will be notified by letter or email advising them why the case was closed.

## **What those in breach may expect from the enforcement service**

Under normal circumstances, prior to taking formal enforcement action the officer concerned will fully and openly discuss the circumstances of the breach and where possible attempt to resolve any points of difference. A person in breach will be contacted within 5 days off a site visit having taken place advising them what they are required to do in order to remedy the breach of planning control. Should a retrospective application for planning permission be applicable, the letter will also advise those in breach on the likelihood of obtaining a favourable recommendation from the Enforcement Officer. In almost all cases written notification of the breach and opportunities to rectify the situation will be given prior to any action being taken. However, this may not be possible if urgent or immediate action is required, such as in examples given in (3) above.

When breaches appear to have occurred officers will:

- Communicate clearly to the responsible party or their planning agent identifying the problem and the measures that may need to be taken to achieve compliance.
- In the case of formal action being authorised the contravener's rights of appeal will be explained to them.
- Where officers consider there is no significant planning harm or that harmful effects may be satisfactorily addressed by mitigation measures, the Enforcement Team will allow a reasonable period for the submission of a retrospective planning application to regularise a breach of planning control.
- Where initial attempts to persuade those in breach to voluntarily remedy the harmful effects of unauthorised development fail, negotiations will not hamper or delay whatever formal enforcement action may be required to make the development acceptable. Officers will be keen to see that persons in breach are pro-actively seeking to resolve breaches of planning control rather than attempting to delay matters.
- Initiate formal enforcement powers given to local planning authorities when necessary, after being satisfied that there is a clear breach of planning control that would unacceptably affect public amenity of the existing use of land and building meriting protection in the public interest.
- Persistent offenders and those who seek to exploit the planning process at the expense of others will be dealt with using appropriate enforcement processes.



### **What officers can expect from complainants and those in breach**

Planning Enforcement Officers often deal with heavy caseloads and can as a result experience many pressures on their time throughout the day. Therefore in order to allow Officers to make best use of their time and ensure that the enforcement service is as effective and efficient as possible members of the public are asked to adhere to the following:

- If people wish to speak to an Enforcement Officer in person at the council offices they will be required to book an appointment as walk in callers will not be seen.
- People are asked to treat officers with respect and listen to what is being said rather than what they 'think or want to hear'. Sometimes a favourable outcome cannot always be achieved. If this occurs the reason for no action being taken will be explained in full by the Officer in a clear and understandable fashion.
- Officers are happy to speak to members of the public on the phone provided the conversations are productive. If callers are unreasonable in their expectations or are rude to staff they will be asked to only communicate with the Officer via letters or email to which they can expect a response within 10 working days of receipt.

## **Enforcement options**

As discussed earlier in this policy document Officers will seek to work with those in breach to voluntarily resolve contraventions whenever this is possible and appropriate thereby avoiding formal action having to be taken. When this is not possible or appropriate, to obtain a satisfactory voluntary resolution to a contravention and if it is considered expedient to take formal enforcement action to rectify or resolve the breach, the main options for action are summarised as follows:

### **Section 215 Notices:**

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

### **Breach of Condition Notice:**

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

### **Enforcement Notice:**

This is the usual method of remedying unauthorised development and there is a right of appeal against the notice. The use of the Enforcement Notice is an effective tool and such notices will be served fairly early on in cases that cause significant harm or where the transgressor has made clear they are unwilling to remedy the breach. The transgressor has the right to appeal against the notice to the planning inspectorate.

### **Stop Notice:**

This can be used in conjunction with an enforcement notice where the breach of planning control is causing serious harm and should only be used in extreme cases. In such cases where Stop Notices are issued the council may be liable to pay compensation if it is later decided that the Stop Notice was not appropriate.

### **Temporary Stop Notice:**

These are similar to Stop Notices (above) but take effect immediately from the moment they are displayed on a site, and last for up to 28 days. A temporary Stop Notice would be issued only where it is appropriate that the use or activity should cease immediately because of its effect on (for example) amenity, the environment, public safety etc. It may be issued even where planning permission has been granted for development, in a case where the developer is not complying with conditions attached to the permission.

### **Injunction:**

This involves seeking an order from the court preventing an activity or operation from taking place. Failure to comply with the requirements of an injunction amounts to a criminal offence.

### **Default Powers:**

The council may enter the land and take the necessary action to secure compliance when enforcement notices are in effect. This is only used in extreme cases and when resources allow. The council will seek to recover all cost associated with carrying out works in default.

### **Appeals:**

There is a right of appeal against most statutory Notices issued by the council (exceptions are Breach of Condition Notices, Stop Notices). Appeals are in most cases made to the Department for Communities and Local Government (the Planning Inspectorate) or in some cases to the Magistrates' Court. When a notice is issued the recipient will also be given the necessary information on how to exercise their right of appeal.



## Informing the public

The council is committed to educating and informing Members and the public in relation to the work carried out by its Planning Enforcement Team. The council will attempt to strike a balance between informing the public about planning legislation through articles in city news as well as publicising prosecutions and cases where direct action has been taken. It is considered important to highlight prosecution and direct action to discourage others from breaching planning regulations and ensure the public have confidence in the enforcement service.

Pro-active campaigns will be used to educate the public in relation to the targeted breaches of planning control through Council publications and press releases. Local community groups may also be encouraged to assist in targeted campaigns in their particular area.

As part of the council's commitment to being open and accountable a full year report will be presented to the Planning Committee regarding planning enforcement. Throughout the year ward members will be made aware of cases where enforcement notices have been issued, appeal decisions and the outcomes of any court action taken in their ward.

The planning and investigations section of the website will be updated on a regular basis with relevant enforcement related new stories, before and after photographs and will identify the number of cases closed and the reasons why they were closed.

## Key Aims and Objectives

- 45% of all cases reported to be resolved without formal enforcement action having to be taken.
- Preserve and enhance the character and appearance of the City of Brighton & Hove's conservation areas.
- Seek to remove illegal advertisements that cause harm to local amenity or highway safety in a timely fashion.
- Improve the character and appearance of buildings in disrepair through the service of section 215 notices.
- Ensure planning conditions are discharged and adhered to.



## Particular Customer Needs

The service will endeavour to be flexible in responding to customer needs by adapting the method of operation to suit the customer. In particular, service leaflets, letters or other documents will be translated into other languages at no additional expense to the customers. Arrangements will also be made for interpreters when this is necessary.

## Contacts and further information

Our service provides a range of supplementary planning documents, design guidelines, planning information and forms. These can be obtained by:

- Looking on the council website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)
- Emailing [planninginvestiagtion@brighton-hove.gov.uk](mailto:planninginvestiagtion@brighton-hove.gov.uk)
- By writing to us or visiting us at

Environment  
City Planning  
Hove Town Hall  
Norton Road  
Hove BN3 3BQ

General enquiries contact numbers Planning Contact Centre: 01273 29 2222

Hove Town Hall has full access for disabled people and induction loops in the general reception area. If you need any help getting into the building, please let us know beforehand and we will make arrangements to help you.

If you need this document in Braille, large print, audio tape, or another language, please contact us on 01273 292929.

## Appendix 1

### Service Indicators

Action	Target
Register and acknowledge all written complaints	3 working days
Carry out initial site visit	Within 10 working days of case being registered
Customers to contact case officer either by email or on the phone	4-6 weeks after receiving acknowledgement letter
The complainant to be informed of the outcome of the case	Within 5 days of case being closed



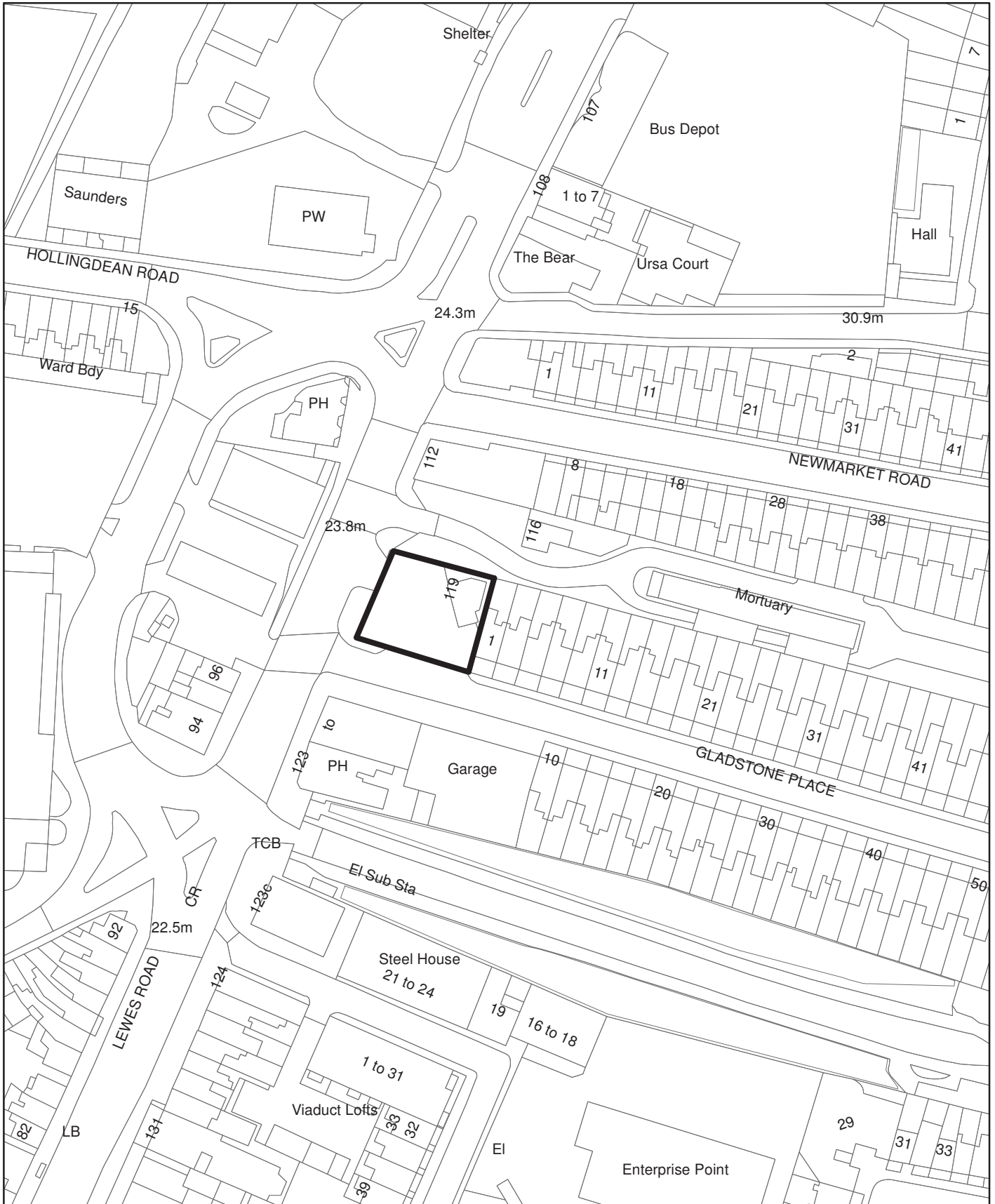
# **ITEM A**

**119 Lewes Road, Brighton**

**BH2015/01121  
Full planning**

**26 AUGUST 2015**

# BH2015/01121 119 Lewes Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/01121</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>119 Lewes Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Demolition of existing buildings and erection of a part 3/part 4 storey building (plus basement) comprising 51 self-contained studio flats for student occupation, plant room, communal areas, cycle parking, recycling/refuse facilities and associated works.</b>		
<b><u>Officer:</u></b>	<b>Mick Anson Tel 292354</b>	<b><u>Valid Date:</u></b>	<b>16 April 2015</b>
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Expiry Date:</u></b>	<b>16 July 2015</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b><u>Agent:</u></b>	<b>Pegasus Planning Group Ltd, First Floor, South Wing, Equinox North Great Park Road, Almondsbury, Bristol BS32 4QL</b>		
<b><u>Applicant:</u></b>	<b>McLaren (119 Lewes Road) Ltd, c/o Pegasus Planning Group Ltd First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol BS32 4QL</b>		

## 1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located along the eastern section of Lewes Road, on the corner of the junction with Gladstone Place. Adjoining the site on the Gladstone Place frontage is a terrace of 3 storey dwelling houses with No.1 adjacent whilst opposite is a large single storey garage premises used for car repairs and tyre retail sales ('Kwit Fit'). To the north of the site is an entrance to Woodvale Cemetery which is on the Register of Parks and Gardens of Special Historic Interest'. North of this entrance is a recently completed 4 storey block of 44 no. student units at 112-113 Lewes Road. The application site is opposite the Vogue Gyratory in the middle of which is a small terrace of shops with 2 floors of residential above. Further west is the large Sainsburys supermarket which is 6 storeys equivalent in height.
- 2.2 At present the site is of open character with a small single storey building to its eastern side. The site is currently in use as a hand car wash which does not have planning permission, however a retrospective application for a change of use is under consideration (see Section 3 below).

## 3 RELEVANT PLANNING HISTORY

**BH2015/01579** Installation of temporary timber hoarding. – Under consideration

**BH2015/01578** Demolition of existing buildings at 119 Lewes Road Brighton - Prior approval required – Under consideration

**BH2014/04351:** Change of use from car showroom to hand car wash and car valet service (retrospective). Under consideration.

**BH2014/03300** Demolition of existing buildings and erection of a 5 storey building (plus basement) comprising 65 self-contained studio flats for student occupation, plant room, communal areas, cycle parking, recycling/refuse facilities and associated works. Refused 19 February 2014

**BH2011/03195:** Change of use from car showroom (SG) to contract hire facility (B1). Erection of security fencing to south and west elevations to replace existing (part retrospective). Refused 04 April 2012.

**BH2010/02960:** Installation of 2.4m palisade fencing. (part retrospective). Refused 06 December 2010.

**BH2010/02958:** Certificate of Lawfulness for existing use of premises as car hire and car and bus parking. Refused 06 December 2010.

**BN88/1094/F:** Change of use from petrol filling station to site for sale and display of cars. Approved 09 August 1988

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the demolition of the existing structure on the site and the erection of a part three and four storey building comprising 51 self-contained studio flats to be occupied by students with communal facilities including a common room, laundry and cycle storage.
- 4.2 Purpose built student accommodation would normally consist of primarily of non-self-contained accommodation e.g. cluster flats of typically 6 no. bedrooms and a shared kitchen /living space. This application submitted proposes a block of self-contained studio flats. There are some communal facilities at ground floor level but the occupants of the units of accommodation would not be dependent on these facilities as each flat would include a bathroom and cooking facilities. It is proposed that the flats would be occupied by students only and a restriction of the occupancy of the development to students only would be secured by legal agreement. It is therefore reasonable and appropriate to consider the application on this basis, i.e. as a proposed block of studio flats to be occupied by students only.
- 4.3 The proposal would include some ground floor external amenity space but no car parking is proposed

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

##### **External**



5.1 **Neighbours: Fifty-five (55)** letters of representation have been received from nos. 1 (3 letters); 3b; 9c; 12B; Flat 2, 13; Basement 17; 21B; 22 (3 letters check); 27, Top Floor Flat 33; 34A; 36 (2 letters); 36A; 38; 41A; 42; 43; 43A; 43B (3 letters); 47; 49; 50; 56 (2 letters); 58a; 60; 63a; 'Kwik Fit', Gladstone Place, nos. 14; 42 (3 letters); 58a; 68 Newmarket Road, nos. Flat 94-96, 108 (26 Ursa Court), 116 Lewes Road, no. 29 Upper Lewes Road, no. 55 Dean Court Road, and 'Basement Flat' BN2 3QD; 49; 64; 68; 73 Ewhurst Road; 46 Mafeking Road (2 letters); 94-96 (owner) Lewes Road; 69 Riley Road; objecting to the application for the following reasons:

- The proposed 5 storey building would look out of keeping in the area / the proposed building is too large, would be overbearing and out of scale.
- Gladstone Place is a quiet residential street where the flats proposed would create noise and disruption.
- The proposal for 52 flats is an inappropriate density and represents an overdevelopment of the site.
- The proposed accommodation may not have adequate staffing / management and this could lead to behaviour which could harm neighbouring amenity.
- There is already too much student accommodation in the area surrounding the site. There are many student houses in the area. This causes noise and disruption for other residents, anti-social behaviour, and problems with litter and refuses collection. More student accommodation will worsen this situation significantly. Consider the impact of all of the student blocks in this area.
- Would result in growth of take aways and off licenses.
- The traffic noise and air pollution along Lewes Road make it unsuitable for residential development.
- The proposed development will result in more cars being parked on the surrounding streets which are already heavily parked. Transport Assessment states that 20% student households will have a car. It will be harder for existing residents to find a parking space. Gladstone Place is also accessed by large vehicles visiting 'Kwik Fit'. The increased activity and parking would increase highway safety risk.
- Local businesses will suffer as a result of a lack of available parking.
- The proposed building would overshadow neighbouring properties.
- Loss of privacy
- The proposed development would block views from neighbouring properties.
- The proposed development would cause additional overlooking of neighbouring properties.
- No details of surface water drainage have been submitted.
- The proposal could include additional sustainability measures such as rainwater harvesting, renewable energy production and green roofs; this is a lost opportunity.
- The proposed building would be overcrowded and would be a fire hazard for future occupiers due to its proposed layout.
- There are no proposals to facilitate deliveries to / collections from the site; such activities may therefore block the public highway.

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- The area surrounding the site is home to bats and badgers. The development could impact upon these species; an ecological survey should be carried out at the site. No consultation with ecologists or full survey carried out.
- The proposed development would reduce the value of existing dwellings in the area around the application site.
- The construction works required to facilitate the development would cause inconvenience.
- The sewer system in the surrounding area does not have capacity to meet existing needs; the system would not cope with increased demand.
- The proposed cycle parking is not adequate for 65 flats.
- The site would be better utilised for first time buyers' flats and family homes as there is a shortage in the area and throughout Brighton.
- Contrary to Policy CP21 as the site is not a suitable or appropriate
- The site is at the confluence of the 4 Wards in Brighton with the most student houses.
- Damaging to mixed community replaced by unsustainable ratio of student occupiers.
- Must not block vehicular access to property
- Students must not be eligible for parking permits
- No parking proposed
- Would double the density of Gladstone Place
- Insufficient cycle parking space
- Inadequate management arrangements.
- Street densely populated with a busy distribution centre at the top of the street.
- What are plans for refuse and cycling?
- Object to behaviour of applicants by demolishing pub and erecting hoardings; without consent
- Flaws in the consultation process by the applicant.
- Maximum students should be 25 or 35
- Full time supervision needed. Inadequate staffing levels.
- Need disabled parking for mobility units.
- Move in move out periods will be impossible.
- Claim that applicants are encroaching onto neighbour's land at No.1 Gladstone Place when serving party wall notice. Request 6am – 6pm parking restrictions.
- Should be proposing 2 bedroom flats.

### 5.2 **2 letters have been received from 56 Gladstone Place** supporting the proposals for the following reasons:

- Will smarten up the area; good for business; request residents parking permits in Gladstone Place. Student restrictions on car ownership will not prevent visitors bringing cars into the area. Need good refuse and recycling facilities. Current on-street communal bins would need re-location.

### 5.3 **East Sussex County Archaeologist:** No objection.

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It is not considered that significant archaeological remains are likely to be affected by the proposed development.

- 5.4 **East Sussex County Ecologist:** Support. The proposed development is unlikely to have a significant impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for bio-diversity enhancements that will help the Council address its duties and responsibilities under the National Environmental and Rural Communities Act and NPPF.
- 5.5 **East Sussex Fire and Rescue Service:** Comment.  
In order to meet the requirements of section B5 of Approved Document B of the Building Regulations there should be vehicle access to all flats within 45m within each dwelling or the premises will require the provision of a fire main. A sprinkler system is also recommended.
- 5.6 **Environment Agency:** Conditions recommended in relation to land contamination, and to secure full details of surface water drainage measures, and foundation designs.
- 5.7 **Southern Gas Networks:** No objections
- 5.8 **Southern Water:** Conditions recommended. Details of surface and foul water disposal are required and should be secured by condition. A formal application for a connection to the water supply and the sewerage system will be required. The site is within a source protection zone and the Environment Agency's comments should be sought in this regard.
- 5.9 **Sussex Police:** Comment. Various security measures which are not land use related are recommended to the applicant.
- 5.10 **UK Power Networks:** No objection.
- 5.11 **University of Brighton:** Confirm that the University is not in discussion with the applicant about the proposed development at 119 Lewes Road. Therefore the University does not formally offer its support to this application.

### **Internal:**

- 5.12 **Access Officer:** Comment. This is an unusual application in that it is student accommodation but designed as self-contained studio flats rather than en-suite rooms with other facilities shared. This application is much better than the previous version in terms of accommodation for wheelchair users. There are now 3 wheelchair accessible units as there should be to meet HO13 and there is suitable turning space in their shower rooms. Unfortunately, there does not seem to be room to store a wheelchair/scooter in the accessible units or in the bike store. The previous layout did seem to have sufficient space but it has been lost in this version. Viewed strictly as flats, the other units still do not meet Lifetime Homes requirements. Good access to everywhere including ancillary features such as refuse storage etc which is level and there is a lift of a suitable size.

- 5.13 **Arboriculture:** No objection subject to a suitable condition regarding protection of the existing Lime tree which overhangs the site being attached to any planning consent granted.
- 5.14 **Environmental Health:** Comment
- 5.15 Noise assessment:  
Questions are asked in respect of previous similar scheme on this site (BH2014/03300) about the noise assessment. There is currently insufficient information available with which to make a full judgement.
- 5.16 As this development includes bedrooms that face out onto the Lewes Road which is a busy bus route (including night buses) and buses will cause maximum noise values, internal  $L_{Amax}$  for this development will be set. With respect to this value, WHO's Night Noise Guidelines for Europe are now considered to be the most appropriate and up to date guidance (2009) as these cite an evidence based value of 42dB  $L_{Amax,inside}$ .
- 5.17 Ventilation:  
In order to achieve the required internal noise levels, suitable ventilation will be required for the building. The type and position of this ventilation will depend on several factors relating to the noise assessment in addition to the air quality in this area (the property resides in an air quality management area).
- 5.18 Noise transmission between common room, plant room, bin room and bedroom/study units:  
It is noted that there are bedrooms proposed to be located above rooms which have the potential to have impact, plant and other types of noise. A condition can be recommended whereby the sound insulation between these units will be greater than Part E and will be evidenced through pre-completion testing.
- 5.19 Plant Room:  
Conditions to ensure that any plant in this room will incorporate anti-vibration and noise attenuation measures could be recommended.
- 5.20 Contaminated Land:  
119 Lewes Road has been identified as potentially contaminated land due to past commercial uses, including: as a garage and a motor car agents and dealers. Consequently, it is possible that there may be some localised contamination on site due to these past uses. Therefore, as it cannot currently be determined that the desk top study and site investigations were sufficient for this site and because further site investigation may be required as outlined in the Geo-Technical and Environmental report, a full contaminated land condition would be recommended for this application.
- 5.21 Air Quality:  
The horizontal and triangular distances between the Lewes Road carriageway and first floor bedrooms fronting the Lewes Road would be 3.7 metres in height. Horizontal distance from kerb to facade with a wide pavement and a new

building line is 6 metres. The triangular distance from first floor window to carriageway would be 8 metres.

5.22 Recommend that first floor bedrooms do not front the Lewes Road that is consistent with advice on No. 113 Lewes Road; 106 Lewes Road and land to the rear of 94 Lewes Road. Site is located close to the Vogue Gyrotory approaches which have some of the highest recorded concentrations of nitrogen dioxide in the wider Brighton AQMA. Slight advantage in that this proposal is set further back from the road compared with No.113 Lewes Road and closer to green space / good air quality in the crematorium open space area. Pollution levels improve to the east into this green space.

5.23 Recommend first floor hermitically sealed windows with ventilation intakes from the top or rear of the premises. Ventilation intakes are clear from space heating discharges. Recommend ultralow NOx gas boilers. Any flues from boilers should have vertical discharges above roof height for dispersion and any emissions should avoid the street (Lewes Road) or alternatively electric storage heaters with hot water via an electric immersion tank.

5.24 **Heritage:** Comment.

The current site contributes negatively to the townscape of Lewes Road but has little or no impact on the setting of the historic cemetery and no impact on the setting of the Round Hill conservation area. The proposed building is considered to be appropriate in scale and massing for the site and would have very minimal impact on the setting of the cemetery and that minimal impact would cause no harm. It would have no impact on the setting of the Round Hill conservation area.

5.25 The proposed design is very simple in form and elevational treatment, especially above ground floor level, and could potentially appear bland. Detailing and materials would therefore be crucially important if the development is to be of suitable quality for this key corridor; it would be important to ensure, for example, that the windows are set in fairly deep reveals in order to give the elevations sufficient shadow and modelling. At ground floor level there should be a clearer distinction, through materials and finishes, between public and private realm.

5.26 Large scale elevation and section details and materials should be subject to condition.

5.27 **Planning Policy:** Original comments: Object.

A similar, albeit slightly larger, scheme for the development of student housing on the site was refused at Planning Committee in February 2015. The principle of student housing on the site was not one of the three reasons for refusal. However, since the consideration of the previous scheme at Planning Committee, the University of Brighton are understood to have withdrawn their letter of support for student housing on the site. The scheme now under consideration therefore does not comply with Submission City Plan Policy CP21, part A/i/7.

5.28 Whilst the proposal does not include a retail unit on the ground floor, it is considered that overall the application would not result in a concentration of non-retail units in this part of the secondary frontage and therefore the proposal is not considered to harm the vitality or viability of the Lewes Road Shopping Centre.

5.29 No information has been provided to demonstrate compliance with Waste & Minerals Plan Policy WMP3d. No evidence has been provided to demonstrate that the development has the support of one of the city's two Universities or other existing educational establishments within Brighton & Hove through a formal agreement.

5.30 Revised comments: Support

Compliance with this policy requirement could be secured through a legal agreement which restricts occupancy of the development to students of the two universities or other existing educational establishments in Brighton & Hove. The wording of the agreement should also ensure that there is a clear link between the management company of the block, if not directly managed by an educational establishment, and the educational establishment attended by the students, with regard to the student management plan.

5.31 **Sustainability:** Support

Features noted on submitted documents meet expected policy standards, and are welcomed:

BREEAM Pre-assessment Multi Residential: 'excellent' score targeted

- 73.91% Energy Section
- 75% Water Section

Features include:

- Small scale CHP based communal heating
- Roof mounted PV 6kWp (shown on drawings)
- Robust building fabric thermal performance

The addition of planting would be welcomed to mitigate urban heat island effect.

5.32 Additional comments

The proposed development is within Development Area DA3, which has been identified in the City Plan as having enhanced potential for district heating. DA8 states at priority 8:

*8. Development within this area will be encouraged to consider low and zero carbon decentralised energy and in particular heat networks and to either connect where a suitable system is in place (or would be at the time of construction) or design systems so that they are compatible with future connection to a network.*

5.33 Several major developments have recently come forward which include energy plant in the Lewes Road area. Whilst a heat network is not currently in place locally, in response to the local priority 8 from DA8, it is recommended that a condition be applied which requires that the energy plant is designed to have



capacity for connection to a district heat network in future. This can be secured through an appropriate condition.

5.34 If heat were supplied in future from an offsite location, this would avoid additional emissions to the atmosphere in this environment which suffers from transport related emissions.

5.35 **Sustainable Transport:** Original comments: Support

The Highway Authority comments are broadly similar to a recent application (BH2014/03330) however the comments reflect the proposed reduction in units proposed; from 65 to 52. While none of the previous reasons for refusal were transport reasons one of the reasons was related to on-street parking and the amenity issues associated with it. This development is not within a Controlled Parking Zone (CPZ).

5.36 It would be reasonable to assume that the number of cars that could be associated with a student residential development in this area could be between 4 and 13. This does not take account of any mitigation in the form of a travel plan which could further reduce the likelihood of car ownership.

5.37 The Highway Authority would look for the following changes to be agreed prior to determination.

5.38 The cycle parking standard for HMO's in SPG04 is 1 per 3 units. Given the sites location, nature and proximity to the Lewes Road corridor where significant improvements to cycling infrastructure has been implemented in recent years, the Highway Authority envisages that cycling will be a popular mode of travel by the future occupants and that 18 cycle parking spaces will not cater for demand. Therefore the Highway Authority would look for the applicant to either increase the number of spaces on-site or a portion of the S106 contribution could be used to install on-street cycle parking. The Highway Authority would look for a S106 Agreement which requires payments and contributions towards necessary Traffic Regulation Order (TRO) on Gladstone Place to provide disabled bays and/or a loading bay; A contribution of £12,090 towards sustainable transport improvements in particular side entry road treatments around the entrance to Woodvale Crematorium. Conditions should include re-instatement of redundant vehicle crossovers, a Travel Plan and a Move in Move out strategy.

5.39 Revised comments

In light of the reduction in units by one to 51 proposed, the S106 contribution would reduce to £11,858. This contribution would go towards footway improvements which could include side road entry treatments at the crematorium access and/or Real Time Passenger Information signs at bus stops and/or pedal cycle parking spaces.

5.40 The applicant has now proposed 32 cycle spaces, an increase from 18 and this is deemed acceptable by the highway authority with details to be secured by condition.

- 5.41 The applicant states that they are adopting a similar approach to the move in and out of students at the start and end of term as that adopted in the neighbouring Sawmills site (112-113 Lewes Road). The Travel Plan sets out measures to successfully manage the moving in and out of students. These measures if correctly implemented and managed are considered to help mitigate any potential negative impacts of the moving in and out of students. These measures should be secured through the S106 agreement and included within the Travel 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:

TR1	Development and the demand for travel
TR2	Public transport accessibility and parking
TR7	Safe development
TR8	Pedestrian routes



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TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU3	Water resources and their quality
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewerage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
SU14	Waste management
SU15	Infrastructure
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Street frontages
QD7	Crime prevention through environmental design
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
QD28	Planning obligations
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes
NC2	Sites of national importance for nature conservation
HE6	Development within or affecting the setting of conservation areas
HE11	Historic parks and gardens

### Supplementary Planning Guidance:

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

Interim Guidance on Developer Contributions

### Supplementary Planning Documents:

SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development

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

SS1	Presumption in Favour of Sustainable Development
DA3	Lewes Road Area
CP12	Urban Design
CP21	Student Housing and Housing in Multiple Occupation

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 Matters relating to loss of view and property values are not material planning considerations. The main considerations in the determination of this application

relate to the principle of the proposed development, design and visual impact, regeneration of the DA3 strategic area, the standard of accommodation, neighbouring amenity, transport and highways, human health, sustainability, landscaping and ecology.

**8.2 Planning Policy:**

Both the existing use of the site, and the last authorised use are of a commercial nature and are employment generating uses. The policies of the Brighton and Hove Local Plan Chapter 5 'Supporting the local economy and getting people into work' have the objective of protecting existing employment generating uses, the uses specified however are in the main in the B Class. There is no specific protection of sui generis uses for car hire or as a car wash. Given the size of the site and the small floorspace of the existing building, it is unlikely that the site generates significant levels of employment or did in the past. Most of the curtilage of the site has been used for parking motor vehicles. Overall having considered these factors, the loss of the existing use of the site is not objected to.

8.3 The key policy considerations with respect to the principle of development are policies CP21 and DA3 of the emerging Brighton & Hove City Plan Part One (submission document). Policy DA3 is an area based policy which sets out a strategy for development in the defined Lewes Road Area, the site is within this defined area. The strategy in this area is to improve higher education provision in the Lewes Road area and to secure improved sustainable public transport infrastructure. Securing improvements to the townscape and public realm is another key objective and to deliver inter-connected green infrastructure and to improve air quality. Policy CP21 sets out a strategy for the delivery of purpose built student accommodation.

8.4 The proposed use of the site is student accommodation. The adopted Brighton and Hove Local Plan does not contain a specific policy which addresses this issue however policy CP21 of the Brighton and Hove Submission City Plan Part 1 does address student accommodation. This policy document is at a late stage of preparation and the council attaches significant weight to policy CP21. Policy CP21 (Part A) states that:

*The council will encourage the provision of purpose built accommodation to help meet the housing needs of the city's students. Proposals for new purpose built student accommodation will need to demonstrate that the following criteria have been addressed:*

*1. Proposals should demonstrate that there will be no unacceptable impact upon residential amenity in the surrounding area through issues such as increased noise and disturbance;*

*2. High density developments will be encouraged but only in locations where they are compatible with the existing townscape (see CP12 Urban Design);*

*3. Sites should be located along sustainable transport corridors where accommodation is easily accessible to the university campuses or other*

*educational establishments by walking, cycling and existing or proposed bus routes;*

*4. Proposals should demonstrate that they would not lead to an unacceptable increase in on-street parking in the surrounding area;*

*5. Proposals should be designed to be safe and secure for their occupants whilst respecting the character and permeability of the surrounding area;*

*6. Schemes should demonstrate that they have entered into a formal agreement with one of the city's two Universities or other existing educational establishments within Brighton & Hove. The council will seek appropriate controls to ensure that approved schemes are occupied solely as student accommodation and managed effectively;*

*7. Permanent purpose built student Accommodation will not be supported on sites allocated for housing or with either an extant planning permission for residential development or sites identified as potential housing sites.*

- 8.5 The site has not been allocated as a housing site nor is it identified as a potential site in the Strategic Housing Land Availability Assessment which is a supporting document to the City Plan. Therefore, there is no objection to the principle of the use as purpose built student accommodation in the DA3 area where higher education enhancement sits alongside strategic allocations of sites identified for purpose built student accommodation. This meets criteria 7 as confirmed by the Planning policy team and was accepted by the Planning Authority when considering the previously refused application for 65 units (ref: BH2014/03300).
- 8.6 The proposed development of four storeys in height is of a high density and it has two frontages on the Lewes Road and Gladstone Place and should respond to the character of the townscape. The Lewes Road in this vicinity features a number of high density developments of between 4 – 6 storeys in height in contrast with the residential development in side roads including Gladstone Place which comprises mainly 3 storey terraced dwelling houses. The adjoining site to the north (112-113 Lewes Road) has recently been redeveloped at 4 storeys in height. A fuller assessment of the height and design of the proposed development is described in paragraph 8.10 onwards to follow. It is considered therefore that in townscape terms the proposed development would reflect the character of the area and would meet policy CP21 criteria 2.
- 8.7 The application site is on a sustainable transport corridor and the university campuses are accessible by foot, cycle and bus thus meeting criteria 3.
- 8.8 Whilst the predicted car ownership of the occupants is based upon census data, it does not take account of other material considerations particular to the site. The site is within easy walking distance of 3 main teaching buildings at the University of Brighton to the north and with frequent bus services to Grand Parade and Falmer campuses of both Universities; car ownership levels of the occupiers should be less than modelled. The improvements to the A27 for bus

and cycle users would also mitigate concerns about spill over car parking. Many of the objections to the proposals have raised the potential for increased demand for on-street parking as a reason. However it is not considered that sufficient evidence could support the view that the proposal would lead to an unacceptable increase in on-street parking in the surrounding area and criteria 4 is met.

- 8.9 The proposed site layout and design do not raise any specific security concerns. Sussex Police have not raised any land use issues related to security. At present the site is very open and is only active in daytime. The development of the site will ensure that there is day to day activity into the evening. The design of the building would provide plenty of casual surveillance opportunities of the street frontages from the reception/security and the communal space fronting Lewes Road. The outlook to the north from bedrooms will also improve security around the Crematorium entrance and deter anti-social behaviour. The building would feature all of the standard electronic security measures for the occupiers so Criteria 5 would be met.
- 8.10 No information has been submitted to date in regard to obtaining the support of one of the city's two Universities or other existing educational establishments within Brighton & Hove. Discussions with the education providers are on-going and any progress will be reported to the Planning Committee. However, the policy does not prevent written agreements and contracts from being reached prior to construction commencing. The policy also does not require exclusivity to one education provider over another for occupation by its students. The applicants have agreed to a similar wording to that inserted into the S106 agreement on Circus Street which allows for a student management company to be responsible for the day to day management but that evidence of signed agreements with the education providers would also be required to ensure that the Higher Education establishment have responsibility for the conduct of students attending their courses. It is considered, therefore that subject to these requirements to be secured by a S106 agreement, that the proposal would meet policy CP21 of the City Plan.
- 8.11 **Design, appearance and visual impact**  
The principle of the redevelopment of the site with a contemporary design was accepted previously. The character of development along Gladstone Place is primarily three storey Victorian terraced dwelling houses, including a lower ground floor, with the front entrances set back and elevated above the pavement. Along Lewes Road there is a mix of development types and designs. In recent years a number of modern flatted developments have been built typically between 4 and 6 storeys in height in close proximity to the Vogue Gyrotory. Most recently a four storey building has been approved at 112-113 Lewes Road for a student scheme and is complete bar the fit out of the ground floor commercial units.
- 8.12 The proposed development has been reduced in scale and height compared to the refused scheme from a five storey block to a part 3 and 4 storey brick building. The footprint of the proposed building covers the majority of the site, but the south elevation has been pulled back from the road frontage to align

with the Gladstone Place building line including the adjoining No. 1 Gladstone Place. The building line would be staggered forward so that on the south west corner of the site the building would be sited at back edge of the footway in order to provide an appropriate architectural corner piece in the streetscene.

- 8.13 The north side of the building would be set back from the boundary in order to provide some space from an overhanging mature lime tree which is sited in the curtilage of the crematorium. The Arboriculture officer has no objections to this building line provided that appropriate protection is provided to the tree during construction and works to cut back the overhang are carried out by a suitably qualified person. To the southern side of the site the rear section of the building is set in from the pavement; this provides an outdoor space and a cycle parking area. The eastern flank of the building would have a separating distance of 1.8m from the adjacent No.1 Gladstone Place. The sites are physically separated by a 3 metre high wall. Amenity issues are discussed below from paragraph 8.23 onwards.
- 8.14 The west flank of the building fronting the Lewes Road would be staggered with the south west façade set 1.6m forward of the north west façade.
- 8.15 The scale and height of the south elevation would relate much more to the existing building heights compared to the refused scheme. The elevational treatment would break the façade vertically into three segments. The 3 storey section adjacent to No.1 Gladstone Place would align with the parapet of the dwelling which is acceptable. (The refused scheme had a 5 storey element adjacent to this dwelling). The middle section is set forward 2.6m from the building line and rises to 4 storeys but following pre-application discussions, the top floor would be set back in line with the established building line. The corner elevation would then be at full height of 4 storeys to the site frontage.
- 8.16 There have been substantial design discussions both within the Council at the cross departmental design review and with the applicants. The south façade would now successfully make the transition from the 3 storey Victorian terrace to the 4 storey modern build which is becoming a feature of the Lewes Road streetscene. The broken up south elevation would be a significant improvement on the refused scheme by continuing the rhythm and proportions of the Victorian terrace and is now considered to relate much better to the street scene albeit as a modern design. The impact of the proposal in the Gladstone Place streetscene looking westwards would be acceptable as it would provide a separating distance to the 4 storey corner element. It is also a material consideration that the background in this view is an incongruous cluster of unattractive buildings of no architectural distinction on Hollingdean Road including Diamond Court (allowed on appeal) and the Hughes Industrial Estate which would be obscured and enhanced by the presence of the proposed building.
- 8.17 The main materials proposed are brick which is a feature material in this location. The brick would help to add to a richer texture of the façade than some of the rendered finishes of more recent modern developments, a feature of the



refused scheme on this site. The facades will be more enduring as well and would not discolour quickly in this busy urban environment.

- 8.18 The four storey Lewes Road (west) elevation would match the recently built development at 112-113 Lewes Road in height on the opposite side of the entrance to the crematorium and is now acceptable. The west façade would have a brick façade divided by the 1.6m inset. The ground floor would be fully glazed in the main where the communal areas would be located. Part of the ground floor on the south west and south east corner would be set back behind the façade to create a covered area of outdoor amenity space. This would also help to break up the façade and to provide more visual interest at street level.
- 8.19 The north elevation, which is quite prominent in the Lewes Road streetscene, has window openings on each floor and avoids an extensive blank façade being visible. The remaining north façade would be obscured by the recently constructed 112-113 Lewes Road. From close quarters, the very tall Lime tree would screen much of this façade and soften it. It is considered that the proposed scale, bulk, height and appearance of the building would be a significant improvement on the refused scheme and would result in a building which would sit well within the streetscene and the townscape and would be of an appropriate scale for this corner site. The proposal would therefore comply with policies QD1; QD2; QD3; QD4 and QD5 of the adopted Brighton and Hove Local Plan and CP12 of the Brighton and Hove Submission City Plan (as modified).
- 8.20 The elevations would be brick clad in a mix of medium and light buff colour which would have a mottled effect which in principle is acceptable. Window surrounds and the recessed fourth floor would be in a bronze/gold coloured metal cladding and the windows would be in bronze coloured aluminium. The capping at parapet level and the ground floor gates and shutters would be bronze coloured aluminium or an alternative metal. In principle the materials are considered to be acceptable subject to final approval of samples. A sample board will be made available at the Planning Committee for Members to view.
- 8.21 The number of units proposed has been reduced by one to 51 in order to pull back the top floor at fourth floor level. All of the units would be self-contained studio types with a bed, desk, kitchenette, and en-suite bathroom. The ground floor of the building would comprise ground floor communal area fronting the Lewes Road. The main entrance would be on the Gladstone Place frontage near the south west corner and 5 of the rooms would be on the ground floor including 3 accessible units. Cycles and bin storage would be accessed from the Gladstone Place side. Laundry facilities would also be provided. The remaining 46 units would be arranged around a central landing. Each room would have an outlook either onto a road frontage or overlooking the landscaped crematorium entrance.
- 8.22 There would be no balconies or roof terraces proposed with the development unlike the refused scheme which featured 3 open terraces at roof level including one adjacent to No. 1 Gladstone Place. Whilst this would reduce the amount of

amenity space provided, it would help to mitigate concerns about noise and disturbance which have been raised by many local residents

8.23 It would usually be expected that a block of student accommodation would be arranged in cluster flats with bedrooms and communal kitchen / living rooms. However, Universities do provide a proportion of studio rooms for their students particularly post-graduate students. The units proposed are in general around 18m<sup>2</sup> which is around 5 sq. metres larger than standard rooms with communal facilities approved on other sites. That said there is still a common room proposed which would be available to future residents. The standard of accommodation and room sizes did not form the basis of one of the reasons for refusal and as before the standard of accommodation, whilst small, is considered to be acceptable given that tenure is not permanent.

**8.24 Neighbouring amenity:**

The neighbouring residents who could be most affected by the scale of the proposed building would be the residents of the nearest properties on Gladstone Place and potentially student residents at 112-113 Lewes Road which has not been occupied yet but may be in September of this year. No. 1 Gladstone Place would be 1.7–1.9 metres away from the proposed development. The dwelling has an original two storey mono-pitched roof projecting rear element but also a single storey rear flat roofed extension beyond that. Ground floor rear windows are already well screened by the rear projecting elements or the blank boundary wall from the proposed development. A first floor window to the rear addition would appear to be a bathroom window as it has an external mechanical vent and external water and waste pipes. The development would extend beyond the plane of this window by 3.1m but would not have any impact on it in terms of overshadowing due to its status as a non-habitable room. The occupier has objected to overshadowing of a flank wall window on the west flank overlooking the site which serves a stairwell. As the window does not serve a habitable room and there is separating gap, this would not be sufficient to justify refusal for reason of loss of daylight and therefore the proposal complies with policy QD27 in respect of daylight. The existing rear gardens have a north facing aspect and are overlooked by the windows and balconies on the south flank of 112-113 Lewes Road but are also overshadowed somewhat by the mature trees in the crematorium curtilage. It is not considered that the element of flank wall which projects beyond No.1 would have a harmful impact on the sunlight or daylight to the rear gardens.

8.25 In regard to privacy, there would be a single column of windows on the east flank of the proposed development serving the corridors which would face the blank west wall of No.1 Gladstone Place. This would not raise any concerns. Studio rooms on the north side would now face directly onto windows and balconies on the south flank of 112-113 Lewes Road. The windows themselves in that development are recessed behind the balconies so the separating distances would be 18.5-21 metres which is considered to be acceptable and would not cause a demonstrable loss of privacy particularly with the heavy screen of trees in between. This revised application does not have any roof terraces or balconies so no other privacy issues would be raised.

- 8.26 In respect of noise disturbance, the previously proposed roof terraces were not considered to be likely to cause noise and disturbance if managed properly. Nevertheless, there are no balconies proposed. Issues of noise and disturbance will also be mitigated by the proposal not including communal lounge and cooking facilities. The ground floor communal area faces onto the Lewes Road area and its use would not cause noise and disturbance. The applicants have proposed external amenity space on the Lewes Road frontage which would wrap around the south elevation facing opposite to the car repairs and tyre and exhaust fitting business opposite. It is considered that most of the time any noise made by the occupiers would be dissipated by the noise of vehicular traffic along Lewes Road together with car repair noise of machinery and voices. Similarly, the management of students' behaviour, noise disturbance, anti-social behaviour etc. could be secured as part of a management plan.
- 8.27 It should also be borne in mind that the current site has a busy car wash business on it and was previously used for car/van based businesses using the forecourt. This would have resulted in cars arriving and departing from the site potentially adding to the current general disturbance and noise. Vehicular activity on and around the perimeter of the site would be likely to be reduced since there would be no parking on site.
- 8.28 Within the context of the site there are a significant number of HMO / student properties in the vicinity of the site occupying dwelling houses. The supporting text to policy CP21 (as modified in June 2015) refers to the need to take account of the cumulative impact of other and existing and proposed purpose built student accommodation. In addition there is the purpose built block of student accommodation at no. 112-113 Lewes Road for which planning consent was granted in 2010 under ref: BH2010/01824 for 39 rooms and then for 44 rooms under BH2013/00908. Within 50m of the proposed entrance to the current proposal, there is only one other HMO. Under Policy part B, no other HMO's would be likely to be authorised or granted planning consent in Gladstone Place as the CP21 policy standard has been exceeded with 15% of properties in HMO use as either student or general type.
- 8.29 In this context, a further development of 51 units of accommodation, does have the potential to worsen existing problems reported by objectors in the area associated with dense development and properties in multiple occupation. However, the location of the development at the junction of Gladstone Place and the Lewes Road has some mitigating factors for this proposal. Many of the objections to the proposal refer to noise potential caused by the occupiers. However, since Gladstone Place is a pedestrian and vehicular cul de sac with no amenities such as shops or parks in or beyond it, occupiers of the new development would have no reason to walk up the road but would arrive and depart from the proposed building directly onto the Lewes Road. The opportunities for creating disturbance outside in Gladstone Place would be limited and mitigated by this. Once inside the building or within its curtilage, as has been accepted already, an agreed management plan and on-site security would be in place to control any noise and disturbance.



8.30 A further material consideration is that the current applicants have taken ownership of No. 112-113 Lewes Road subsequent to its approval and have also submitted the application under consideration at 106 Lewes Road. The intention is that these units of accommodation would all be managed by the same company which would help to coordinate the management of all 3 blocks were they all to be granted consent and built. Each development is relatively modest in the context of some recent student development approvals of 300-400 plus at London Road or Circus Street. The modest scale of this development should make it easier to manage and for individuals or groups living in them to be easily identifiable by the management company in the case of amenity problems experienced by residents.

**8.31 Transport:**

The application site is located on a sustainable transport corridor and served by a number of main bus routes. The universities and the city centre are accessible by bus, cycle and foot. In order to address the requirements of policies TR1 and TR2 a contribution of £11,858 towards sustainable transport infrastructure improvements in the vicinity of the site is required for this development proposal. This would be secured by legal agreement and would go towards footway improvements which could include side road entry treatments at Woodvale crematorium access and/or Real Time Passenger Information signs at bus stops and/or pedal cycle parking spaces.

8.32 An arrival and departure strategy has been submitted which it is considered would reduce the disruption associated with the arrival and departure of occupants as far as is practical. Measures would include:

- Arrivals/departures to be staggered over two weekends where students will be required to select a time slot.
- Loading/Un-loading will take place on-street from Gladstone Place.
- An information pack will be provided to all students detailing the move in and out process and will also include the location of nearby car parks so that parents/students can park prior to and after loading their belongings into the building.
- Rooms will be let for the full academic year reducing the need to empty a room during the holidays.

8.33 No vehicular access is proposed into the site and therefore the existing crossovers and dropped kerbs would need to be reinstated as pavement were the development to be carried out, this could be secured by condition. The applicant has proposed that the new space available on street could be utilised for a loading bay and disabled or general parking, the Transport Officer has advised that these works would require a contribution of £2,000 to fund the amendment of the relevant Traffic Regulation Order.

8.34 The proposed development would be likely to generate some additional demand for on-street parking as a proportion of future occupiers are likely to have a private motor vehicle which they would look to park as close to the site as possible. The applicants estimate (based upon census data) that a range of between 4- 13 cars could be associated with the development proposed. The

lower figure of 4 is more realistic. Hanover and Elm Grove is one of 3 Wards with a high density of students. The three wards have a car ownership levels of 0.2 – 0.25 cars per household (of at least 3-4 occupants) according to 2011 Census data. Translating that figure into a purpose built scheme of 51 people could produce 2-3 cars. Providing a significant level of car parking on a site of this modest scale could make the development unviable unless building a taller development.

- 8.35 No information has been submitted by the applicant to demonstrate that there is capacity in surrounding streets to accommodate additional parking demand. It is acknowledged in the transport statement that there is limited on-street parking availability in the area surrounding the site. Difficulties in parking close to home can act as a further deterrent to car ownership particularly by students who would be living within easy travel distance to teaching venues.
- 8.36 It is noted that the removal of the vehicular access on Gladstone Place would allow for some additional on-street parking which could be allocated to loading, disabled parking, or general parking.
- 8.37 Overall, it is considered that the modest parking demand would not cause a highway safety risk, and its impact would not be significant such that a reason for refusal on the grounds of a significant upturn in parking demand could be justified.
- 8.38 In regard to cycle parking 32 secure spaces are now proposed as amended. This would meet the standards set out in SPGBH4 and full details of the provision can be secured by condition.
- 8.39 **Contaminated land, noise and air quality:**  
There is a likelihood that the site is contaminated and the site is situated within a ground water source protection zone. Reports have been submitted in relation to preliminary assessments of potential contaminated land. A separate application for Prior Approval to demolish the existing buildings and remove the undergrad tanks is under consideration (ref: BH2015/01578) and would also cover how the removal of the tanks would be dealt with. Conditions requiring a full land contamination condition would be applied.
- 8.40 The other main environmental health issues are air quality and noise impacts for future residents. As referred to in consultee comments, the site is on the edge of an Air Quality Management Area (AQMA) which is the Vogue Gyratory. There would be residential units at first floor level facing the Lewes Road so the Environmental Health Officer advice is that these windows should be hermetically sealed and through mechanical ventilation fresh air should be sourced from roof level and from the rear close to the crematorium open space. There would also be a need for sealable windows to counter the traffic noise at night mainly as a result of passing buses. Noise conditions would also be required to deal with noise transmitted between floors in the proposed new development. These issues could all be dealt with by condition.

8.41 Following receipt of a further noise impact report, further comments are awaited from environmental health.

**8.42 Sustainability:**

The BREEAM multi-residential pre-assessment is targeting an 'excellent' score with more than 70% in both water and energy sections. The development would feature Combined Heat and Power communal heating, roof mounted photovoltaics on the fourth floor roof which would not be visible except from higher ground or buildings. The building would feature a high thermal performance. The applicants have also agreed since submission to design the building to be capable of future connection into a district heating system. The sustainability measures proposed are welcomed and would comply with policy SU2 and SPD08.

**8.43 Landscaping and nature conservation enhancements:**

Policy QD15 of the Brighton & Hove Local Plan requires that all new development incorporates high quality landscaping (soft and hard). Policy QD17 and the guidance set out in SPD11 require that all new development include nature conservation enhancement measures. The plans would enable soft landscaping features to be integrated into the external communal areas proposed around the entrance. Illustrative drawings will be available to demonstrate this. The applicants have agreed to provide bird and bat boxes in the vicinity of the site most likely in Woodvale Crematorium which is Council owned. This could be secured by a Grampian style condition. The County Ecologist has no objections as the site has no current ecological value and opportunities to enhance biodiversity can be secured by condition.

**9 CONCLUSION**

9.1 The proposed redevelopment as student accommodation is acceptable in principle in this location on the Lewes Road which has been identified in the policy DA3 area in the Submission City Plan as being suitable for purpose built student accommodation. The site has good transport links to the Universities teaching sites and the City Centre. The proposals accord with policies CP12 and CP21 of the City Plan (as amended) and design policies in the adopted Local Plan since the proposals would be compatible with the existing townscape, are of a good standard of design with appropriate materials. The applicants would be required by S106 to enter into an agreement with an existing educational establishment before construction starts and the self-contained units shall be subject to a detailed management agreement as part of any S106. The location of the development on the main road frontage would also be a mitigating factor in minimising any potential noise and disturbance to local residents in accordance with policy QD27 of the adopted Local Plan and City Plan policy CP21. The generation of car parking is estimated to be quite low and would not cause unacceptable harm to the amenity of nearby residents. Account should also be taken of the existing car wash use on site which attracts vehicle movements and the car repairs and tyre sales unit opposite which make this part of Gladstone Place a busy location for motor vehicles. The development would provide some on site amenity and communal areas and is overall considered to be acceptable.

**10 EQUALITIES**

10.1 It would not be reasonable to require that the development provide full compliance with Lifetime Homes Standards as these standards relate to general housing developments. It is however noted that the development would provide 3 accessible units, a good standard of access with level access at ground floor level and a lift to provide access through the building.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 S106 Heads of Terms**

- 14 days' notice of commencement of construction
- Construction and Environmental Management Plan (CEMP)
- Construction Training and Employment Scheme
- Open space, sport and recreation contribution £62,500
- Sustainable transport contribution £11,858
- S278 Agreement and funding of Traffic Regulation Orders
- Student Accommodation Management Plans
- Occupancy restriction

**11.2 Regulatory Conditions:**

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

Plan Type	Reference	Version	Date Received
Site Location Plan	(08) 201		30.05.15
Block Plan	(08) 202	Rev 02	10.08.15
Existing Site Plan	(08) 203		30.03.15
Proposed Site Plan	(08) 204	Rev 01	17.07.15
Basement Plan	(08) 210		30.03.15
Ground floor plan	(08) 211	Rev 01	17.07.15
First floor plan	(08) 212	Rev 01	17.07.15
Second floor plan	(08) 213	Rev 01	17.07.15
Third floor plan	(08) 214	Rev 01	17.07.15
Roof plan	(08) 216	Rev 02	17.07.15
Section A-A	(08) 219		17.07.15
Elevations	(08) 220	Rev 01	17.07.15
Elevations side and rear faces	(08) 221	Rev 01	17.07.15
Proposed contextual elevations	(08) 222	Rev 01	17.07.15

11.3 Pre-Commencement Conditions:

- 3) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
- i)(a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,
  - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority,
  - (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.
- 4) The development hereby permitted shall not be occupied or brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of (i) (c) above that any remediation scheme required and approved under the provisions of (i) (c) above has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise:
- a) as built drawings of the implemented scheme;
  - b) photographs of the remediation works in progress; and
  - c) certificates demonstrating that imported and/or material left in situ is free from contamination.
- Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).
- Reason:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 5) 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 treatment of the Root Protection Zone both during and after development has been submitted to and approved in writing by the Local

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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.

- 6) Prior to commencement of development a scheme for the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

**Reason:** As this matter is fundamental to prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 7) No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing.

**Reason:** As this matter is fundamental to the acceptable delivery of the permission to prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

### Prior to development of ground floor slab level

- 8) Prior to development of the ground floor slab level 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.

- 9) Prior to development of the ground floor slab level of the development hereby permitted details of any cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues proposed to be fixed to any elevation facing a highway shall have been submitted to and approved in writing by the Local Planning Authority.

**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.



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- 10) Prior to development of the ground floor slab level of the development hereby permitted details and plans of the size and location of the energy centre which shall include the facility for expansion for connection to a future district heat network shall be submitted to and approved in writing by the Local Planning Authority to include:
- a) the physical space to be allotted for installation of heat exchangers and any other equipment required to allow connection;
  - b) a route onto and through site for the pipework connecting the point at which primary piping comes on site with the on-site heat exchanger/ plant room/ energy centre. Proposals must demonstrate a plausible route for heat piping and demonstrate how suitable access could be gained to the piping and that the route is protected throughout all planned phases of development.
  - c) details of the metering to be installed to record flow volumes and energy delivered on the primary circuit.
- Reason:** To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- 11) Prior to development of the ground floor slab level of the development hereby permitted, large scale plans and sections at a Scale of 1:20 of window openings shall be submitted in writing to the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- Reason:** To ensure the satisfactory appearance of the building and the townscape and to comply with policies QD1 and QD2 of the Brighton and Hove Local Plan.
- 12) Prior to development of the ground floor slab level of the development hereby permitted details of secure cycle parking shall be submitted in writing to the Local Planning Authority for approval showing the satisfactory storage of cycle parking facilities for at least 32 bicycles as 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) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the proposed green walling and maintenance and irrigation programme have been submitted to and approved in writing by the Local Planning Authority. The walls shall thereafter be constructed, maintained and irrigated in accordance with the approved details.

## PLANNING COMMITTEE LIST- 26 AUGUST 2015

**Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.

- 14) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the soundproofing of the floors and walls between the studios and the communal areas, the laundry room, the plant room and the lifts has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

- 15) No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the fitting of odour control equipment to the building shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and shall thereafter be retained as such.

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

- 16) 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 hard surfacing materials

d) samples of the proposed window, door and balcony treatments

e) 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 and QD2 of the Brighton & Hove Local Plan.

### 11.4 Pre-Occupation Conditions:

- 17) Prior to the first occupation of the development hereby permitted the applicant shall reinstate the redundant vehicle crossovers on the Lewes Road and Gladstone Place frontages 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.



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- 18) Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policies QD25 and QD27 of the Brighton & Hove Local Plan.
- 19) 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:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 20) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.  
**Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.
- 21) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.  
**Reason:** To prevent pollution of the water environment and to comply with policy SU3 of the Brighton & Hove Local Plan.

- 22) The applicant is advised 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:** As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

- 23) Prior to first occupation of the development hereby permitted a scheme to enhance the nature conservation interest of the site shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the provision of at least 5 bird boxes and 5 bat boxes on site or in the vicinity of the site and should 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.

**Reason:** To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with Policy QD17 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD11 Nature Conservation and Development.

#### 11.5 Informatives:

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

The proposed redevelopment as student accommodation is acceptable in principle in this location on the Lewes Road which has been identified in the policy DA3 area in the Submission City Plan as being suitable for purpose built student accommodation. The site has good transport links to the Universities teaching sites and the City Centre. The proposals accord with policies CP12 and CP21 of the City Plan (as amended) and design policies in the adopted Local Plan since the proposals would be compatible with the existing townscape, are of a good standard of design with appropriate materials. The applicants would be required by S106 to

## PLANNING COMMITTEE LIST- 26 AUGUST 2015

enter into an agreement with an existing educational establishment before construction starts and the modest number of self-contained units shall be subject to a detailed management agreement as part of any S106. The location of the development on the main road frontage would also be a mitigating factor in minimising any potential noise and disturbance to local residents in accordance with policies QD27 of the adopted Local Plan and policy CP21. The generation of car parking is estimated to be quite low and would not cause unacceptable harm to the amenity of nearby residents. Account should also be taken of the existing car wash use on site which attracts vehicle movements and the car repairs and tyre sales unit opposite which make this part of Gladstone Place a busy location for motor vehicles. The development would provide some on site amenity and communal areas and is overall considered to be acceptable.

3. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
4. The applicant is advised that advice regarding permeable and porous hardsurfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website ([www.communities.gov.uk](http://www.communities.gov.uk)).
5. A formal application to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) [www.southernwater.co.uk](http://www.southernwater.co.uk).
6. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.
7. The applicant is advised that the details of external lighting required by the condition above should comply with the recommendations of the Institution of Lighting Engineers (ILE) 'Guidance Notes for the Reduction of Light Pollution (2011)' for Zone E or similar guidance recognised by the council. A certificate of compliance signed by a competent person (such as a member of the Institution of Lighting Engineers) should be submitted with the details. Please contact the council's Pollution Team for further details. Their address is Environmental Health & Licensing, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP (telephone 01273 294490 email: [ehlpollution@brighton-hove.gov.uk](mailto:ehlpollution@brighton-hove.gov.uk) website: [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)).
8. The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981 disturbance to nesting birds, their nests and eggs is a criminal offence. The nesting season is normally taken as being from 1<sup>st</sup> March – 30<sup>th</sup> September. The developer should take appropriate steps to ensure

PLANNING COMMITTEE LIST- 26 AUGUST 2015

nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.

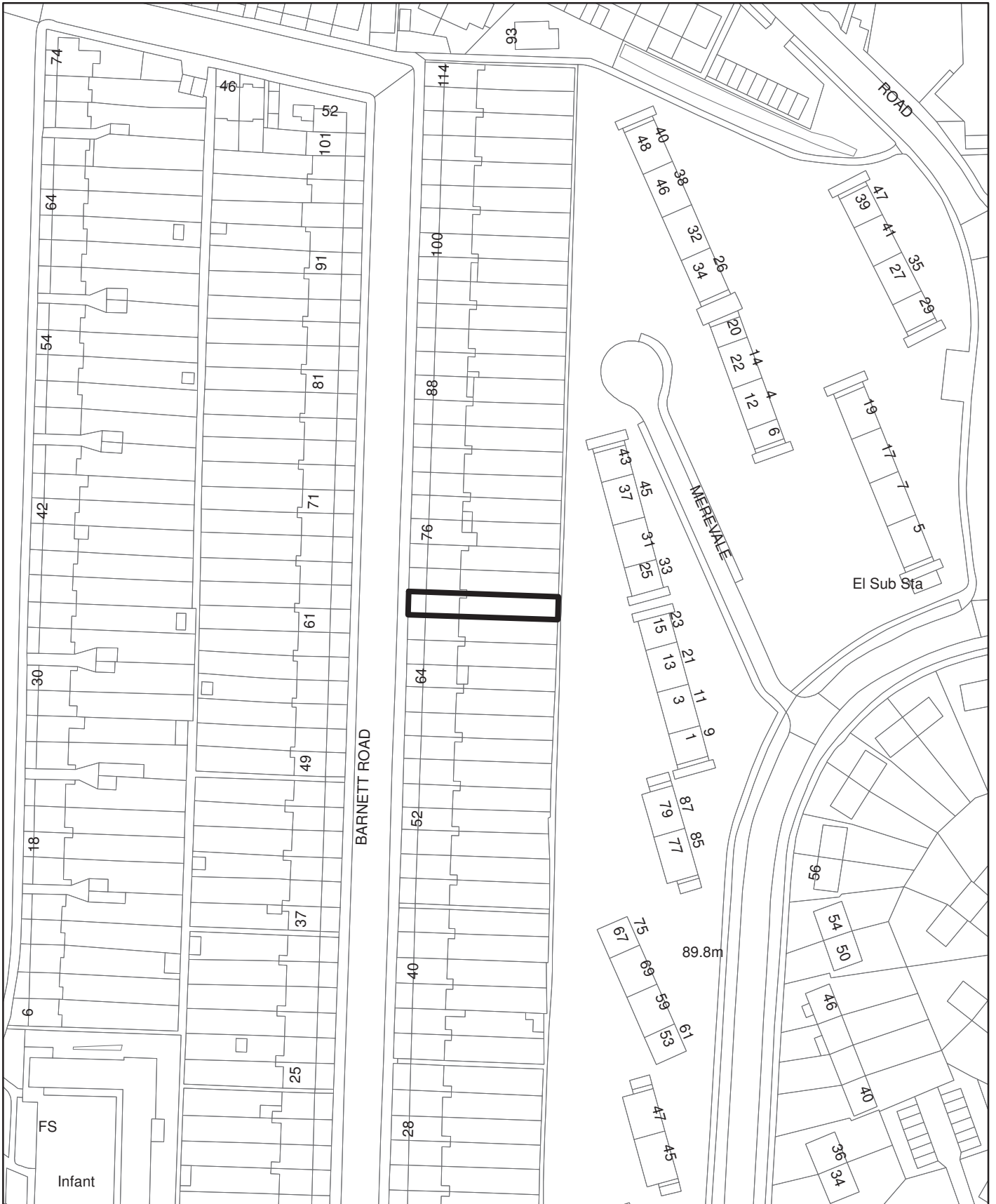
# **ITEM B**

**70 Barnett Road, Brighton**

**BH2015/01562**  
**Full planning**

**26 AUGUST 2015**

# BH2015/01562 70 Barnett Road, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/01562</b>	<b><u>Ward:</u></b>	<b>HOLLINGDEAN &amp; STANMER</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>70 Barnett Road Brighton</b>		
<b><u>Proposal:</u></b>	<b>Change of use from four bedroom single dwelling (C3) into five bedroom small house in multiple occupation (C4).</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 293335	<b><u>Valid Date:</u></b>	03 June 2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	29 July 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Mr Lee Bolingbroke, 2 Withdean Close, Brighton BN1 5BN		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is occupied by a two storey mid terrace dwelling house situated on eastern side of Barnett Road. The street is characterised by similar terrace properties arranged on a clear building line. The property is not Listed and it is not located in a Conservation Area.

## 3 RELEVANT HISTORY

- 3.1 **BH2009/01166** Certificate of Lawfulness for the proposed development of a loft conversion incorporating rear dormer. Approved 3/7/2009.

## 4 THE APPLICATION

- 4.1 The application seeks planning permission for a proposed change of use from dwellinghouse (C3) to a smaller House in Multiple Occupation (C4). Planning permission is required because the site is located in a ward where an Article 4 Direction applies, restricting the usually permitted change of use between Classes C3 and C4.

## 5 PUBLICITY & CONSULTATIONS

### External:

- 5.1 **Neighbours:** The occupiers of **47, 49, 51, 52, 55, 56, 57, 60, 61, 62, 63, 64 x2, 66 x2, 68 x2, 69, 71, 74 x2, 78 x3, 80 and 82 Barnett Road** and an **unspecified address** object to the application on the following grounds:



- The development is contrary to policy
- There is a high number of existing HMO's in the area
- Increase in parking
- Loss of privacy
- Increase in rubbish
- Loss of character of the area

5.2 **Councillor Tracey Hill** objects. Copy of email attached.

**Internal:**

5.3 **Transport:** The provision of an additional bedroom may result in increased demand for on street parking, it is not considered that this would amount to a severe impact upon the highway. No details of cycle parking have been provided. Two spaces would be required.

**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

TR14 Cycle access and parking

TR19 Parking standards

QD27 Protection of Amenity

#### Supplementary Planning Guidance:

SPGBH4 Parking Standards

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

SS1 Presumption in Favour of Sustainable Development

CP21 Student Accommodation and Houses in Multiple Occupation

## 8 CONSIDERATIONS & ASSESSMENT

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

### 8.2 Principle of development:

Policy CP21 of the City Plan Part One is at an advanced stage of adoption and can be given significant weight in determining this application. Policy CP21 (ii) states that in order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in Multiple Occupation) use or to a *Sui Generis* House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10% of residences within a radius of 50 metres of the application site are already in use as Class C4, mixed C3/C4 or other types of HMO in a *Sui Generis* use.

8.3 There are 36 properties within a radius of 50 metres from the application site. Of these, three are in use as Houses in Multiple Occupation. This equates to 8.3%. As such the proposed change of use falls below the 10% threshold set out in policy CP21 and is considered acceptable in principle.

8.4 The letters of representation received from neighbours and Councillors are noted and have been taken fully into consideration. However, the evidence available to the Local Planning Authority indicates that within a radius of 50 metres from the application site there is not an excessive amount of properties being used as HMOs.

### 8.5 Impact on neighbour 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.

- 8.6 The change of use from a 3-bedroom house to a small HMO under Use Class C4 (3 to 6 unrelated persons living together) would not, in view of the small number of other HMOs within a 50 metre radius of the site, give rise to an unacceptable impact on neighbour amenity.
- 8.7 There is no certainty that an HMO use will automatically lead to excessive noise, or other amenity issues such as extra litter. Should noise become an issue in future, as with any residential properties including single dwellings, powers under Environmental Health legislation can be invoked to investigate cases of potential noise nuisance.
- 8.8 **Sustainable Transport:**  
Policies TR1 and TR19 of the Local Plan require development to provide for the transport demand generated in accordance with the maximum car parking and minimum cycle parking standards set out in SPGBH4: Car Parking. Cycle parking should be secure, convenient to use, and sheltered, in line with policy TR14 of the Local Plan.
- 8.9 The Transport Officer has stated that although the provision of an additional bedroom may result in increased demand for on-street parking, it is not considered that this would amount to a severe impact upon the highway.
- 8.10 In line with SPGBH4 the development should provide a minimum of 1 off-street cycle parking space. The applicant has not submitted any details of cycle parking, but there is space in front of the property to provide it. As such it is considered appropriate to impose a condition requiring further details of cycle parking, which should ideally comprise a Sheffield stand so that both frame and wheels of bicycles can be secured.

## **9 CONCLUSION**

- 9.1 The proposed change of use is acceptable in principle and would not have a significant adverse impact on neighbour amenity or sustainable transport.

## **10 EQUALITIES**

- 10.1 None identified.

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

### **11.1 Regulatory Conditions:**

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

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

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

Plan Type	Reference	Version	Date Received
Site Plan			3 <sup>rd</sup> June 2015
Existing layout	457/01		3 <sup>rd</sup> June 2015
Proposed layout	457/02		3 <sup>rd</sup> June 2015

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

#### 11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed change of use is acceptable in principle and would not have a significant adverse impact on neighbour amenity or sustainable transport.



PLANNING COMMITTEE LIST  
26 AUGUST 2015

COUNCILLOR REPRESENTATION

**From:** Tracey Hill  
**Sent:** 02 July 2015 12:36 AM  
**To:** Helen Hobbs  
**Cc:** Jeanette Walsh  
**Subject:** Planning application BH2015/01562

Dear Helen Hobbs

I would like to object to the planning application referenced above, for the conversion of 70 Barnett Road from a C3 to a C4 HMO.

There are already a number of HMOs in the immediate area. I'd like to draw attention to the fact that these are not necessarily on the HMO register. Number 51 was granted planning permission for conversion into an HMO recently. Number 58 is a registered HMO and number 53 is considered an HMO. It is possible that 55 is also an unregistered HMO.

Please can I request that if the officer recommendation is to approve that this be referred to committee.

Please let me know if you need more information.

Best wishes

Tracey Hill  
Labour and Co-operative Councillor for Hollingdean and Stanmer ward

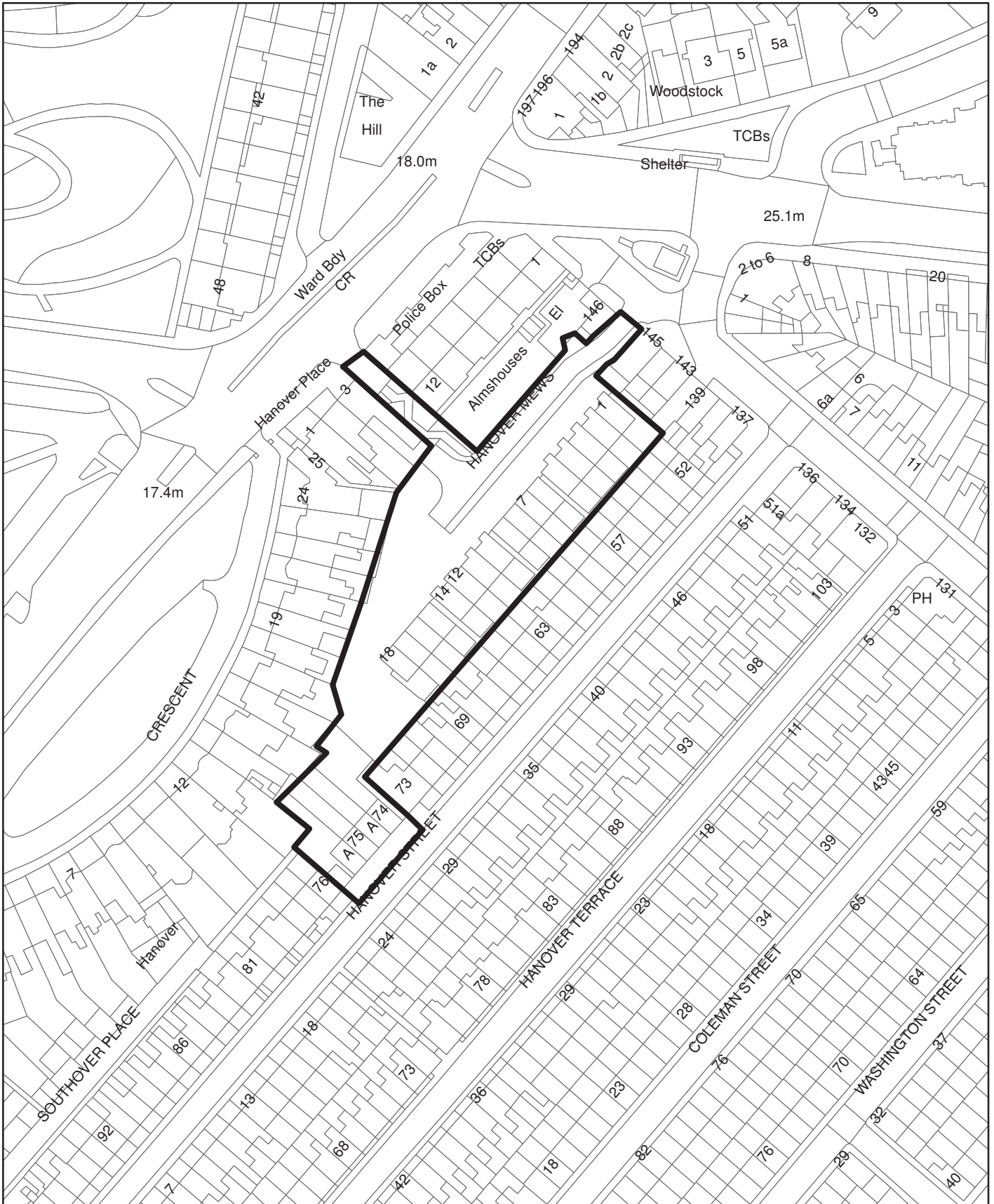
# **ITEM C**

**Hanover Mews, Brighton**

**BH2015/01974**  
**Full planning**

**26 AUGUST 2015**

# BH2015/01974 Hanover Mews, Brighton



**Brighton & Hove  
City Council**



**Scale: 1:1,250**



<b><u>No:</u></b>	<b>BH2015/01974</b>	<b><u>Ward:</u></b>	<b>HANOVER &amp; ELM GROVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Hanover Mews Brighton</b>		
<b><u>Proposal:</u></b>	<b>Installation of automatic gates across vehicular entrance into Hanover Mews and adjoining pedestrian gate across existing path.</b>		
<b><u>Officer:</u></b>	Sonia Gillam Tel 292265	<b><u>Valid Date:</u></b>	22 June 2015
<b><u>Con Area:</u></b>	Valley Gardens	<b><u>Expiry Date:</u></b>	17 August 2015
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	N/A		
<b><u>Applicant:</u></b>	Hanover Mews Management Co Ltd, Mr Philip Dominic Marini, 2 Hanover Mews, Brighton BN2 9HU		

### 1 RECOMMENDATION

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

### 2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to Hanover Mews, a development built in the mid-nineties, located between Hanover Street and Hanover Crescent.
- 2.2 The roadway and land is privately owned and contains 21 no. houses each with their own forecourt parking and 5 no. visitor parking bays. The entrance is located at the eastern end of Islingword Road.
- 2.3 The site is located in the Valley Gardens Conservation Area and backs onto the Listed Buildings in Hanover Crescent.
- 2.4 Adjacent to the site to the south east is a three storey business premises/offices. There is an extant permission (BH2013/03755) for a three storey house at no. 146 Islingword Road directly to the north west of the site.

### 3 RELEVANT HISTORY

**BH1997/00573/FP** Erection of gate between existing railings. Permitted development 14/08/1997.

**94/0360/FP** Erection of 21 two and three bed houses, including 4 houses fronting Hanover Street, 26 car parking spaces and ancillary works. Vehicular access from Islingword Road. Approved with conditions 19/07/1994.

**94/0361/CA** Demolition of existing depot buildings. Approved with conditions 19/07/1994.

**94/0871/FP** Removal of condition No. 8 attached to 94/0360/FP relating to highway works under Section 38 of the Highways Act. Approved no conditions 03/10/1994.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the installation of automatic gates across the vehicular entrance into Hanover Mews, and an adjoining pedestrian gate across the existing footpath.
- 4.2 Each vehicular gate would be 2.4 metres in width and 1.8 metres in height. The pedestrian gate would be 0.95 metres in width and 1.8 metres in height. The proposed steel gates would be shot blasted, zinc sprayed and powdered coated to standard RAL black colour.

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

##### **External:**

- 5.1 **Neighbours: Eight (8)** letters of representation have been received from nos. **16 Hanover Mews, 18 Hanover Crescent, Office 4 145 Islingword Road, 5a Bembridge Street, 75a (x2) Hanover Street, 13 Hampden Road, (no number) Toronto Terrace** objecting to the application for the following reasons:
- Gated community is anti-social and goes against ethos of Hanover area and community spirit
  - Development could lead to social divisiveness
  - Design would impact negatively on conservation area and nearby listed buildings
  - Style of gates too grand and overbearing and would overshadow the gates to car park at back of Almhouses
  - Access issues
  - Noise from gates opening and closing
- 5.2 **Six (6)** letters of representation have been received from nos. **2, 3, 5, 7, 14 Hanover Mews, 20 Hanover Crescent** supporting the application for the following reasons:
- Improved security
  - Reduction in crime and antisocial behaviour
  - Reduction in litter
  - Deter illegal parking
  - Design within keeping with character of conservation area
- 5.3 **One (1)** comment has been received from no. **22 Hanover Crescent** who would like provision made for access to the back wall of her property.
- 5.4 **CAG: Refusal** recommended. The information presented in the application is inadequate, as it does not show an illustration of the proposed gates in situ to enable the Group to form a judgment on the scheme.



**Internal:**

5.5 **Heritage: Support.**

Statement of Significance

This property lies on the edge of the Valley Gardens conservation area, which generally comprises the open spaces that run from the Old Steine to Park Crescent and the buildings that front onto those spaces, which are predominantly late 18th and 19th century.

5.6 Hanover Terrace and Hanover Street are included in the conservation largely for their historic interest. They were constructed at the same time as the grand houses of Hanover Crescent (1820s) as small scale terraced artisan housing to house the growing service workers.

5.7 The lower end of Islingword Road was originally in very mixed commercial and residential uses but is now predominantly residential. Hanover Mews was built towards the end of 1995 on the site of the former Cooperative Dairy. Adjacent to its entrance road, to the west of the site, is the two storey terrace known as the Percy & Wagner Almshouse, part built in 1795 with an extension of the terrace in 1859. They are yellow brick in Flemish bond with slate roofs but the rear elevations were altered in the 20<sup>th</sup> century and are of lesser significance.

5.8 The Proposal and Potential Impacts

The proposed gates would be set well back from the pavement line and would not be seen in oblique views or in the context of the rear of the listed buildings except privately from within the Mews. There is no objection in principle to gates in this location and the general form, material and height of the gates as indicated is considered appropriate to the scale and layout of the Mews entrance. However, there is no clear design and detailing of the gates, only some indicative photographs. A drawing showing clearly the proposed design of both the vehicular gates and pedestrian gate should be submitted.

5.9 *Amendments received:* The level of detail is sufficient and the design is appropriate. The standard condition should be added to require the gates to be painted black.

5.10 **Sustainable Transport:**

Support. The proposed gates do not impact on the public highway and there is adequate space on the private road for a car to be stationary whilst waiting for the gates to open; therefore the Highway Authority has no objection to the proposal.

**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:

- TR7 Safe development  
TR14 Cycle access and parking  
QD1 Design – quality of development and design statements  
QD2 Design – key principles for neighbourhoods  
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 Documents:

- SPD 9 Architectural Features  
SPD12 Design Guide for Extensions and Alterations

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

- SS1 Presumption in Favour of Sustainable Development

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main issues of consideration relate to the impact of the development on the character and appearance of the streetscene and wider conservation area.

### **8.2 Design and Appearance**

Planning permission is sought for the installation of metal automatic gates across the vehicular entrance into Hanover Mews, and an adjoining pedestrian gate across the existing footpath. The existing vehicle and pedestrian access is not being altered. The development is being proposed to provide additional security for the residents of Hanover Mews. The gates would be black in colour.

8.3 The proposed gates would be set well back from the pavement line and would only be visible in the Islingword Road streetscene when viewed head-on. They would not be seen in oblique views or in the context of the rear of the nearby listed buildings.

8.4 There is no objection to gates in this location and the general form, material, detailing and height of the gates is considered appropriate to the scale and layout of the Mews entrance. The development is not considered to impact detrimentally on the character and appearance of the streetscene or the Valley Gardens conservation area. The Council's Heritage Officer has no objection to the scheme.

**8.5 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.

8.6 The development would not have a significant impact on residential amenity or safety. The gates would be set back from the public highway and open inwards. Photo beams would be mounted to prevent the gates from closing whilst obstructed.

**8.7 Sustainable Transport**

The proposed gates do not impact on the public highway and there is adequate space on the private road for a car to be stationary whilst waiting for the gates to open. The Council's Sustainable Transport team has no objection to the scheme.

**8.8 Other issues**

Residents have objected to the development of gated communities in principle. This issue is acknowledged however it is not considered to warrant refusal of the application.

**9 CONCLUSION**

9.1 The proposed development would cause no significant impact upon residential amenity or public safety and would preserve the character and appearance of the streetscene and the wider Valley Gardens Conservation Area.

**10 EQUALITIES**

10.1 There are no alterations planned to the path along which pedestrians currently access/egress Hanover Mews. The pedestrian gate would be a standard swing gate which is operated by a lever handle. There are no gadgets such as key fobs,

number pads or fiddly keys. The gate will be fitted with a 'soft-close' device which will ensure the gate closes behind pedestrians leaving them free to proceed unhindered. It is not envisaged that the gate would be problematic for wheelchair users or those with mobility aids.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

**11.1 Regulatory Conditions:**

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site location plan			22/06/2015
Block plan			22/06/2015
Floor plan and front elevation			22/06/2015
Street view elevation			01/06/2015
Elevation drawings gate mockup			31/07/2015
Gate detail drawing			31/07/2015

- 3) The gates shown on the approved plans shall be painted black and shall be retained as such thereafter.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

**11.2 Informatives:**

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents: (Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The proposed development would cause no significant impact upon residential amenity or public safety and would preserve the character and

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appearance of the streetscene and the wider Valley Gardens Conservation Area.

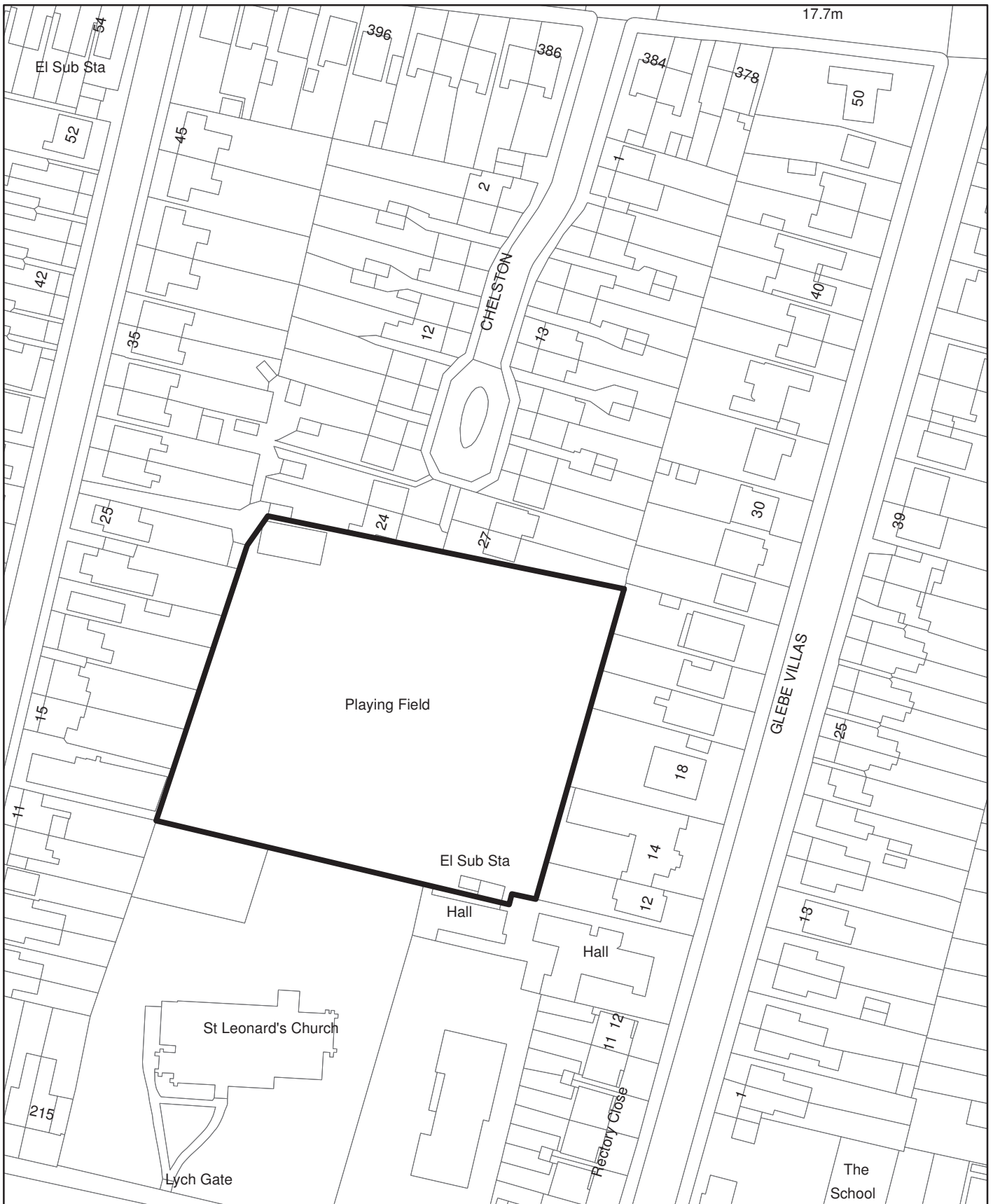


# **ITEM D**

**Glebe Villas Playing Field, Chelston Avenue,  
Hove**

**BH2015/01548  
Removal or variation of condition**

**26 AUGUST 2015**



Scale: 1:1,250



<b><u>No:</u></b>	<b>BH2015/01548</b>	<b><u>Ward:</u></b>	<b>WISH</b>
<b><u>App Type:</u></b>	<b>Removal or Variation of Condition</b>		
<b><u>Address:</u></b>	<b>Glebe Villas Playing Field Chelston Avenue Hove</b>		
<b><u>Proposal:</u></b>	<b>Application for variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to change the hours of usage to 08.00 to 21:00 Monday to Friday and 10:00 to 19:00 on Saturdays for a maximum of 10 days throughout the year.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	14 May 2015
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	09 July 2015
<b><u>Listed Building Grade:</u></b>			
<b><u>Agent:</u></b>	D R & J M Bailey, Crossways, The Roundel, Old Roar Road, St Leonards on Sea, East Sussex, TN37 7HD		
<b><u>Applicant:</u></b>	St Christopher's School, 33 New Church Road, Hove, BN3 4AD		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to Glebe Villas Playing Fields which are primarily used for sports activities by St Christopher's School, based on New Church Road. The fields are located to the north of New Church Road and are bounded by detached and semi-detached houses at Glebe Villas to the east, Leicester Villas to the west and Chelston Avenue to the north. St Leonard's Church lies to the south of the playing fields which is a Grade II listed building.
- 2.2 The application relates to a newly constructed pavilion (granted under permission ref: BH2012/00248) in the north west corner of the playing fields. The pavilion is used by St Christopher's School as a changing and teaching facility and is a single-storey flat roofed structure of modern design accessed via a small approach road from Leicester Villas. Leicester Villas is a one way street accessed by vehicles from Portland Road and exiting at New Church Road. The pavilion includes an enclosed outside play area. The surrounding area is predominately residential.

## 3 RELEVANT HISTORY

**BH2014/01441:** Application for variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to change the hours of usage to 08:00 to 21:00 Monday to Friday and 07:30 to 20:00 on Saturday. Refused 22/09/14 for the following reason:

- The variation of condition 3 would result in the use of the pavilion on Saturdays between 07.30 and 20.00. The pavilion is in close proximity to residential properties and the proposal would result in a detrimental impact on the amenity of adjacent residential properties in respect of noise disturbance and an unneighbourly use. The scheme is therefore deemed contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

**BH2013/02043:** Application for variation of condition 14 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to allow refuse to be removed daily by caretakers and bought back to the main school. Approved 01/09/14.

**BH2013/04118:** Application for removal of condition 3 of BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) which states the structure hereby permitted shall not be used except between the hours of 08:00 and 18:00 on Monday to Friday only. Refused 28/02/14 for the following reason:

- The removal of condition 3 and resulting unimpeded hours use of the pavilion is deemed inappropriate and would result in a detrimental impact on the amenity of adjacent residential properties in respect of noise disturbance and an unneighbourly use. The scheme is therefore deemed contrary to policies QD27 and SU10 of the Brighton & Hove Local Plan.

**BH2012/01736:** Application for Approval of Details Reserved by Conditions 5, 6, 7, 8, 9, 10 and 12 of application BH2012/00248. Approved 16/08/12.

**BH2012/00248:** Removal of existing pavilion and erection of new single storey building (D1 use) incorporating teaching and changing facilities. Approved 24/05/12.

**BH1999/01940/FP:** Demolition of existing Pavilion building D1/D2 and erection of new Pavilion D1/D2. Approved 04/00.

**3/83/0414:** Demolition of exiting pavilion and erection of a larger terrapin building to improve the facilities in connection with the use of the sports field. Approved 1983.

**3/84/0128:** Use of pavilion for pre-prep school group. Approved 1984.

#### **4 THE APPLICATION**

- 4.1 Planning permission is sought to vary condition 3 of application BH2012/00248 to change the hours of use of the pavilion to 08.00 to 21.00 Monday to Friday and 10.30 to 19.00 on Saturdays. The use on Saturdays is proposed for a maximum of 10 days throughout the year.

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

##### **External**

- 5.1 **Neighbours: Eighteen (18)** representations have been received from **21, 23, 25, 26, 27, 32, 36, 38 Leicester Villas, 14, 15, 18, 19, 21, 22, 23, 24 Chelston Avenue, 18** and **32 Glebe Villas** objecting to the application on the following grounds:

- This is third time residents have been asked to comment on a planning application relating to the change of hours of the pavilion.

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- Although slight changes have been made to the application altering the times proposed, the proposal would still result in a detrimental impact on the amenity of adjacent properties in respect of noise disturbance and an unneighbourly use.
- The extension in hours would have a major impact on traffic and associated disturbances to nearby properties. Minibuses are left on the street blocking access on a one way road. An extension to hours will lead to more comings and goings.
- During the past two years, St Christopher School have appeared to use the pavilion out of hours on a couple of occasions in breach of planning conditions. This resulted in an increase in traffic on Leicester Villas, cars parking illegally, rubbish being left on the approach road and noise disturbance.
- The school is a business. Consequently, all improvements need to be justified by the provision of more services.
- The school have a disregard for adjacent residents with constant noise and disturbance.
- The majority of premises within the immediate area are domestic residences. The occupants are entitled to the quiet enjoyment of their homes.
- An extension up to 9pm for school building is unreasonable and unnecessary.
- Concern is raised over the neighbour notification conducted.

5.2 **Councillor Gary Peltzer Dunn:** Objects. (Email attached).

5.3 **Brighton & Hove Archaeological Society:** The proposed development lies in an area of archaeological interest. The Society refers to the County Archaeologist for his recommendations.

5.4 **Sport England:** No objection.

### **Internal:**

5.5 **Environmental Health:** No objection subject to the following conditions:

- The permitted hours of use for the pavilion shall be between the hours of 8am and 9pm Mondays to Fridays and 10am and 7pm Saturdays and not at any time on Sundays, Bank or Public Holidays.
- The use of the pavilion on Saturdays shall only include the use of the changing rooms and kitchen facilities.
- The use of the pavilion on Saturdays shall only occur for a maximum of ten Saturdays a year.

5.6 **Planning Policy:** No comment.

5.7 **Sustainable Transport:** No objection.

## 6 MATERIAL CONSIDERATIONS

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
QD27	Protection of Amenity
HO20	Retention of community facilities

#### Supplementary Planning Guidance:

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

SS1	Presumption in Favour of Sustainable Development
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## 8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to whether the variation of the condition is appropriate in respect of the potential impact on the amenity of adjacent residential properties and highway safety / transport considerations.

### 8.2 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.

8.3 Planning permission is sought to vary condition 3 attached to planning permission ref: BH2012/00248. This permission granted approval for the removal of the existing pavilion and the construction of a new pavilion in the same location. Condition 3 states the following:

*The structure hereby permitted shall not be used except between the hours of 08.00 and 18.00 on Monday to Friday only.*

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

8.4 Planning permission is sought to vary the hours to the following:

- 08.00 to 21.00 Monday and Friday
- 10.30 to 19.00 on Saturdays.
- The use on Saturdays is proposed for a maximum of 10 days throughout the year.

8.5 A supporting statement has been submitted with the current and previous application with the following justification for the variation of the condition:

- There was an administrative error when submitting the previous application and the proposed hours of use of 8am – 6pm Monday to Friday was entered incorrectly on the form.
- The playing field will carry on being used by the local community as well as the school. The local football team, 3<sup>rd</sup> Hove Scouts, Beavers, District Brownies and Girl Guides Hove Division all use the field weekly and on additional occasions for sports events. The new facilities allow access for people with disabilities to these events.
- The pavilion is required to be used occasionally on Saturdays for open mornings for parents who commute and are unable to visit during the week. Allowing the use of the pavilion on Saturdays would also allow prospective pupils and parents to visit.
- The pavilion would not be used for teaching facilities at the weekend.
- The use of the facilities by community groups is encouraged as outlined in Brighton & Hove policies QD20 and HO20. This was a major factor in securing the planning permission for the replacement pavilion.

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- The playing fields were first used from 1952 when the school rented from the Hockey Club and was purchased by the school in 1978. There were no restrictions on the hours of use of the playing field.
- In 1983, the original pavilion was replaced and there was no restriction on the hours of use of the pavilion.
- In 1984, a change of use application was granted for pre-prep school use and continued use by Sir Christopher's School. Restrictions were placed on this use but these related to the nursery only which stopped in 2008.
- The original lease for pavilion and playing field did not indicate any restrictions. During weekdays, teachers are unable to remain in the building to work beyond 6pm.
- The school is unable to hold parent evenings for reception children which have to start after 6pm. The opening hours also causes problems for cleaners.
- The main problem is the weekend restriction as the school traditionally uses the playing field for events such as sports days and require the use of the pavilion and its facilities.
- It is necessary to have early morning access to the pavilion to show parents the facilities.
- The pavilion is also required after school hours to offer refreshments to parents who have come to view sports events. The pavilion is also required for some after school clubs.

- 8.6 The condition was imposed on the hours use of the pavilion to limit its impact on the amenity of adjacent properties in respect of noise disturbance. The pavilion is in close proximity to adjacent properties. It is immediately adjacent to the rear garden and kitchen of 24 Chelston Avenue and immediately to the rear of the gardens of 25 & 27 Leicester Villas. There are also a number of houses nearby on Chelston Avenue and Leicester Villas. The pavilion is accessed via Leicester Villas via an alleyway which runs in between 25 & 27 Leicester Villas. The use of this access also has noise and traffic implications.
- 8.7 It should be noted that the use of the pavilion has intensified when compared to the previous pavilion. The previous pavilion had ceased to be used as it was in need of repair. The new pavilion is used as classroom and changing room. This is comparable to the previous use as a nursery and changing room. However, the letters of objections received indicate that the use of this new facility has intensified when compared to the old pavilion which had become unusable. It is therefore justifiable to limit its hours of use to limit the potential noise impact and disturbance of adjacent properties. The concerns are connected with the use of the pavilion, the use of its outside areas and noise created when accessing and leaving the pavilion via the alleyway from Leicester Villas.
- 8.8 Given its proximity to residential properties, it was felt appropriate that the hours on the original scheme of use of the pavilion should be restricted. The application form submitted with the application for the new pavilion stated that the hours of use sought was for 8am to 6pm Monday to Friday. This was deemed appropriate and planning permission was granted on this basis. It should be noted that the hours of use relate to the pavilion only and not for the use of the playing fields which is not restricted.



- 8.9 The applicant is now seeking to vary the condition to allow the use of the pavilion between 08.00 to 21.00 Monday and Friday and 10:00 to 19:00 on Saturdays for a maximum of 10 days throughout the year. It is acknowledged that longer hours of use are required to allow the pavilion to be used for after school activities and for other community uses. The use of the pavilion for community uses, such as scouts and girl guide groups, is supported. Concern was raised in the previous scheme (application BH2014/01441) regarding the use of the pavilion on Saturday. There was no objection to extending the hours during the week. The surrounding area is predominately residential with dwellings in close proximity. Saturday mornings would be a quiet time of day which should be maintained to secure an acceptable level of amenity.
- 8.10 The Environmental Health Officer has commented that no noise complaints have been received regarding the use of the playing fields. It is noted that are unrestricted hours of use of the playing field and part of this application is to gain access to changing rooms and kitchen facilities. The officer has commented that the scheme can be supported subject to conditions which limit the use of pavilion on Saturdays for changing facilities only and for the use to be for only 10 days a year.
- 8.11 No objection is raised in principle to the proposed extension of hours during the week (8am-9pm Monday to Friday). The use during the weekdays is in line with normal working hours. These hours are deemed more acceptable in respect of adjacent properties. It is unclear if the use of the premises up to 9pm would include the use of the enclosed outside area. The use of this area up to 9pm would again raise concern regarding noise impact on adjacent properties. A condition is therefore recommended that the enclosed play area is restricted to between the hours of 08.00 to 18.00. This will protect adjacent properties from any noise disturbance which could be caused through the use of this outside area outside of normal school hours.
- 8.12 **Sustainable Transport:**  
In accordance with policy TR1, any development should provide for the demand for travel it creates and maximise the use of public transport, walking and cycling.
- 8.13 The Highway Authority has commented that they have no objection to the variation of the condition. The proposals will increase the level of trips to and from the site as there will be additional trips in the extended hours Monday to Friday and the trips on Saturday. These trips occur outside of the traditional highway peak hours and are not considered to cause a negative highway impact.

## 9 CONCLUSION

- 9.1 Having regard to the considerations above, the following conclusions are made:
- The use of the premises between 8am – 9pm during weekdays is appropriate as this would allow a more flexible use of the premises for open evenings. However, the use of the outside enclosed area attached to the pavilion is to be limited to between 8am-6pm to prevent noise impact on adjacent properties.

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- The use of the pavilion on Saturdays is appropriate subject to the use being limited for changing and kitchen facilities only.
- The applicant has applied for the use of pavilion on Saturdays for 10 days only a year. As outlined above, conditioning the use of the pavilion as such would not be enforceable. Additionally, restricting the use of the pavilion for changing and kitchen facilities only to be used for sports days and open events on the fields is considered acceptable and would not result in a detrimental impact on adjacent properties.
- It should be noted that St Christopher’s School uses the playing field at Glebe Villas for sports activities. This is an established use with no restrictions.
- The scheme would not result in a significant demand for parking or significantly impact on highway safety.

**10 EQUALITIES**

10.1 The proposal would allow the use of the disabled toilet facilities within the pavilion on evenings and Saturdays during open and sports events.

**11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES**

11.1 Regulatory Conditions:

- 1) N/A
- 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
Block Plan	8238/01A		31 <sup>st</sup> May 2012
Site Location Plan	8238/02C		9 <sup>th</sup> February 2012
Ground Floor Plan	8238/10C		23 <sup>rd</sup> April 2012
Roof Plan	8238/11A		31 <sup>st</sup> January 2012
Existing Floor Plan	8238/12A		23 <sup>rd</sup> April 2012
Proposed Block Plan	8238/13A		23 <sup>rd</sup> April 2012
Proposed Elevations	8238/15B		23 <sup>rd</sup> April 2012
Existing Elevations	8238/16B		23 <sup>rd</sup> April 2012
Gate Details	8238/20		8 <sup>th</sup> June 2012
Tree Protection Plan	8238/21		8 <sup>th</sup> June 2012

- 3) The structure hereby permitted shall not be used except between the hours of 08.00 and 19.00 on Monday to Friday.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 4) The structure hereby permitted shall be used on Saturdays for changing and kitchen facilities in association with events on Glebe Villas Playing Fields only and shall not be used as a teaching facility.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.



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- 5) The enclosed outside play space attached to the pavilion shall not be used except between the hours of 08.00 and 18.00 Monday to Friday and not at anytime on Saturday, Sunday or Bank Holidays.  
**Reason:** To safeguard the amenities of the locality and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.
- 6) The door located on the north elevation shall be used for emergency purposes only.  
**Reason:** To protect neighbouring amenity in accordance with policy QD27 of the Brighton & Hove Local Plan.
- 7) Noise associated with plant and machinery incorporated into the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 5db below the existing LA90 background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.  
**Reason:** To safeguard the amenities of the occupiers of adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 8) The development shall be implemented in accordance with the timber certification details approved under application BH2012/01736 on 16/08/2012.  
**Reason:** To ensure the timber used is from a sustainable source and to comply with policy SU2 of the Brighton & Hove Local Plan.
- 9) The development shall be implemented in accordance with the Waste Minimisation Statement approved under application BH2012/01736 on 16/08/2012.  
**Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WLP11 of the East Sussex and Brighton & Hove Waste Local Plan and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
- 10) The development shall be implemented in accordance with the details of the proposed timber gates approved under application BH2012/01736 on 16/08/2012.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- 11) The development shall be implemented in accordance with the details and samples of materials approved under application BH2012/01736 on 16/08/2012.  
**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

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- 12) The development shall be implemented in accordance with the on-site archaeological watching brief report approved under application BH2012/01736 on 16/08/2012.  
**Reason:** In order to provide a reasonable opportunity to record the history of the site and to comply with policy HE12 of the Brighton & Hove Local Plan.
- 13) The development shall be implemented in accordance with the tree protection measures approved under application BH2012/01736 on 16/08/2012.  
**Reason:** To protect the trees in the vicinity of the site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 14) The development shall be implemented in accordance with the tree pruning works approved under application BH2012/01736 on 16/08/2012.  
**Reason:** To protect the trees in the vicinity of the site, in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- 15) The development shall be implemented in accordance with the sedum roof details approved under application BH2012/01736 on 16/08/2012.  
**Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and in accordance with policy SU2 of the Brighton & Hove Local Plan.
- 16) The development hereby approved shall be implemented in accordance with the refuse and recycling storage provision which allows the refuse and recycling to be collected daily by the school. These facilities shall thereafter be retained for use at all times.  
**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 17) The cycle parking facilities shown on the approved plans shall be fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.  
**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

### 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.

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2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
Subject to conditions, the proposed variation of hours of use would not result in a significant impact on the amenity of any adjacent properties with respect to noise disturbance or highway safety and parking.

## **Planning Application - BH2015/01548**

I object to the Planning Application

### **Sender's details**

Garry Peltzer Dunn

[REDACTED]

[REDACTED]

[REDACTED]

[Garry.peltzerdunn@brighton-hove.gov.uk](mailto:Garry.peltzerdunn@brighton-hove.gov.uk)

### **Comment**

I am opposed to the application as I feel it will represent a potential problem to residents within the area. I would request that this item be taken to full committee for decision. In this event I will wish to address the meeting.

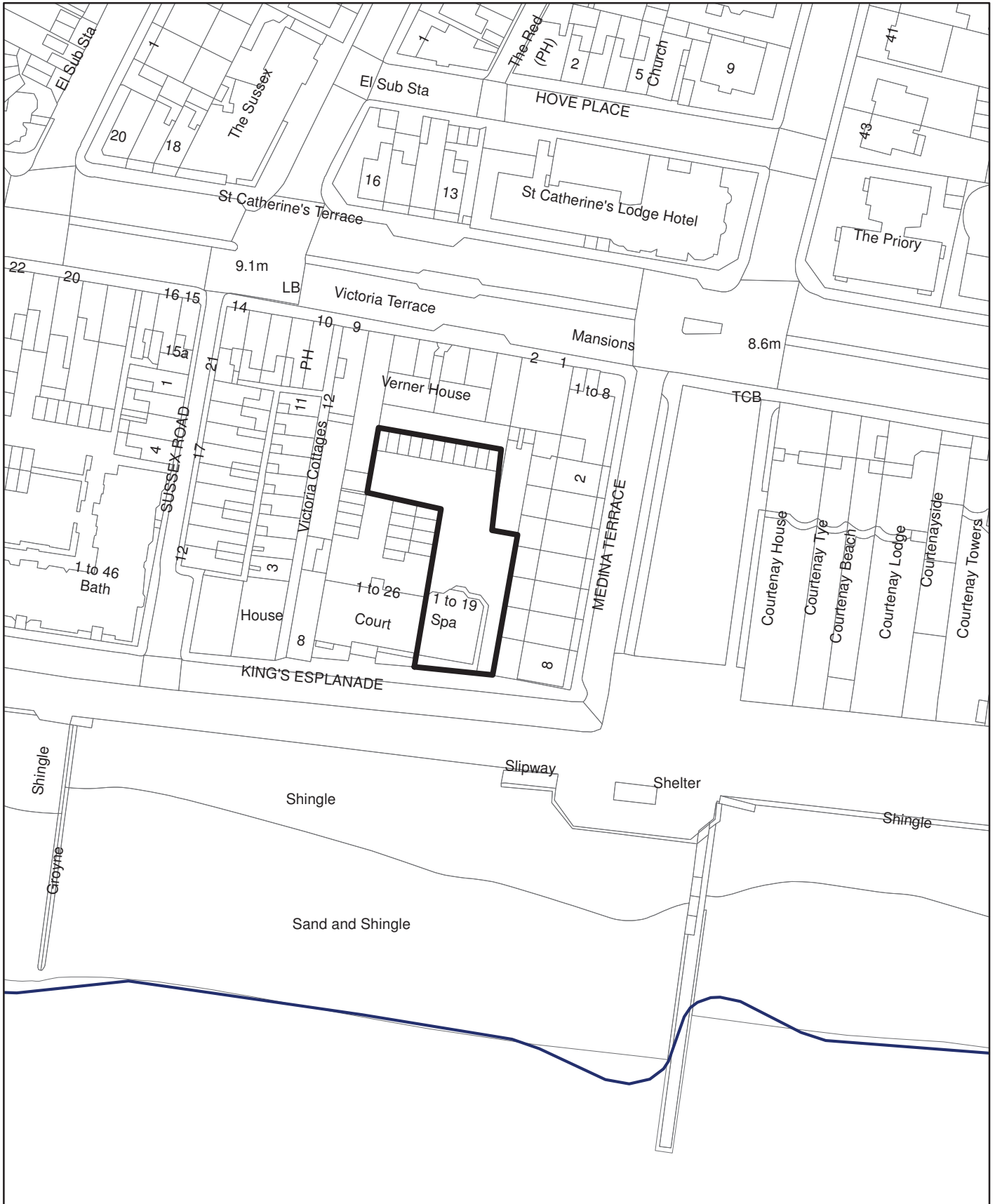
# **ITEM E**

**Spa Court, Kings Esplanade, Hove**

**BH2015/01475**  
**Full planning**

**26 AUGUST 2015**

# BH2015/01475 Spa Court, Kings Esplanade, Hove



**Brighton & Hove  
City Council**



**Scale: 1:1,250**

<b><u>No:</u></b>	<b>BH2015/01475</b>	<b><u>Ward:</u></b>	<b>CENTRAL HOVE</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>Spa Court Kings Esplanade Hove</b>		
<b><u>Proposal:</u></b>	<b>Installation of 2no gas risers to front and rear elevations.</b>		
<b><u>Officer:</u></b>	Jason Hawkes Tel 292153	<b><u>Valid Date:</u></b>	13 May 2015
<b><u>Con Area:</u></b>	Cliftonville	<b><u>Expiry Date:</u></b>	08 July 2015
<b><u>Listed Building Grade:</u></b>	adjacent terrace of Grade II listed buildings at Medina Terrace		
<b><u>Agent:</u></b>	4D Architects, 23 Upper Teddington Road, Kingston Upon Thames, KT1 4DL		
<b><u>Applicant:</u></b>	Southern Gas Network, Mr Neil Baxter, Riser Replacement Team, 2 Leasons Hill, St Marys Cray, BR5 2TN		

## 1 RECOMMENDATION

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

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a nine-storey block of 19 flats called Spa Court which directly faces the seafront on Kings Esplanade. The block of flats is adjacent to Benham Court which is also nine-storeys. The site includes parking to the rear. Spa Court was built in the 1970's and has a modern appearance with upvc and metal framed windows and buff bricks. The front of the property includes two columns of inset balconies. Medina Terrace lies to the east of the site and is a row of listed buildings (Grade II). The site is within the Cliftonville Conservation Area.

## 3 RELEVANT HISTORY

- 3.1 None relevant.

## 4 THE APPLICATION

- 4.1 Planning permission is sought for the installation of gas risers to the front and rear elevations of the building. The risers to the front would be to west side of the building adjacent to Benham Court. To the rear, the risers would be in more of a central position. The risers would be 2 inches in width vertically with 1 inch lateral runs.

## 5 PUBLICITY & CONSULTATIONS

**External**

5.1 **Neighbours: Six (6)** letters of representation have been received from **6, 10 (x2), 16, 17 and 19 (x2) Spa Court** objecting the application for the following reasons:

- Spa Court is an attractive modern block of flats with expensive sandy coloured bricks. The proposed gas risers will be ugly and should be the same colour as the brick. The proposed materials are unsuitable to be used in this location and will be an eyesore. More effort should be made to conceal the risers.
- Non-corrosive materials should be used.
- The risers will need to be painted regularly in this seafront location which will be expensive and require scaffolding.
- The risers should be placed in the existing service duct void.
- The proposal would set a precedent for further inappropriate pipework on adjacent buildings.
- Concern is raised about safety from gas leaks.

**Internal:**

5.2 **Heritage: No objection.** The proposal to place a gas supply pipes on the exterior of the building will have an impact on the appearance of the building. However, efforts have been made to position the pipes where they will have the least impact. As a result, it is not considered that this will cause harm to the Conservation Area. The risers should be painted in one colour.

**6 MATERIAL CONSIDERATIONS**

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

6.2 The development plan is:

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

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

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

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



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

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

## **7 RELEVANT POLICIES & GUIDANCE**

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove Local Plan:

SU2	Efficiency of development in the use of energy, water and materials
SPD09	Architectural features
QD2	Design – key principles for neighbourhoods
QD14	Extensions and alterations
QD27	Protection of Amenity
HE6	Development within or affecting the setting of conservation areas.

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

SS1	Presumption in Favour of Sustainable Development
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## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to whether the gas risers would significantly detract from the character and appearance of the host property or the wider Conservation Area and impact on residential amenity.

#### **Design:**

- 8.2 Policy QD14 of the Brighton & Hove Local Plan states that planning permission for extensions or alterations to existing buildings, including the formation of rooms in the roof, will only be granted if the proposed development:
- is well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area;
  - would not result in significant noise disturbance or loss of privacy, outlook, daylight/sunlight or amenity to neighbouring properties;
  - takes account of the existing space around buildings and the character of the area and an appropriate gap is retained between the extension and the joint boundary to prevent a terracing effect where this would be detrimental to the character of the area; and
  - uses materials sympathetic to the parent building.
- 8.3 Policy HE6 states that proposals should preserve or enhance the character or appearance of the conservation areas.
- 8.4 Planning permission is sought for the installation of gas riser pipes to the front and rear elevation of Spa Court. Ideally, the risers should be positioned internally or to the rear to lessen their visual impact. The applicant has stated

that the pipes need to be installed externally and to the front for the following reasons:

- The gas risers have to be located next to the kitchen where gas meters are located. Kitchens are positioned to the front and rear of the building.
- Due to changes in gas installation regulations, all risers need to be ventilated for health and safety reasons.
- Old gas pipes that run internally need replacing and no longer comply with current gas health and safety regulations. The gas risers within the property cannot be replaced in the same positions without dismantling large parts of kitchens and replacement may not be adequately ventilated.
- Installing the pipes externally minimises disruption and the risers can be easily replaced and inspected.
- The existing service duct void is not adequate to accommodate the gas risers. A purpose built vent shaft would be required which would be unfeasible.

8.5 To the front elevation, the risers would be to the western side of the front elevation building adjacent to Benham Court. The risers would go vertically from the bottom of the building to the top and would include 8 small sections of horizontal runs. To the rear, the riser would be in a more central position with 8 larger sections of horizontal runs and an additional small vertical section around the rear door. The vertical sections would measure 2 inches in width and the horizontal runs would measure 1 inch.

8.6 The Heritage Officer has commented that the proposal will have an impact on the appearance of the building. However, efforts have been made to position the pipes to reduce their visual impact. To the main front elevation, the riser has been positioned adjacent the western side of the building with minimal visible horizontal runs. The risers are also small in width when compared to standard drainpipes. As a result, it is not considered that the proposal would cause significant harm to the appearance of the Conservation Area.

8.7 As originally submitted, the scheme proposed the gas risers to be painted in black with laterals painted to cream. The Heritage Officer commented that the risers should be finished in one colour to match the existing building. To this end, amended plans have been submitted which indicate that the risers would be painted a brown colour to match the buff colour of the bricks of the building.

8.8 Given the position and size of the risers and subject to being finished in a light brown colour to match the building's brickwork, the proposed risers would not significantly detract from the character and appearance of the building or the surrounding Conservation Area.

**Impact on Amenity:**

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

- 8.10 Having regard to the scale and position of the gas risers, the proposal would not affect the amenity of any residential properties.

## 9 CONCLUSION

- 9.1 The development would not significantly detract from the character or appearance of the property or the wider Conservation Area. The development would not result in significant harm to the residential amenity of any units within or adjoining the host property.

## 10 EQUALITIES

- 10.1 None identified.

## 11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

### 11.1 Regulatory Conditions:

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

Plan Type	Reference	Version	Date Received
Site Plan			13 <sup>th</sup> May 2015
Existing Ground and Upper Floor Plan	01	A	13 <sup>th</sup> May 2015
Proposed Ground and Upper Floor Plan	02	B	7 <sup>th</sup> August 2015
Existing Front and Rear Elevations	03	A	13 <sup>th</sup> May 2015
Proposed Front and Rear Elevations	04	B	7 <sup>th</sup> August 2015

- 3) The risers shall be finished in a light brown to match the colour of the building and shall thereafter be retained as such.  
**Reason:** To preserve the appearance of the building and to comply with policy HE6 of the Brighton & Hove Local Plan.

### 11.2 Informatives:

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

PLANNING COMMITTEE LIST- 26 AUGUST 2015

2. This decision to grant Planning Permission has been taken:
  - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:  
(Please see section 7 of the report for the full list); and
  - (ii) for the following reasons:-  
The development would not significantly detract from the character or appearance of the property or the wider Conservation Area. The development would not result in significant harm to the residential amenity of any units within or adjoining the host property.

<b>PLANNING COMMITTEE</b>	<b>Agenda Item 60</b> Brighton & Hove City Council
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**Information on upcoming Pre-application Presentations and Requests**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
TBC	78 West Street & 7-8 Middle Street, Brighton	Regency	Demolition of vacant night club buildings and erection of mixed use building 5-7 storeys high plus basement comprising commercial A1/A3/A4 (retail/restaurant/bar) uses on ground floor & basement and C1 (hotel) use on upper floors with reception fronting Middle St.

**Previous presentations**

<b>Date</b>	<b>Address</b>	<b>Ward</b>	<b>Proposal</b>
4 <sup>th</sup> August 2015	121-123 Davigdor Road, Brighton	Goldsmid	Replacement of existing building with three-part stepped building comprising 48 residential flats and 153sqm of community floorspace.
23 <sup>rd</sup> June 2015	Land directly adjacent to American Express Community Stadium, Village Way, Falmer	Moulsecoomb & Bevendean	Erection of a 150 bedroom hotel.
23 <sup>rd</sup> 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 <sup>nd</sup> June 2015	Land bound by Blackman Street	St Peter's and North Laine	Proposed part nine, part seven storey building to provide office

**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.**

	Cheapside and Station Street, Brighton		and student accommodation for Bellerby's College.
2 <sup>nd</sup> 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 <sup>th</sup> March 2015	106 Lewes Road, Brighton	St Peter's and North Laine	Eight storey block of student accommodation.
18 <sup>th</sup> November 2014	15 North Street & Pugets Cottage, Brighton	Regency	Demolition of 15 North Street to be replaced with a new feature entrance building.
7 <sup>th</sup> 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 <sup>st</sup> 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 <sup>th</sup> 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 <sup>th</sup> February 2014	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 <sup>th</sup> October 2013	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 <sup>th</sup> Sept 2013	One Digital, Hollingdean Road, Brighton	Hollingdean and Stanmer	Student accommodation development
27 <sup>th</sup> Aug 2013	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 <sup>th</sup> July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re-development

### PLANS LIST 26 August 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

#### BH2015/00345

##### **10 Highfield Crescent Brighton**

Erection of a two storey rear extension.

**Applicant:** Mr L Wang

**Officer:** Joanne Doyle 292198

**Approved on 16/07/15 DELEGATED**

#### BH2015/00696

##### **42 Old London Road Brighton**

Application for removal of condition 3 of application BH2001/02351FP (Addition of granny annexe on north elevation of existing dwelling) which states that the development shall not only be used as ancillary accommodation in connection with the use of the main property as a single private dwelling house and shall at no time be converted to a self-contained unit.

**Applicant:** Mrs Julie Plumstead

**Officer:** Adrian Smith 290478

**Approved on 17/07/15 DELEGATED**

#### BH2015/01059

##### **22 Church Hill Brighton**

Erection of single storey rear extension.

**Applicant:** Ms Laura Sachse

**Officer:** Mark Thomas 292336

**Approved on 16/07/15 DELEGATED**

#### BH2015/01196

##### **7 Eastwick Close Brighton**

Demolition of existing timber and glass lean to and chimney and erection of two storey side extension to South West facing elevation, erection of single storey side extension to North East facing elevation, roof extension and raised ridge height with 4no rooflights and associated alterations.

**Applicant:** Mr Mehdi Ghavami Shahidi

**Officer:** Chris Swain 292178

**Refused on 24/07/15 DELEGATED**

#### BH2015/01262

##### **8 Carden Close Brighton**

Enlargement and conversion of existing garage into habitable living space with an extension above.

**Applicant:** Mr & Mrs Taylor

**Officer:** Chris Swain 292178

**Refused on 03/08/15 DELEGATED**

**BH2015/01482**

**Land Rear of 18 Morecambe Road & 63 Midhurst Rise Brighton**

Erection of three bedroom detached house (C3) accessed from Midhurst Rise.

**Applicant:** Mr Mel Smith

**Officer:** Adrian Smith 290478

**Approved on 17/07/15 DELEGATED**

**BH2015/01638**

**Land Adjacent to Methodist Church Lyminster Avenue Brighton**

Application for variation of condition 2 of BH2014/01858 (Erection of 3no three bed terraced houses) to facilitate amendments to finish of façade, formation of dormer to rear roof slope, rooflights and solar panels to front roof slope, alterations to front porches and increase of bedrooms from three to four.

**Applicant:** F R Properties

**Officer:** Adrian Smith 290478

**Approved on 30/07/15 DELEGATED**

**BH2015/02106**

**38 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 4.4m, for which the maximum height would be 2.75m, and for which the height of the eaves would be 2.65m.

**Applicant:** Andy Cockerell

**Officer:** Guy Everest 293334

**Prior approval not required on 16/07/15 DELEGATED**

**BH2015/02253**

**117 Braeside 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 4.65m, for which the maximum height would be 3.15m, and for which the height of the eaves would be 2.6m.

**Applicant:** James Sinfield

**Officer:** Guy Everest 293334

**Prior approval not required on 21/07/15 DELEGATED**

**BH2015/02257**

**32 Vale 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 4.5m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m.

**Applicant:** Rupert Bryant

**Officer:** Guy Everest 293334

**Prior approval not required on 21/07/15 DELEGATED**

**BH2015/02402**

**109 Mackie 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 3.5m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.3m.



**Applicant:** Matthew & Karen Noakes  
**Officer:** Allison Palmer 290493  
**Prior Approval is required and is refused on 31/07/15 DELEGATED**

**PRESTON PARK**

**BH2014/03968**

**Blocks A B & C Belvedere 152-158 Dyke Road Brighton**

Erection of additional storey to blocks A, B and C to create 5no two bedroom and 1no one bedroom flats (C3) (2no additional flats per block). Erection of bicycle store.

**Applicant:** Windlesham Finance Company Ltd

**Officer:** Adrian Smith 290478

**Approved on 16/07/15 COMMITTEE**

**BH2015/00302**

**Land to the rear of 18 - 20 Stanford Avenue Brighton**

Conversion of first floor storage area of domestic garage to 1no one bedroom self contained flat (C3) with alterations including new external staircase, side dormer over entrance door, photovoltaic panels and additional rooflights.

**Applicant:** Mr Kevan McClurg

**Officer:** Helen Hobbs 293335

**Approved on 29/07/15 DELEGATED**

**BH2015/00604**

**13 St Andrews Road Brighton**

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

**Applicant:** Mr M Jennings

**Officer:** Guy Everest 293334

**Refused on 21/07/15 DELEGATED**

**BH2015/00727**

**29 & 31 Rugby Road Brighton**

Erection of single storey partial infill extension to rear of adjoining properties, including rebuilding of party wall.

**Applicant:** Trudi Sarri, J O'Kane & D O'Donoghue

**Officer:** Joanne Doyle 292198

**Approved on 16/07/15 DELEGATED**

**BH2015/00802**

**200 Dyke Road Brighton**

Display of internally illuminated fascia and pylon signs and non illuminated fascia, information and totem signs. (Retrospective).

**Applicant:** Caffyns PLC

**Officer:** Joanne Doyle 292198

**Approved on 16/07/15 DELEGATED**

**BH2015/01126**

**First Floor Flat 60 Springfield Road Brighton**

Roof alterations incorporating dormer and rooflight to rear elevation.

**Applicant:** Mr Andy Garth

**Officer:** Joanne Doyle 292198

**Approved on 16/07/15 DELEGATED**

**BH2015/01490**

**29 Highcroft Villas Brighton**

Certificate of Lawfulness for existing second floor rear extension

**Applicant:** Mrs Anne Amner

**Officer:** Helen Hobbs 293335

**Approved on 05/08/15 DELEGATED**

**BH2015/01680**

**112 Beaconsfield Villas Brighton**

Erection of single storey rear extension and removal of rear chimney.

**Applicant:** Mrs Catherine Parkinson

**Officer:** Luke Austin 294495

**Approved on 31/07/15 DELEGATED**

**BH2015/01733**

**154 Osborne Road Brighton**

Certificate of lawfulness for proposed loft conversion incorporating front rooflights and rear dormer with flat roof extension with south facing window and Juliet balcony.

**Applicant:** Mr R Mistry

**Officer:** Liz Arnold 291709

**Approved on 28/07/15 DELEGATED**

**BH2015/01846**

**13 Lucerne Road Brighton**

Erection of a single storey rear extension.

**Applicant:** Linda Brewer

**Officer:** Clare Flowers 290443

**Approved on 27/07/15 DELEGATED**

**BH2015/01986**

**56 Preston Road Brighton**

Installation of rear dormer and rooflights to front and rear roofslopes.

**Applicant:** Hove Lets Limited

**Officer:** Liz Arnold 291709

**Approved on 22/07/15 DELEGATED**

**BH2015/02087**

**15 Lucerne Road Rear of 81 Waldegrave Road Brighton**

Prior approval for change of use from storage (B8) to residential (C3) to form a single dwelling.

**Applicant:** Derek Cover

**Officer:** Christopher Wright 292097

**Prior Approval is required and is refused on 03/08/15 DELEGATED**

**BH2015/02134**

**86 Waldegrave Road Brighton**

Non Material Amendment to BH2015/01038 to increase length of rooflight.

**Applicant:** Mr Nicolas Hoar

**Officer:** Emily Stanbridge 292359

**Approved on 17/07/15 DELEGATED**

**BH2015/02136**

**18 Ashford Road Brighton**

Prior approval for the erection of a single storey rear extension, which would

extend beyond the rear wall of the original house by 3.27m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.5m.

**Applicant:** Paul Herbertson

**Officer:** Emily Stanbridge 292359

**Prior Approval is required and is refused on 23/07/15 DELEGATED**

**BH2015/02144**

**2 Port Hall Avenue Brighton**

Certificate of lawfulness for proposed loft conversion incorporating creation of rear dormer and installation of rooflights and window to front.

**Applicant:** Rose Luckin

**Officer:** Clare Simpson 292321

**Approved on 05/08/15 DELEGATED**

**BH2015/02178**

**146 Waldegrave Road Brighton**

Creation of dormer to rear (Retrospective).

**Applicant:** Mr Rhys Pritchard

**Officer:** Emily Stanbridge 292359

**Refused on 03/08/15 DELEGATED**

**BH2015/02238**

**72 Chester Terrace Brighton**

Installation of front rooflight.

**Applicant:** Nick Benge

**Officer:** Clare Simpson 292321

**Approved on 05/08/15 DELEGATED**

**REGENCY**

**BH2014/01031**

**Marlborough House 54 Old Steine Brighton**

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.

**Applicant:** Eurofile Pension Fund

**Officer:** Christopher Wright 292097

**Approved on 20/07/15 COMMITTEE**

**BH2014/01032**

**Marlborough House 54 Old Steine Brighton**

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.

**Applicant:** Eurofile Pension Fund

**Officer:** Christopher Wright 292097

**Approved on 20/07/15 COMMITTEE**

**BH2014/04264**

**12 Montpelier Crescent Brighton**

Application for Approval of Details Reserved by Conditions 2, 3 and 6 of application BH2014/01946.

**Applicant:** Mary Darcy

**Officer:** Joanne Doyle 292198

**Approved on 17/07/15 DELEGATED**

**BH2014/04265**

**12 Montpelier Crescent Brighton**

Application for Approval of Details Reserved by Conditions 2, 3 and 6 of application BH2014/01947.

**Applicant:** Mary Darcy

**Officer:** Joanne Doyle 292198

**Approved on 17/07/15 DELEGATED**

**BH2015/00153**

**56 Old Steine Brighton**

Change of use of ground floor from office (B1) to 1no two bedroom flat (C3).

**Applicant:** Eurofile Pension Fund

**Officer:** Liz Arnold 291709

**Approved on 22/07/15 DELEGATED**

**BH2015/00154**

**56 Old Steine Brighton**

Internal alterations to layout to facilitate change of use of ground floor from office (B1) to 1no two bedroom flat (C3).

**Applicant:** Eurofile Pension Fund

**Officer:** Liz Arnold 291709

**Approved on 21/07/15 DELEGATED**

**BH2015/00230**

**42 Upper North Street Brighton**

Installation of replacement timber sash windows and door to front elevation.

**Applicant:** Mr Andrew Newell

**Officer:** Luke Austin 294495

**Refused on 27/07/15 DELEGATED**

**BH2015/00415**

**1 Hampton Place Brighton**

Conversion of first floor flat into 2no two bedroom flats (C3).

**Applicant:** Mrs Natasha Hay

**Officer:** Jason Hawkes 292153

**Refused on 20/07/15 DELEGATED**

**BH2015/00576**

**15 and Pugets Cottage North Street Brighton**

Demolition of building at 15 North Street, exterior restoration of Puget's Cottage and retention and extension of existing historic paving.

**Applicant:** West Register (Property Investments) Ltd

**Officer:** Jason Hawkes 292153

**Approved on 29/07/15 COMMITTEE**

**BH2015/00591**

**37 West Street Brighton**

Installation of terraced seating area with balustrade and awning above.

**Applicant:** Tortilla Mexican Grill Ltd

**Officer:** Sue Dubberley 293817

**Approved on 24/07/15 DELEGATED**

**BH2015/00668**

**15-17 Middle Street Brighton**

Replacement of existing aluminium single glazed windows with aluminium double glazed windows to front elevation and UPVC double glazed windows to rear elevation. Installation of additional entrance doors to front elevation.

**Applicant:** Werk Hubs Ltd

**Officer:** Emily Stanbridge 292359

**Approved on 05/08/15 DELEGATED**

**BH2015/00808**

**11 Windlesham Court Windlesham Gardens Brighton**

Replacement of timber windows and door with UPVC units.

**Applicant:** Miss Samira Von Brevern

**Officer:** Emily Stanbridge 292359

**Approved on 31/07/15 DELEGATED**

**BH2015/00953**

**10A Sussex Heights St Margarets Place Brighton**

Replacement of existing windows and balcony enclosure with new UPVC and aluminium units.

**Applicant:** Ms Ester Nassiv

**Officer:** Emily Stanbridge 292359

**Approved on 05/08/15 DELEGATED**

**BH2015/01062**

**16-17 Market Street Brighton**

Display of 1no internally illuminated fascia sign and 2no internally illuminated projecting signs. (Retrospective).

**Applicant:** The Breakfast Club

**Officer:** Christopher Wright 292097

**Split Decision on 29/07/15 DELEGATED**

**BH2015/01187**

**5 Norfolk Terrace Brighton**

External alterations including replacement front door and installation of rooflight above stair well. Internal alterations including removal of false ceilings, renovation of central staircase, replacement of non-original doors, replacement of non-original skirtings, reinstatement of chimney alcoves, alterations to internal walls and installation of partition walls.

**Applicant:** Moretons Investments

**Officer:** Tim Jefferies 293152

**Refused on 30/07/15 DELEGATED**

**BH2015/01394**

**Friends Meeting House Prince Albert Street Brighton**

Installation of boiler and associated plumbing works, and heating and ventilation works including extract cowls on roof.

**Applicant:** Brighton Quakers

**Officer:** Luke Austin 294495

**Approved on 03/08/15 DELEGATED**

**BH2015/01415**

**11-14 Cavendish Place Brighton**

Replacement and refurbishment of front and rear sash and casement windows, removal of third floor fire refuge balconies and installation of rear extract fans.

Repair and refurbishment works including to front balcony and railings, roof and rendering.

**Applicant:** Southern Housing Group

**Officer:** Helen Hobbs 293335

**Approved on 30/07/15 DELEGATED**

**BH2015/01416**

**11-14 Cavendish Place Brighton**

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

**Applicant:** Southern Housing Group

**Officer:** Helen Hobbs 293335

**Approved on 30/07/15 DELEGATED**

**BH2015/01478**

**5 Vernon Terrace Brighton**

Application for Approval of Details Reserved by Conditions 2, 3 and 4 of application BH2014/02410.

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

**Officer:** Chris Swain 292178

**Approved on 17/07/15 DELEGATED**

**BH2015/01535**

**Telephone Box Outside Burial Ground Dyke Road Brighton**

Display of digital advertising screens inside existing telephone box.

**Applicant:** Thinking Outside the Box

**Officer:** Liz Arnold 291709

**Refused on 27/07/15 DELEGATED**

**BH2015/01551**

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

Variation of conditions 4, 6, 9, 10, 15, 17, 18 and 19 of application BH2013/00712 (Removal of existing roof structures to 7no two storey maisonettes within Brighton Square and creation of additional floors to each dwelling to create 7no three storey town houses. Formation of new entrance stair and lift and escape stair access connecting basement to first floor level. Remodelling works to residential façade, installation of new shop fronts to existing retail A1 and A3 units at ground floor level and remodelling and renovation works to square.) which relate to the travel plan, BREEAM requirements, cycle facilities, delivery and service plan, ventilation and parking.

**Applicant:** Centurion Group

**Officer:** Jason Hawkes 292153

**Approved on 03/08/15 DELEGATED**

**BH2015/01590**

**157 Western Road Brighton**

Display of internally illuminated projecting banner sign.

**Applicant:** McDonalds Restaurants Ltd

**Officer:** Sonia Gillam 292265

**Refused on 28/07/15 DELEGATED**

**BH2015/01592**

**157 Western Road Brighton**

Installation of new shopfront.

**Applicant:** McDonalds Restaurants Ltd

**Officer:** Sonia Gillam 292265

**Approved on 28/07/15 DELEGATED**

**BH2015/01648**

**52-53 Western Road Brighton**

Display of internally illuminated fascia sign.

**Applicant:** WH Smith

**Officer:** Sonia Gillam 292265

**Approved on 16/07/15 DELEGATED**

**BH2015/01841**

**17 Stone Street Brighton**

Erection of four storey building containing 2no self-contained flats (C3).

**Applicant:** Winnet Investments Ltd

**Officer:** Adrian Smith 290478

**Approved on 03/08/15 DELEGATED**

**BH2015/01861**

**8D Sussex Heights 14 St Margarets Place Brighton**

Replacement of existing windows with triple glazed aluminium framed and uPVC windows.

**Applicant:** Mrs Ivona Bialas

**Officer:** Clare Flowers 290443

**Approved on 21/07/15 DELEGATED**

**BH2015/01907**

**15 Middle Street Brighton**

Application for Approval of Details Reserved by Conditions 4 and 5 of application BH2014/04236.

**Applicant:** Stiles Harold Williams

**Officer:** Clare Simpson 292321

**Approved on 22/07/15 DELEGATED**

**BH2015/02084**

**21 - 22 Market Street Brighton**

Prior approval for change of use from retail unit (A1) to restaurant (A3) with associated alterations.

**Applicant:** The Baron Homes Corporation Limited

**Officer:** Chris Swain 292178

**Prior Approval is required and is refused on 29/07/15 DELEGATED**

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

**BH2014/04355**

**3 Kensington Place Brighton**

Erection of rear extension to ground floor shop and rear first floor extension to maisonette with screened roof terrace.

**Applicant:** Mr M Anderson

**Officer:** Luke Austin 294495

**Approved on 03/08/15 DELEGATED**

**BH2015/00209**

**10 St Georges Place Brighton**

Part change of use of rear of ground floor shop (A1) with associated erection of rear extension to form 1no one bed self contained flat (C3). Internal alterations to facilitate reconfiguration of the existing residential accommodation on the upper three floors, including removal of the mezzanine floor, to form 3no one bed self contained flats (C3). External alterations including new shop front, revised fenestration, installation of new steps and replacement glass balustrading to existing roof terrace and internal secure cycle storage.

**Applicant:** Mr J Healy

**Officer:** Mark Thomas 292336

**Refused on 03/08/15 DELEGATED**

**BH2015/00210**

**10 St Georges Place Brighton**

Part change of use of rear of ground floor shop (A1) with associated erection of rear extension to form 1no one bed self contained flat (C3). Internal alterations to facilitate reconfiguration of the existing residential accommodation on the upper three floors, including removal of the mezzanine floor, to form 3no one bed self contained flats (C3). External alterations including new shop front, revised fenestration, installation of new steps and replacement glass balustrading to existing roof terrace and internal secure cycle storage.

**Applicant:** Mr J Healy

**Officer:** Mark Thomas 292336

**Approved on 03/08/15 DELEGATED**

**BH2015/00224**

**39 Kensington Gardens Brighton**

Demolition of existing garage and associated structures and erection of three storey dwelling (C3) fronting Kensington Street.

**Applicant:** Geneva Investment Group

**Officer:** Adrian Smith 290478

**Approved on 27/07/15 DELEGATED**

**BH2015/00312**

**4-5 Circus Parade New England Road Brighton**

Change of use from retail (A1) to personal training studio (D2).

**Applicant:** Periwold Ltd

**Officer:** Wayne Nee 292132

**Approved on 27/07/15 DELEGATED**

**BH2015/00399**

**Land to Rear of 67-81 Princes Road Brighton**

Application for approval of details reserved by conditions 9, 10 and 13 of application BH2013/03782.

**Applicant:** Carelet Ltd

**Officer:** Adrian Smith 290478

**Approved on 17/07/15 DELEGATED**

**BH2015/00431**

**Ground Floor Flat 2 Buckingham Street Brighton**

Replacement of existing single glazed timber framed windows with UPVc double glazed windows.

**Applicant:** Michelle Rogers

**Officer:** Mark Thomas 292336



**Refused on 21/07/15 DELEGATED**

**BH2015/00555**

**64 Warleigh Road Brighton**

Installation of replacement metal fire escape to rear. (Retrospective)

**Applicant:** Parade Properties Ltd

**Officer:** Guy Everest 293334

**Approved on 21/07/15 DELEGATED**

**BH2015/00752**

**37 Baker Street Brighton**

Installation of louvre window within shopfront on front elevation.

**Applicant:** Mr Alf Abrahams

**Officer:** Luke Austin 294495

**Approved on 16/07/15 DELEGATED**

**BH2015/00945**

**37 Over Street Brighton**

Replacement of existing aluminium framed double glazed bay windows with timber framed double glazed windows to front elevation.

**Applicant:** Mr Alan Bishop

**Officer:** Adrian Smith 290478

**Refused on 31/07/15 DELEGATED**

**BH2015/01219**

**41 Kemp Street Brighton**

Replacement of rear windows with timber sash windows and timber bi fold doors and associated alterations.

**Applicant:** Ms Ruth Barley

**Officer:** Helen Hobbs 293335

**Approved on 03/08/15 DELEGATED**

**BH2015/01501**

**34-35 Prestonville Road Brighton**

Application for Approval of Details Reserved by Conditions 7, 8, 9, 10(i), 10a, 10b, 10c, and 11 of application BH2014/02221.

**Applicant:** Mr John Woollaston

**Officer:** Chris Swain 292178

**Approved on 16/07/15 DELEGATED**

**BH2015/01539**

**42-46 Frederick Place Brighton**

Replacement of existing windows with aluminium and timber windows.

**Applicant:** Mr Mark Paddock

**Officer:** Jason Hawkes 292153

**Approved on 05/08/15 DELEGATED**

**BH2015/01564**

**13 Ashdown Road Brighton**

Replacement of existing single glazed timber framed windows with double glazed timber framed windows.

**Applicant:** Ms Emily Robertson

**Officer:** Rebecca Fry 293773

**Approved on 27/07/15 DELEGATED**

**BH2015/01659**

**29 - 31 Prestonville Road Brighton**

New access ramp and door to replace existing with associated alterations including canopy and hand rail.

**Applicant:** Age UK

**Officer:** Adrian Smith 290478

**Approved on 31/07/15 DELEGATED**

**BH2015/01689**

**58 - 62 Lewes Road Brighton**

Change of use from retail unit (A1) to hot food takeaway (A5) with associated alterations to front and side elevations.

**Applicant:** Papa Johns (GB) Ltd

**Officer:** Mark Thomas 292336

**Approved on 31/07/15 DELEGATED**

**BH2015/01703**

**49-50 Providence Place & 3 & 4 Ann Street Brighton**

Application for Approval of Details Reserved by Conditions 3, 19, 24 and 25 of application BH2013/02511.

**Applicant:** Facilitas Technical Engineering Services Ltd

**Officer:** Jason Hawkes 292153

**Split Decision on 31/07/15 DELEGATED**

**BH2015/01704**

**49-50 Providence Place & 3 & 4 Ann Street Brighton**

Application for Approval of Details Reserved by Conditions 6 & 9 of application BH2013/02511

**Applicant:** Facilitas Technical Engineering Services Ltd

**Officer:** Jason Hawkes 292153

**Refused on 28/07/15 DELEGATED**

**BH2015/01752**

**48 Clifton Street Brighton**

Replacement of existing front door. (Retrospective)

**Applicant:** Hannah Batley

**Officer:** Emily Stanbridge 292359

**Approved on 31/07/15 DELEGATED**

**BH2015/01782**

**8 Gloucester Mews 113-120 Gloucester Road Brighton**

Replacement of existing metal windows to rear.

**Applicant:** Ben Coleman

**Officer:** Jason Hawkes 292153

**Approved on 04/08/15 DELEGATED**

**BH2015/01784**

**5 St Georges Place Brighton**

Change of use of lower ground and ground floor offices (B1) to 2no one bedroom flats (C3), incorporating demolition and rebuilding of two storey rear outrigger extension and alterations including replacement rear windows.

**Applicant:** Mr Rob Darling

**Officer:** Liz Arnold 291709

**Approved on 31/07/15 DELEGATED**

**BH2015/01785**

**5 St Georges Place Brighton**

Change of use of lower ground and ground floor offices (B1) to 2no one bedroom flats (C3), incorporating demolition and rebuilding of two storey rear outrigger extension, internal alterations to layout and external alterations including replacement rear windows.

**Applicant:** Mr Rob Darling

**Officer:** Liz Arnold 291709

**Approved on 31/07/15 DELEGATED**

**BH2015/01856**

**15 North Gardens Brighton**

Non Material Amendment to BH2014/01184 for the addition of a stainless steel handrail on top of already approved glass balustrade. Partial omitting of glass infill along party wall.

**Applicant:** Mrs Bryony October

**Officer:** Helen Hobbs 293335

**Approved on 21/07/15 DELEGATED**

**BH2015/01871**

**The Astoria 10-14 Gloucester Place Brighton**

Application for Approval of Details Reserved by Condition 2 of application BH2013/03927.

**Applicant:** Unicity XXVI Brighton 2 sarl

**Officer:** Adrian Smith 290478

**Approved on 29/07/15 DELEGATED**

**BH2015/02024**

**Block K Cityview 103 Stroudley Road Brighton**

Application for Approval of Details Reserved by Condition 10 of application BH2008/01148.

**Applicant:** McAleer & Rushe Limited

**Officer:** Maria Seale 292175

**Approved on 27/07/15 DELEGATED**

**BH2015/02116**

**5 Ashdown Road Brighton**

Erection of single storey rear extension.

**Applicant:** Ms Jo Miller

**Officer:** Allison Palmer 290493

**Approved on 05/08/15 DELEGATED**

**BH2015/02196**

**Former Co-Op 94-103 London Road Brighton**

Application for Approval of Details Reserved by Condition 37 of application BH2014/01127

**Applicant:** Watkin Jones Group

**Officer:** Kate Brocklebank 292454

**Approved on 28/07/15 DELEGATED**

**BH2015/02317**

**Site J Land East of Brighton Station New England Quarter Brighton**

Application for Approval of Details Reserved by Condition 22A(v) of application BH2010/03999, as amended by BH2012/01627 (Block A)

**Applicant:** Bouygues UK

**Officer:** Sarah Collins 292232  
**Approved on 16/07/15 DELEGATED**

**WITHDEAN**

**BH2014/04061**

**Land at Withdean Court London Road Brighton**

Erection of 2no three bedroom semi detached houses (C3) on site of former tennis court, with associated parking and landscaping.

**Applicant:** Planpeak Ltd  
**Officer:** Adrian Smith 290478  
**Refused on 29/07/15 DELEGATED**

**BH2015/00010**

**35 Withdean Road Brighton**

Alterations to rear garden levels to form play space. (Retrospective)

**Applicant:** Mr Martin Smith  
**Officer:** Liz Arnold 291709  
**Approved on 16/07/15 DELEGATED**

**BH2015/00053**

**23 Friar Crescent Brighton**

Extension of existing rear terrace and formation of storage below.

**Applicant:** Mr Sebastian Jager  
**Officer:** Helen Hobbs 293335  
**Refused on 29/07/15 DELEGATED**

**BH2015/00271**

**1 Withdean Crescent Brighton**

Erection of raised decking to rear with balustrading and screening and increase in height to timber fence to western boundary of rear garden. (Part retrospective).

**Applicant:** Mr & Mrs Gearing  
**Officer:** Chris Swain 292178  
**Approved on 21/07/15 DELEGATED**

**BH2015/00386**

**Stowford Withdean Road Brighton**

Change of use from house (C3) to eye clinic (D1) on ground floor and 2 no. studio flats and 1 no. two bedroom flat (C3) on upper floors with associated alterations including two storey rear extension, loft conversion with front and rear rooflights and rear car parking.

**Applicant:** Tongdean Eye Clinic  
**Officer:** Liz Arnold 291709  
**Approved after Section 106 signed on 20/07/15 DELEGATED**

**BH2015/00395**

**251-253 Preston Road Brighton**

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.

**Applicant:** Southern Housing Group  
**Officer:** Adrian Smith 290478

**Refused on 17/07/15 COMMITTEE**

**BH2015/00628**

**63 Bramble Rise Brighton**

Demolition of existing garage and store and erection of 1no three bedroom dwelling (C3).

**Applicant:** Mr M Deller

**Officer:** Christopher Wright 292097

**Refused on 16/07/15 DELEGATED**

**BH2015/00736**

**10 Friar Crescent Brighton**

Certificate of lawfulness for proposed loft conversion incorporating creation of enlarged rear dormer.

**Applicant:** Mr Robbie Coull

**Officer:** Luke Austin 294495

**Approved on 03/08/15 DELEGATED**

**BH2015/00959**

**Brunswick Cornwall Gardens Brighton**

Conversion of garage to form habitable accommodation incorporating pitched roof extension over.

**Applicant:** Mr Simon Jameson

**Officer:** Christopher Wright 292097

**Approved on 28/07/15 DELEGATED**

**BH2015/00976**

**92 Mill Rise Brighton**

Erection of a single storey rear extension and associated works.

**Applicant:** Mr William King

**Officer:** Clare Simpson 292321

**Approved on 16/07/15 DELEGATED**

**BH2015/01163**

**50 Inwood Crescent Brighton**

Conversion of existing five bedroom single dwelling into 2no two bedroom flats and 1no three bedroom maisonette with associated alterations.

**Applicant:** Mr Clive Newitt

**Officer:** Jason Hawkes 292153

**Approved on 21/07/15 DELEGATED**

**BH2015/01174**

**23 Friar Crescent Brighton**

Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating hip to barn end roof extension and rear dormer.

**Applicant:** Mr Sebastian Jager

**Officer:** Helen Hobbs 293335

**Refused on 30/07/15 DELEGATED**

**BH2015/01252**

**Ground Floor Flat 10 Harrington Road Brighton**

Replacement of existing conservatory to rear and erection of cabin to rear of garden.

**Applicant:** Mr Nathon Fellingham

**Officer:** Chris Swain 292178

**Approved on 30/07/15 DELEGATED**

**BH2015/01266**

**326-328 Dyke Road Brighton**

Alterations to boundary wall including creation of vehicle and pedestrian timber gates.

**Applicant:** Bank House Electric Gates

**Officer:** Luke Austin 294495

**Refused on 03/08/15 DELEGATED**

**BH2015/01267**

**Plots 1-31 Land West of Redhill Close Brighton**

Application for Approval of Details Reserved by Conditions 14 and 15 of application BH2013/00293

**Applicant:** Bellway Homes (South East) Ltd

**Officer:** Mark Thomas 292336

**Approved on 16/07/15 DELEGATED**

**BH2015/01456**

**Land East of Block F Kingsmere London Road Brighton**

Creation of 6no additional parking spaces.

**Applicant:** Anstone Properties Ltd

**Officer:** Sonia Gillam 292265

**Approved on 31/07/15 DELEGATED**

**BH2015/01459**

**3 Highbank Brighton**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs Williams

**Officer:** Mark Thomas 292336

**Approved on 31/07/15 DELEGATED**

**BH2015/01473**

**1 Elms Lea Avenue Brighton**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mrs Sue Norgrove-Moore

**Officer:** Allison Palmer 290493

**Approved on 05/08/15 DELEGATED**

**BH2015/01729**

**4 Clermont Terrace Brighton**

Replacement of crittall windows to existing dormer.

**Applicant:** Mr Yoram Izabar

**Officer:** Emily Stanbridge 292359

**Approved on 30/07/15 DELEGATED**

**BH2015/01855**

**1 Elms Lea Avenue Brighton**

Certificate of lawfulness for proposed conversion of existing garage into habitable living space with associated alterations.

**Applicant:** Mrs Sue Norgrove-Moore

**Officer:** Allison Palmer 290493

**Refused on 05/08/15 DELEGATED**

**BH2015/01868**

**20 Tongdean Lane Brighton**

Application for Approval of Details Reserved by Conditions 6 and 7 of application BH2014/03864.

**Applicant:** KLAS Properties LLP

**Officer:** Adrian Smith 290478

**Split Decision on 29/07/15 DELEGATED**

**BH2015/01987**

**3 Wayland Avenue Brighton**

Remodelling of dwelling incorporating raising roof ridge height, roof extensions, Juliet balconies to front and rear elevations and rooflights, erection of single storey front extension, alterations to fenestration and associated works.

**Applicant:** Mr Mal & Mrs Sharon Leeming

**Officer:** Clare Flowers 290443

**Refused on 31/07/15 DELEGATED**

**BH2015/02252**

**75 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 8m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m.

**Applicant:** Mrs Gail Wadsworth

**Officer:** Allison Palmer 290493

**Prior Approval is required and is refused on 04/08/15 DELEGATED**

**BH2015/02256**

**13 Maldon Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.5m.

**Applicant:** Paul Townsend

**Officer:** Guy Everest 293334

**Prior approval not required on 29/07/15 DELEGATED**

**BH2015/02406**

**39 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 3.34m, for which the maximum height would be 3.10m, and for which the height of the eaves would be 2.40m.

**Applicant:** Chris Harrison

**Officer:** Allison Palmer 290493

**Prior approval not required on 31/07/15 DELEGATED**

**EAST BRIGHTON**

**BH2014/03815**

**1 Chesham Place Brighton**

External alterations to existing rear extension incorporating replacement of roof covering and rooflights. Internal alterations to all floors including refurbishment and alterations to layout.

**Applicant:** Mr John Brewer

**Officer:** Luke Austin 294495

**Approved on 30/07/15 DELEGATED**

**BH2014/04096**

**5 Portland Place Brighton**

Installation of replacement timber doors and windows to side and rear.

**Applicant:** Mr Adrian Grant

**Officer:** Joanne Doyle 292198

**Approved on 29/07/15 DELEGATED**

**BH2015/00706**

**Flat 4 9 Chichester Terrace Brighton**

Internal alterations to layout of flat.

**Applicant:** Mr Ling Li

**Officer:** Tim Jefferies 293152

**Approved on 16/07/15 DELEGATED**

**BH2015/00930**

**Robert Lodge Manor Place Brighton**

Application for variation of conditions 12 and 14 of application BH2014/02417. Wording of condition 12 amended to require details to be submitted prior to commencement of development above ground floor slab level, and wording of condition 14 amended to require details to be submitted, agreed and implemented prior to first occupation of the development.

**Applicant:** Brighton & Hove City Council

**Officer:** Adrian Smith 290478

**Approved on 21/07/15 DELEGATED**

**BH2015/00992**

**Flat 7 Court Royal Mansions 1 Eastern Terrace Brighton**

Replacement of existing redundant fire escape window and door with new timber framed units.

**Applicant:** Mr Kim Gordon

**Officer:** Wayne Nee 292132

**Approved on 30/07/15 DELEGATED**

**BH2015/00993**

**Flat 7 Court Royal Mansions 1 Eastern Terrace Brighton**

Replacement of existing redundant fire escape window and door with new timber framed units.

**Applicant:** Mr Kim Gordon

**Officer:** Wayne Nee 292132

**Approved on 30/07/15 DELEGATED**

**BH2015/01124**

**Flat 4 36 Chesham Road Brighton**

Roof alterations incorporating front and rear rooflights and rear dormer.

**Applicant:** Geneva Investment Group Ltd

**Officer:** Mark Thomas 292336

**Approved on 16/07/15 DELEGATED**

**BH2015/01264**

**8 Madehurst Close Brighton**

Conversion of existing single dwelling into 2no. self-contained flats.

**Applicant:** Chris Storey

**Officer:** Jason Hawkes 292153

**Refused on 17/07/15 DELEGATED**



**BH2015/01361**

**Flat 3 4 Chesham Place Brighton**

Internal alterations to layout of flat.

**Applicant:** Ms Donna Grey

**Officer:** Tim Jefferies 293152

**Approved on 16/07/15 DELEGATED**

**BH2015/01491**

**29 St Marys Square Brighton**

Replacement UPVC windows, doors, fascias and soffits and relocation of front door.

**Applicant:** Mr Mark Howard

**Officer:** Sue Dubberley 293817

**Approved on 20/07/15 DELEGATED**

**BH2015/02298**

**6 Marlow Road Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.999m, for which the maximum height would be 3.9m, and for which the height of the eaves would be 2.99m.

**Applicant:** Mr Emran Ahmed

**Officer:** Emily Stanbridge 292359

**Prior approval not required on 29/07/15 DELEGATED**

**HANOVER & ELM GROVE**

**BH2014/03371**

**Elim Court 10 Wellington Road Brighton**

Roof extension over existing first floor to rear elevation to form 2no one bedroom flats, creation of 2no additional car parking spaces and cycle store.

**Applicant:** Mr S Irvine

**Officer:** Wayne Nee 292132

**Approved on 29/07/15 DELEGATED**

**BH2014/03885**

**141 Elm Grove Brighton**

Conversion of existing single dwelling into 3no flats.

**Applicant:** Ludwik Chrzaszcz

**Officer:** Wayne Nee 292132

**Refused on 17/07/15 DELEGATED**

**BH2015/00242**

**167 Elm Grove Brighton**

Installation of replacement UPVC windows and doors to all elevations, and replacement of ground floor door with window to front elevation.

**Applicant:** Mr Michael Davies

**Officer:** Sue Dubberley 293817

**Approved on 20/07/15 DELEGATED**

**BH2015/00410**

**32 Bear Road Brighton**

Application for approval of details reserved by conditions 3, 5 and 7 of application BH2014/02820.

**Applicant:** DIM 365 Ltd

**Officer:** Wayne Nee 292132  
**Approved on 29/07/15 DELEGATED**

**BH2015/00731**

**St Martins CE Primary School Hartington Road Brighton**

Installation of new pedestrian gate to form access off Melbourne Street.

**Applicant:** The Governors

**Officer:** Emily Stanbridge 292359

**Approved on 16/07/15 DELEGATED**

**BH2015/01271**

**49 Islingword Place Brighton**

Erection of single storey side and rear extension.

**Applicant:** Ms Gleave

**Officer:** Chris Swain 292178

**Approved on 17/07/15 DELEGATED**

**BH2015/01672**

**112-113 Lewes Road Brighton**

Application for Approval of Details Reserved by Condition 23 of application BH2013/00908.

**Applicant:** McLaren (112/113 Lewes Road) Limited

**Officer:** Jonathan Puplett 292525

**Approved on 31/07/15 DELEGATED**

**BH2015/01906**

**86 Elm Grove Brighton**

Prior approval for change of use from retail (A1) to residential (C3) to form 1no self-contained flat with external alterations to front.

**Applicant:** Mrs Jane Taheri-Kadkhoda

**Officer:** Christopher Wright 292097

**Prior Approval is required and is approved on 27/07/15 DELEGATED**

**BH2015/02108**

**Flat 1 167 Queens Park Road Brighton**

Replacement of existing timber windows with UPVC to rear at ground floor level.

**Applicant:** Simon Hodges

**Officer:** Allison Palmer 290493

**Approved on 31/07/15 DELEGATED**

**BH2015/02140**

**112-113 Lewes Road Brighton**

Application for Approval of Details Reserved by Condition 16 of application BH2013/00908.

**Applicant:** McLaren (112/113 Lewes Road Limited

**Officer:** Jonathan Puplett 292525

**Approved on 31/07/15 DELEGATED**

**BH2015/02353**

**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 2.8m, and for which the height of the eaves would be 2.8m.

**Applicant:** Mr Claudio Tirsolea

**Officer:** Allison Palmer 290493

**Prior approval not required on 31/07/15 DELEGATED**

**HOLLINGDEAN & STANMER**

**BH2014/00567**

**Land Situated Between Lewes Court and Northfield University of Sussex Falmer Brighton**

Application for variation of condition 2 of BH2012/00485 (Construction of one 4 storey and one 3 storey halls of residence blocks to provide additional 148 bedrooms of accommodation) to substitute plan no 3306\_101B with 3306\_101C to replace the proposed 7 Ash trees as part of the landscaping scheme with 7 Hornbeam trees.

**Applicant:** University of Sussex

**Officer:** Paul Earp 292454

**Approved after Section 106 signed on 17/07/15 DELEGATED**

**BH2015/00473**

**202 Saunders Hill Brighton**

Demolition of existing coal shed and erection new 2no storey dwelling house. Alterations to existing dwelling including erection of single storey entrance porch and other associated works.

**Applicant:** Mr Simon Hedger Grace

**Officer:** Chris Swain 292178

**Approved on 16/07/15 DELEGATED**

**BH2015/01427**

**York House Refectory Road Brighton**

Replacement of existing windows and doors with metal windows and double doors to East elevation at basement level.

**Applicant:** University of Sussex

**Officer:** Luke Austin 294495

**Approved on 23/07/15 DELEGATED**

**BH2015/01771**

**14 Hertford Road Brighton**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs A Montford

**Officer:** Emily Stanbridge 292359

**Approved on 31/07/15 DELEGATED**

**BH2015/01946**

**26 Waverley Crescent Brighton**

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension and insertion of window to rear. Erection of a single storey rear extension and erection of a single storey front porch extension. Insertion of new window to side elevation, replacement of garage door and associated works.

**Applicant:** Mr S Neville

**Officer:** Robin Hodgetts 292366

**Refused on 24/07/15 DELEGATED**

**MOULSECOOMB & BEVENDEAN**

**BH2015/00767**

**22 Fitch Drive Brighton**

Change of use from three bedroom single dwelling (C3) to four bedroom small

house in multiple occupation (C4).

**Applicant:** Mr Douglas Baird

**Officer:** Wayne Nee 292132

**Refused on 04/08/15 DELEGATED**

**BH2015/01047**

**10 Canfield Road Brighton**

Demolition of existing garages and erection of three storey three bedroom dwelling.

**Applicant:** Home & Coastal Developments Ltd

**Officer:** Wayne Nee 292132

**Refused on 29/07/15 DELEGATED**

**BH2015/01134**

**17 Coombe Road Brighton**

Installation of external staircase, insertion of door and window to rear at first floor level.

**Applicant:** Mr Sajjad Rehman

**Officer:** Chris Swain 292178

**Approved on 31/07/15 DELEGATED**

**BH2015/01276**

**Flat 10 The Deco Building Coombe Road Brighton**

Replacement of existing windows with UPVc.

**Applicant:** Miss Rachel Papper

**Officer:** Emily Stanbridge 292359

**Approved on 20/07/15 DELEGATED**

**BH2015/01385**

**Land Rear of 50 Baden Road Brighton**

Demolition of existing garage and erection of 1no three storey three bedroom dwelling (C3) (Retrospective).

**Applicant:** Perth Securities

**Officer:** Sue Dubberley 293817

**Approved on 24/07/15 DELEGATED**

**BH2015/02013**

**79 Southall Avenue Brighton**

Conversion of loft space into useable space ancillary to existing dental clinic (D1) (Retrospective).

**Applicant:** Mr Bruno Silva

**Officer:** Liz Arnold 291709

**Approved on 04/08/15 DELEGATED**

**BH2015/02089**

**3 Hillside Brighton**

Application for Approval of Details Reserved by Condition 11 of application BH2014/00597

**Applicant:** Archer Construction

**Officer:** Sonia Gillam 292265

**Approved on 29/07/15 DELEGATED**

## **QUEEN'S PARK**

### **BH2013/00026**

#### **99 St James's Street Brighton**

Installation of new shop front and new fascia sign (Part Retrospective).

**Applicant:** Mos Hair and Beauty

**Officer:** Wayne Nee 292132

**Refused on 31/07/15 DELEGATED**

### **BH2014/03181**

#### **25 Old Steine Brighton**

Change of use of second and third floor from school of animal osteopathy (D1) to 2no one bedroom flats (C3).

**Applicant:** ESAO Ltd

**Officer:** Wayne Nee 292132

**Approved on 31/07/15 DELEGATED**

### **BH2014/03182**

#### **25 Old Steine Brighton**

Internal alterations to facilitate the change of use of second and third floor from school of animal osteopathy (D1) to 2no one bedroom flats (C3).

**Applicant:** ESAO Ltd

**Officer:** Wayne Nee 292132

**Approved on 31/07/15 DELEGATED**

### **BH2015/00997**

#### **26 Walpole Terrace Brighton**

Demolition of two storey patent glazing and internal metal gantry and creation of glazed roof at ground floor level and insertion of window to first floor level to rear elevation.

**Applicant:** Mr Angus Slyfield

**Officer:** Emily Stanbridge 292359

**Approved on 29/07/15 DELEGATED**

### **BH2015/01159**

#### **12 St James's Street Brighton**

Change of use from retail (A1) to restaurant/hot food takeaway (A3/A5).

**Applicant:** Mr Tim Barclay

**Officer:** Christopher Wright 292097

**Approved on 16/07/15 DELEGATED**

### **BH2015/01522**

#### **Brighton Police Station John Street Brighton**

Application for approval of details reserved by conditions 5, 6 and 7 of application BH2014/03845.

**Applicant:** Sussex Police Authority

**Officer:** Wayne Nee 292132

**Refused on 22/07/15 DELEGATED**

### **BH2015/01851**

#### **Brighton Police Station John Street Brighton**

Non Material Amendment to BH2014/03845 to include the two rear staircases in the building recladding system.

**Applicant:** Sussex Police Authority

**Officer:** Wayne Nee 292132

**Refused on 31/07/15 DELEGATED**

**BH2015/01933**

**12A Richmond Parade Brighton**

Application for Approval of Details Reserved by Condition 8 of application BH2014/00864.

**Applicant:** Mr Edward Derby

**Officer:** Sonia Gillam 292265

**Approved on 20/07/15 DELEGATED**

**BH2015/01989**

**18 Circus Street Brighton**

Prior approval for change of use from offices (B1) to residential (C3) to create 3no studio flats.

**Applicant:** Michael Blencowe

**Officer:** Christopher Wright 292097

**Prior Approval is required and is refused on 24/07/15 DELEGATED**

**BH2015/02131**

**13-15 Old Steine Brighton**

Non Material Amendment to BH2011/02687 for the external walls of the penthouse have been set back 250mm further back from the elevations of the main building and the two set backs at the end have been made equal. Internal room rearrangements.

**Applicant:** Henry Streeter (Automotive) Ltd

**Officer:** Sue Dubberley 293817

**Approved on 27/07/15 DELEGATED**

**ROTTINGDEAN COASTAL**

**BH2014/01904**

**Bazehill House Bazehill Road Rottingdean Brighton**

Application for Approval of Details Reserved by Conditions 7, 8, 9, 10, 11, 12 and 15 of application BH2013/02650.

**Applicant:** Mr G Reed

**Officer:** Jonathan Puplett 292525

**Split Decision on 29/07/15 DELEGATED**

**BH2014/03984**

**Between Pontoons 6 & 7 Brighton Marina Village Brighton Marina Brighton**

Application for Approval of Details Reserved by Conditions 6, 8 and 11 of application BH2014/02336

**Applicant:** West Quay Development Co

**Officer:** Sarah Collins 292232

**Approved on 16/07/15 DELEGATED**

**BH2014/04085**

**Ashdown House Ovingdean Road Brighton**

Demolition of front extension and creation of porch, erection of first floor rear extension with associated roof alterations and revised fenestration. (Amended Plans)

**Applicant:** Mr Peter Finch

**Officer:** Joanne Doyle 292198

**Approved on 04/08/15 DELEGATED**

**BH2014/04280**

**1 Sussex Square Brighton**

Application for Approval of Details Reserved by Conditions 2 and 3 of application BH2014/02136.

**Applicant:** EF Language School

**Officer:** Sonia Gillam 292265

**Approved on 31/07/15 DELEGATED**

**BH2015/00075**

**78 Lustrells Crescent Saltdean Brighton**

Erection of conservatory extension to rear. (Retrospective)

**Applicant:** Ann Roberts

**Officer:** Chris Swain 292178

**Approved on 16/07/15 DELEGATED**

**BH2015/00299**

**Flat 9 31 Sussex Square Brighton**

Internal alterations to layout of flat, refurbishment works and installation of timber window to rear elevation to replace existing (Part Retrospective).

**Applicant:** Mr Peter Forbes

**Officer:** Chris Swain 292178

**Approved on 23/07/15 DELEGATED**

**1) UNI**

The kitchen window hereby approved shall be white-painted timber 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.*

**BH2015/00515**

**30 Grand Crescent Rottingdean Brighton**

Roof alterations including erection of 2no dormers to West elevation and south facing hip to barn end roof extension.

**Applicant:** Mr W Fenton

**Officer:** Wayne Nee 292132

**Refused on 30/07/15 DELEGATED**

**BH2015/00699**

**John Howard Cottages Roedean Road Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2014/03147.

**Applicant:** PCC of St Georges Church with St Anne & St Mark

**Officer:** Sue Dubberley 293817

**Approved on 17/07/15 DELEGATED**

**BH2015/00885**

**Flat 4 24 Lewes Crescent Brighton**

Rebuilding of first floor canopy to front elevation with curved glass rooflights and a timber and glass screen.

**Applicant:** Herts Nahapiet

**Officer:** Joanne Doyle 292198

**Approved on 29/07/15 DELEGATED**

**BH2015/00887**

**Flat 4 24 Lewes Crescent Brighton**

Rebuilding of first floor canopy to front elevation with curved glass rooflights and a timber and glass screen.

**Applicant:** Herts Nahapiet

**Officer:** Joanne Doyle 292198

**Approved on 29/07/15 DELEGATED**

**BH2015/00889**

**36 - 38 Arundel Road Brighton**

Rebuilding of front bay structure incorporating the replacement of existing timber sash and UPVc windows with UPVc windows.

**Applicant:** 36 - 38 Arundel Road Limited

**Officer:** Mark Thomas 292336

**Approved on 30/07/15 DELEGATED**

**BH2015/01030**

**Grange Lodge The Green Brighton**

Erection of part 1no, part 2no storey side extension.

**Applicant:** Mr & Mrs Bernie and Joan Clark

**Officer:** Allison Palmer 290493

**Refused on 24/07/15 DELEGATED**

**BH2015/01169**

**2 Rodmell Avenue Saltdean Brighton**

Erection of two storey side extension with rear first floor balcony and associated roof alterations.

**Applicant:** Ms Penelope Stonebank Darvey

**Officer:** Chris Swain 292178

**Refused on 29/07/15 DELEGATED**

**BH2015/01192**

**16 Cranleigh Avenue Rottingdean Brighton**

Erection of a part one, part two storey side extension and a front extension to replace existing bay window.

**Applicant:** Mr Matthew Attia

**Officer:** Mark Thomas 292336

**Approved on 17/07/15 DELEGATED**

**BH2015/01444**

**31 Hawthorn Close Brighton**

Erection of front, side and rear extensions.

**Applicant:** Mr Peter Hardy

**Officer:** Luke Austin 294495

**Approved on 16/07/15 DELEGATED**

**BH2015/01464**

**Flat 1 43 Sussex Square Brighton**

Application for Approval of Details Reserved by Conditions 2, 3, 5 and 6 of application BH2014/03137.

**Applicant:** Mr & Mrs Allon

**Officer:** Christopher Wright 292097

**Approved on 29/07/15 DELEGATED**



**BH2015/01468**

**2 Roedean Heights Brighton**

Erection of single storey rear extension and first floor side extension.

**Applicant:** Mr & Mrs Caton

**Officer:** Luke Austin 294495

**Approved on 28/07/15 DELEGATED**

**BH2015/01476**

**5 Woodland Walk Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Daniel Shearing

**Officer:** Luke Austin 294495

**Approved on 31/07/15 DELEGATED**

**BH2015/01534**

**15 Ovingdean Close Brighton**

Roof alterations incorporating dormer to front elevation and rooflight to side.

**Applicant:** Frank Mendoza

**Officer:** Luke Austin 294495

**Approved on 30/07/15 DELEGATED**

**BH2015/01699**

**53 Roedean Crescent Brighton**

Application for Approval of Details Reserved by Conditions 6, 7, 8 and 9 of application BH2014/03365

**Applicant:** Mr Kevin Massey

**Officer:** Jonathan Puplett 292525

**Split Decision on 27/07/15 DELEGATED**

**BH2015/01737**

**White Horse Hotel High Street Rottingdean Brighton**

Extension to existing patio and installation of glazed balustrade.

**Applicant:** Greene King Pub Company

**Officer:** Clare Simpson 292321

**Approved on 28/07/15 DELEGATED**

**BH2015/01928**

**18 Saltdean Drive Saltdean Brighton**

Creation of rear dormer, installation of front roof light and replacement of existing rear window with bi-folding doors.

**Applicant:** David Bevan

**Officer:** Emily Stanbridge 292359

**Refused on 21/07/15 DELEGATED**

**BH2015/01970**

**60 Wanderdown Road Brighton**

Extension to existing garage with associated landscaping.

**Applicant:** Mr David Harding

**Officer:** Liz Arnold 291709

**Refused on 22/07/15 DELEGATED**

**BH2015/02221**

**Garage rear of 47 Sussex Square Brighton**

Application for Approval of Details Reserved by Condition 3 of application BH2014/00947.

**Applicant:** E Shirstova  
**Officer:** Liz Arnold 291709  
**Approved on 29/07/15 DELEGATED**

## **WOODINGDEAN**

### **BH2015/00763**

#### **6 Newells Close Brighton**

Erection of single storey rear extension.

**Applicant:** Mr Kenneth Webb  
**Officer:** Emily Stanbridge 292359  
**Approved on 20/07/15 DELEGATED**

### **BH2015/01253**

#### **21 Channel View Road Brighton**

Remodelling of dwelling incorporating roof extension with raised ridge height, creation of lower ground floor garage to front and alterations to all elevations.

**Applicant:** Mr N Foster  
**Officer:** Luke Austin 294495  
**Approved on 04/08/15 DELEGATED**

### **BH2015/01570**

#### **Land West of 107-111 Cowley Drive Brighton**

Application for approval of details reserved by conditions 7, 8, 9, 10 and 11 of application BH2014/01307.

**Applicant:** Mrs Christine Cross  
**Officer:** Chris Swain 292178  
**Approved on 29/07/15 DELEGATED**

### **BH2015/01632**

#### **43 Farm Hill Brighton**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mrs Sue Gumbrell  
**Officer:** Luke Austin 294495  
**Approved on 04/08/15 DELEGATED**

### **BH2015/01881**

#### **1 The Ridgway Brighton**

Partial-demolition of existing doctors surgery (D1) and erection of 3no residential dwellings (C3).

**Applicant:** Franridge Properties Ltd  
**Officer:** Clare Simpson 292321  
**Refused on 23/07/15 DELEGATED**

### **BH2015/02354**

#### **117 Crescent Drive South Brighton**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 7m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.4m.

**Applicant:** Mr Wayne Collins  
**Officer:** Charlotte Bush 292193  
**Prior Approval is required and is refused on 31/07/15 DELEGATED**

## **BRUNSWICK AND ADELAIDE**

### **BH2015/00166**

#### **2A Palmeira Court 30 Palmeira Square Hove**

Internal alterations to layout of basement flat and remedial works to front window.  
(Retrospective)

**Applicant:** Mr James Filby

**Officer:** Helen Hobbs 293335

**Refused on 28/07/15 DELEGATED**

### **BH2015/00803**

#### **49 Church Road Hove**

Replacement of existing single glazed timber and aluminium windows and UPVc patio doors with double glazed timber and aluminium windows and UPVc patio doors. Creation of access ramp and new door to rear with associated alterations.

**Applicant:** GMB

**Officer:** Wayne Nee 292132

**Approved on 21/07/15 DELEGATED**

### **BH2015/01028**

#### **Retaining Wall to South Side of Gardens Adelaide Crescent Hove**

Repair works to existing wall incorporating replacement render.

**Applicant:** Brighton & Hove City Council

**Officer:** Christopher Wright 292097

**Approved on 16/07/15 DELEGATED**

### **BH2015/01194**

#### **Flat 9 32 Brunswick Place Hove**

Internal alterations to layout of flat.

**Applicant:** Mr Cormac Verner

**Officer:** Joanne Doyle 292198

**Approved on 16/07/15 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.*

### **BH2015/01258**

#### **38-42 Brunswick Street West Hove**

Installation of new environmental control plant including air handling unit, air condenser unit, acoustic screening, railings and other associated works.

**Applicant:** Vaseema Hamilton

**Officer:** Wayne Nee 292132

**Approved on 30/07/15 DELEGATED**

**BH2015/01437**

**102 Lansdowne Place Hove**

Removal of fire escape and alterations to the rainwater and drainage goods on the rear elevation.

**Applicant:** 102 Lansdowne Place Ltd

**Officer:** Helen Hobbs 293335

**Approved on 31/07/15 DELEGATED**

**BH2015/01537**

**Flat 2 101 Lansdowne Place Hove**

Replacement of existing UPVC window with timber at rear.

**Applicant:** Dr Lenval Callender

**Officer:** Adrian Smith 290478

**Approved on 30/07/15 DELEGATED**

**BH2015/01540**

**Flat 2 101 Lansdowne Place Hove**

Replacement of existing UPVC window with timber at rear.

**Applicant:** Dr Lenval Callender

**Officer:** Adrian Smith 290478

**Approved on 30/07/15 DELEGATED**

**BH2015/01653**

**7 Brunswick Road Hove**

Internal alterations to layout of flat (Retrospective).

**Applicant:** Mr Mark Hughes

**Officer:** Tim Jefferies 293152

**Approved on 22/07/15 DELEGATED**

**BH2015/01898**

**19 Upper Market Street Hove**

Prior approval for change of use from offices (B1) to residential (C3) to form 3no one bedroom flats at basement, first and second floor levels.

**Applicant:** Mr & Mrs Brewer

**Officer:** Christopher Wright 292097

**Prior Approval is required and is refused on 17/07/15 DELEGATED**

**BH2015/02100**

**30 Brunswick Square Hove**

Application for Approval of Details Reserved by Condition 2 of Application BH2015/00488.

**Applicant:** Pepper Fox

**Officer:** Helen Hobbs 293335

**Approved on 03/08/15 DELEGATED**

**BH2015/02115**

**8 Cross Street Hove**

Application for Approval of Details Reserved by Condition 3 of application BH2014/04029.

**Applicant:** Mr David Rose

**Officer:** Sonia Gillam 292265

**Approved on 29/07/15 DELEGATED**

## **CENTRAL HOVE**

### **BH2015/00758**

#### **11 Courtenay Gate Courtenay Terrace Hove**

Replacement of existing timber windows with timber double glazed sliding sash windows.

**Applicant:** Adrienne Hannagh

**Officer:** Adrian Smith 290478

**Approved on 31/07/15 DELEGATED**

### **BH2015/00840**

#### **44 Stirling Place Hove**

Conversion of existing single dwelling to form self contained flat on ground floor and 2no bedroom maisonette above (C3).

**Applicant:** Mr Simon Flashman

**Officer:** Wayne Nee 292132

**Refused on 20/07/15 DELEGATED**

### **BH2015/00860**

#### **Audley House Hove Street Hove**

Erection of 1no two bed detached dwelling (D3) and associated alterations to car park.

**Applicant:** Alexander James Homes

**Officer:** Christopher Wright 292097

**Refused on 03/08/15 DELEGATED**

### **BH2015/01044**

#### **King Alfred Kingsway Hove**

Replacement of 13no timber framed windows with new UPVC units.

**Applicant:** Quick Energy Ltd

**Officer:** Mark Thomas 292336

**Approved on 29/07/15 DELEGATED**

### **BH2015/01154**

#### **Flat 5 3 Kings Gardens Hove**

Internal alterations to layout of flat.

**Applicant:** Mr James Reader

**Officer:** Tim Jefferies 293152

**Refused on 05/08/15 DELEGATED**

### **BH2015/01318**

#### **17 Vallance Road Hove**

Demolition of existing extension and erection of single storey rear extension.

**Applicant:** Mr & Mrs Waller

**Officer:** Mark Thomas 292336

**Approved on 20/07/15 DELEGATED**

### **BH2015/01642**

#### **56 Stirling Place Hove**

Insertion of 2no front and 1no rear rooflights.

**Applicant:** Moretons Investments

**Officer:** Helen Hobbs 293335

**Approved on 30/07/15 DELEGATED**

**BH2015/01927**

**101 Church Road Hove**

Display of internally illuminated fascia sign, 2no internally illuminated projecting signs, 2no internally illuminated ATM surrounds, 1no window vinyl and 1no non-illuminated entrance sign.

**Applicant:** RBS

**Officer:** Rebecca Fry 293773

**Approved on 31/07/15 DELEGATED**

**BH2015/01985**

**32 Third Avenue Hove**

Application of Approval of Details Reserved by Conditions 7 & 8 of application BH2014/04249.

**Applicant:** Mr G Jasper

**Officer:** Christopher Wright 292097

**Approved on 29/07/15 DELEGATED**

**BH2015/01990**

**Flat 3 Bath Court Kings Esplanade Hove**

Installation of replacement UPVC balcony doors.

**Applicant:** Dr Brooks

**Officer:** Emily Stanbridge 292359

**Approved on 27/07/15 DELEGATED**

**BH2015/02258**

**35 Brooker Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.5m, for which the maximum height would be 3.47m, and for which the height of the eaves would be 2.87m.

**Applicant:** Kevin Sinkfield

**Officer:** Guy Everest 293334

**Prior approval not required on 21/07/15 DELEGATED**

**GOLDSMID**

**BH2014/04302**

**10A Cambridge Grove Hove**

Certificate of lawfulness for existing use of premises as single dwelling house (C3).

**Applicant:** Mr Colin Brace

**Officer:** Jonathan Puplett 292525

**Refused on 16/07/15 DELEGATED**

**BH2015/00060**

**2 Osmond Road Hove**

Conversion of roof space to form second floor containing 3no flats (C3) with associated alterations including walkway with balustrade, rooflight to front roof shape and new window.

**Applicant:** LAN Estates

**Officer:** Jonathan Puplett 292525

**Approved on 20/07/15 DELEGATED**

**BH2015/00421**

**58 Cromwell Road Hove**

Erection of single storey detached out building in rear garden. (Retrospective)

**Applicant:** CRI

**Officer:** Mark Thomas 292336

**Approved on 29/07/15 DELEGATED**

**BH2015/00839**

**24B Cambridge Grove Hove**

Certificate of lawfulness for existing use of property as single residential dwelling.

**Applicant:** Jason Gibbons

**Officer:** Mark Thomas 292336

**Refused on 21/07/15 DELEGATED**

**BH2015/01116**

**Flat 2 West View The Drive Hove**

Replacement of existing UPVC window with doors with steps.

**Applicant:** Mr Neil Brackenridge

**Officer:** Clare Flowers 290443

**Approved on 27/07/15 DELEGATED**

**BH2015/01150**

**Flat 25 72 The Drive Hove**

Replacement of existing single glazed windows with UPVC double glazed units.

**Applicant:** Mr Piers Benjamin

**Officer:** Jason Hawkes 292153

**Approved on 31/07/15 DELEGATED**

**BH2015/01472**

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

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.

**Applicant:** Brighton & Hove City Council

**Officer:** Jonathan Puplett 292525

**Refused on 16/07/15 COMMITTEE**

**BH2015/01474**

**First Floor Flat 85 Wilbury Crescent Hove**

Alterations to roof incorporating front , side and rear rooflights.

**Applicant:** Mr Olly Evans

**Officer:** Allison Palmer 290493

**Approved on 22/07/15 DELEGATED**

**BH2015/01587**

**29 Goldstone Villas Hove**

Roof alterations including dormer to rear elevation and rooflights to front and side elevations.

**Applicant:** Mr & Mrs J Brown

**Officer:** Luke Austin 294495

**Approved on 22/07/15 DELEGATED**

**BH2015/01644**

**26A Cromwell Road Hove**

Alterations to layout and installation of new timber sash window to first floor of garden room.

**Applicant:** Ms Lucy Potter

**Officer:** Jason Hawkes 292153

**Approved on 31/07/15 DELEGATED**

**BH2015/01645**

**26A Cromwell Road Hove**

Installation of new timber sash window to first floor of garden room.

**Applicant:** Ms Lucy Potter

**Officer:** Jason Hawkes 292153

**Approved on 31/07/15 DELEGATED**

**BH2015/01664**

**50 Old Shoreham Road Hove**

Certificate of Lawfulness for proposed loft conversion incorporating roof extensions, rear dormer and front rooflights.

**Applicant:** Mr Akram Abraham

**Officer:** Christopher Wright 292097

**Approved on 04/08/15 DELEGATED**

**BH2015/01690**

**Flat 2 90 Lyndhurst Road Hove**

Erection of single storey rear extension.

**Applicant:** Mr & Mrs Barker

**Officer:** Jason Hawkes 292153

**Approved on 03/08/15 DELEGATED**

**BH2015/01754**

**Flat 2 & 3 Kaelim House 7 Davigdor Road Hove**

Replacement of existing timber bay windows with UPVC bay windows.

**Applicant:** Gorah Rawat

**Officer:** Emily Stanbridge 292359

**Refused on 30/07/15 DELEGATED**

**BH2015/01773**

**3B Cambridge Grove Hove**

Conversion of garage to form habitable accommodation incorporating associated alterations.

**Applicant:** Mr Richard Morris

**Officer:** Jason Hawkes 292153

**Approved on 03/08/15 DELEGATED**

**BH2015/02142**

**86 Shirley Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.9m, for which the maximum height would be 2.814m, and for which the height of the eaves would be 2.277m.

**Applicant:** Moosa Sogee Jogee

**Officer:** Joanne Doyle 292198

**Prior approval not required on 20/07/15 DELEGATED**



**BH2015/02318**

**43 Palmeira Avenue, Hove, BN3 3GE**

Application for Approval of Details Reserved by Condition 13 of application BH2012/03903.

**Applicant:** Cedarmill Developments

**Officer:** Adrian Smith 290478

**Approved on 17/07/15 DELEGATED**

**HANGLETON & KNOLL**

**BH2015/00606**

**300 Old Shoreham Road Hove**

Application for removal of condition 3 of application 3/79/0453 (Alterations to provide front bay windows/garage/bedroom/bathroom extension at side of property & vehicular access) which states that the proposed garage shall not be used for any business purposes whatsoever but shall be used only for storage of private motor vehicles.

**Applicant:** Mr David Potel

**Officer:** Helen Hobbs 293335

**Approved on 17/07/15 DELEGATED**

**BH2015/00651**

**104 Holmes Avenue Hove**

Erection of single storey rear and side extensions.

**Applicant:** Mr & Mrs M Allen

**Officer:** Guy Everest 293334

**Approved on 21/07/15 DELEGATED**

**BH2015/00813**

**3A The Parade Hangleton Road Hove**

Erection of detached garage in rear garden.

**Applicant:** Mr G Sanders

**Officer:** Mark Thomas 292336

**Approved on 16/07/15 DELEGATED**

**BH2015/01203**

**361-367 Old Shoreham Road Hove**

Display of non-illuminated sign on existing totem sign, illuminated fascia and non-illuminated wall mounted sign.

**Applicant:** Sainsburys Supermarkets Ltd

**Officer:** Luke Austin 294495

**Approved on 04/08/15 DELEGATED**

**BH2015/01291**

**3 Sylvester Way Hove**

Erection of single storey front, side and rear extension.

**Applicant:** Miss A Linkman

**Officer:** Luke Austin 294495

**Refused on 17/07/15 COMMITTEE**

**BH2015/01310**

**93 Boundary Road Hove**

Certificate of lawfulness for existing placement of skip containers on the forecourt of the retail unit.

**Applicant:** The Flooring People

**Officer:** Adrian Smith 290478  
**Approved on 16/07/15 DELEGATED**

**BH2015/01364**

**22 Windmill Close Hove**

Erection of single storey rear extension, alterations to landscaping to front and rear, alterations to fenestrations and other associated works.

**Applicant:** Mr & Mrs J Scrase

**Officer:** Luke Austin 294495

**Refused on 03/08/15 DELEGATED**

**BH2015/01561**

**The Bungalow 11 Hangleton Lane Hove**

Demolition of existing dwelling and erection of 1 no. single storey five bedroom dwelling. (Part retrospective).

**Applicant:** Mr Jerjes Philips

**Officer:** Adrian Smith 290478

**Approved on 31/07/15 DELEGATED**

**BH2015/02160**

**128 Dale View Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5.99m, for which the maximum height would be 3.703m, and for which the height of the eaves would be 3m.

**Applicant:** Mr Keith Pullin

**Officer:** Guy Everest 293334

**Prior approval not required on 21/07/15 DELEGATED**

**BH2015/02401**

**49 Amberley 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 5.999m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 2.99m.

**Applicant:** Mr Abdul Khaliq

**Officer:** Allison Palmer 290493

**Prior approval not required on 31/07/15 DELEGATED**

**NORTH PORTSLADE**

**BH2015/00825**

**Land rear of 60 to 66 Wickhurst Road, Portslade,**

Application for Approval of Details Reserved by Conditions 11, 12 and 16 of application BH2013/00393

**Applicant:** Highdown Construction

**Officer:** Christopher Wright 292097

**Refused on 16/07/15 DELEGATED**

**BH2015/01107**

**10 Downview Road Portslade**

Erection of single storey rear extension with raised decking and steps to garden to replace existing.

**Applicant:** C & V Joslin

**Officer:** Joanne Doyle 292198

**Refused on 29/07/15 DELEGATED**

**BH2015/01279**

**31 Beechers Road Portslade**

Certificate of lawfulness for existing loft conversion incorporating hip to gable roof extension, rear dormer and front rooflight.

**Applicant:** Mr Jacob Wrightman

**Officer:** Clare Simpson 292321

**Approved on 16/07/15 DELEGATED**

**BH2015/02254**

**31 Beechers Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.668m, and for which the height of the eaves would be 2.830m.

**Applicant:** Mr Jacob Wrightman

**Officer:** Clare Simpson 292321

**Prior approval not required on 27/07/15 DELEGATED**

**SOUTH PORTSLADE**

**BH2014/03455**

**39 - 41 Vale Road Portslade**

Change of use from shop (A1), office (B1) and storage (B8) to community centre (D1) and 1no one bedroom and 1no two bedroom flats (C3) with associated works including alterations to fenestration, creation of Juliet Balcony to front and roof terrace to rear.

**Applicant:** Brighton Faith Association

**Officer:** Helen Hobbs 293335

**Approved on 17/07/15 DELEGATED**

**BH2015/00348**

**3 Station Road Portslade**

Display of 1no internally illuminated fascia sign and 1no internally illuminated projecting sign.

**Applicant:** William Hill Organization Limited

**Officer:** Mark Thomas 292336

**Approved on 17/07/15 DELEGATED**

**BH2015/00349**

**3 Station Road Portslade**

Change of use from retail (A1) to betting office (Sui Generis) incorporating installation of new shop front and a satellite dish to rear.

**Applicant:** William Hill Organization Limited

**Officer:** Mark Thomas 292336

**Approved on 17/07/15 DELEGATED**

**BH2015/00734**

**5 Vale Gardens Portslade**

Erection of single storey front extension.

**Applicant:** Mr R & Mrs A Nauth

**Officer:** Emily Stanbridge 292359

**Approved on 31/07/15 DELEGATED**

**BH2015/00768**

**79 Station Road Portslade**

Change of Use from single dwelling house (C3) to ground floor office (B1) with maisonette(C3) above. Erection of new shop front and single storey rear extension and alterations including to first floor front bay window and to fenestration.

**Applicant:** Sussex Asphalte

**Officer:** Mark Thomas 292336

**Refused on 05/08/15 DELEGATED**

**BH2015/00851**

**17 Benfield Crescent Portslade**

Erection of detached outbuilding in rear garden.

**Applicant:** Richard Quinn

**Officer:** Joanne Doyle 292198

**Approved on 21/07/15 DELEGATED**

**BH2015/01397**

**30 St Nicholas Road Portslade**

Certificate of Lawfulness for proposed single storey rear extension.

**Applicant:** Miss Miranda Christides

**Officer:** Christopher Wright 292097

**Approved on 03/08/15 DELEGATED**

**BH2015/01399**

**100 Old Shoreham Road Portslade**

Application for Approval of Details Reserved by Condition 1 of application BH2014/01409

**Applicant:** Mr Trevor Meadows

**Officer:** Mark Thomas 292336

**Approved on 31/07/15 DELEGATED**

**BH2015/01401**

**53 Station Road Portslade**

Change of use of ground floor from restaurant (A3) to 1no studio flat (C3) at rear with single storey rear/side extension, and retail unit (A1) at front, with removal of extract flue and associated alterations. (Part retrospective).

**Applicant:** Mr David Lia

**Officer:** Liz Arnold 291709

**Refused on 31/07/15 DELEGATED**

**BH2015/01610**

**46 Dean Close Portslade**

Erection of two storey side extension.

**Applicant:** Mr & Mrs Askew

**Officer:** Christopher Wright 292097

**Approved on 16/07/15 DELEGATED**

**BH2015/01865**

**Ground Floor Flat 206 Old Shoreham Road Portslade**

Erection of side porch.

**Applicant:** Mrs Patricia Williams

**Officer:** Clare Flowers 290443

**Approved on 23/07/15 DELEGATED**

**BH2015/02040**

**6 Park 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 3.3m, for which the maximum height would be 2.8m, and for which the height of the eaves would be 2.8m.

**Applicant:** Nicola Perry

**Officer:** Luke Austin 294495

**Prior approval not required on 16/07/15 DELEGATED**

**BH2015/02276**

**17 Vale Road Portslade**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.4m, and for which the height of the eaves would be 3m.

**Applicant:** Mrs J Lambert-Harden

**Officer:** Charlotte Bush 292193

**Prior approval not required on 30/07/15 DELEGATED**

**HOVE PARK**

**BH2014/03964**

**12 Mallory Road Hove**

Application for variation of condition 7 of application BH2014/01015 (Demolition of existing dwelling and erection of five bedroom dwelling, detached outhouse in rear garden and associated works) to permit alterations to windows.

**Applicant:** Mr & Mrs Matthew Ansell

**Officer:** Paul Earp 292454

**Approved on 30/07/15 DELEGATED**

**BH2015/00568**

**8 Sandringham Close Hove**

Certificate of lawfulness for proposed single storey rear extension.

**Applicant:** Mrs Russell

**Officer:** Guy Everest 293334

**Refused on 03/08/15 DELEGATED**

**BH2015/00674**

**39-41 & Land Adjacent to 39-41 Queen Victoria Avenue Hove**

Erection of three storey building to end of terrace comprising ground floor office (B1) and one bedroom maisonette (C3) above accessed via existing entrance to 41 Edward Avenue.

**Applicant:** Cook Brighton Ltd

**Officer:** Helen Hobbs 293335

**Refused on 31/07/15 DELEGATED**

**BH2015/00859**

**34 Hove Park Way Hove**

Erection of rear extensions at ground and first floor, erection of bike shed to side elevation, relocation of front door and conversion of garage into habitable accommodation. Widening of existing crossover with associated alterations to front boundary wall, alterations to fenestration and associated works.

**Applicant:** Mrs G Round-Turner

**Officer:** Mark Thomas 292336

**Approved on 16/07/15 DELEGATED**

**BH2015/00947**

**133 Woodland Avenue Hove**

Erection of a part two part three storey rear extension, incorporating roof alterations including creation of rear dormer and lowering of ridge height to rear, revised fenestration and other associated works.

**Applicant:** Mr McBrayne

**Officer:** Helen Hobbs 293335

**Refused on 30/07/15 DELEGATED**

**BH2015/01033**

**35 Hill Brow Hove**

Remodelling of existing chalet bungalow including raising of ridge height and roof extensions, creation of additional floor, erection of two storey front and side extensions, removal of existing lean to and garage and creation of garage and enlarged storage space at lower ground floor level, landscaping and other associated works.

**Applicant:** Mr & Mrs Sean Goodman

**Officer:** Jason Hawkes 292153

**Approved on 30/07/15 DELEGATED**

**BH2015/01070**

**8 Tredcroft Road Hove**

Erection of two storey rear extension with associated roof alterations.

**Applicant:** Mrs Karen Emmanuel

**Officer:** Joanne Doyle 292198

**Approved on 17/07/15 DELEGATED**

**BH2015/01087**

**5 Hill Drive Hove**

Erection of two storey rear extension, first floor front extension and remodelling of roof.

**Applicant:** Mr C Demetriou

**Officer:** Mark Thomas 292336

**Refused on 16/07/15 DELEGATED**

**BH2015/01147**

**22 Queen Victoria Avenue Hove**

Erection of single storey side and rear extension.

**Applicant:** Mrs Ros Morris

**Officer:** Guy Everest 293334

**Approved on 22/07/15 DELEGATED**

**BH2015/01269**

**2 Tongdean Avenue Hove**

Erection of a single storey rear extension with roof terrace above, revised fenestration and associated works.

**Applicant:** Mr & Mrs Stacey

**Officer:** Chris Swain 292178

**Approved on 03/08/15 DELEGATED**

**BH2015/01354**

**20 Orchard Gardens Hove**

Erection of a single storey rear extension.

**Applicant:** Mr Mark Boyle

**Officer:** Jonathan Puplett 292525

**Approved on 29/07/15 DELEGATED**

**BH2015/01553**

**39 Orchard Gardens Hove**

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

**Applicant:** Mr Kevin Price

**Officer:** Jonathan Puplett 292525

**Approved on 31/07/15 DELEGATED**

**BH2015/01655**

**317 Dyke Road Hove**

Demolition of existing dwelling and erection of 2no. five bedroom houses.

**Applicant:** Mr & Mrs Spiers

**Officer:** Clare Simpson 292321

**Refused on 31/07/15 DELEGATED**

**BH2015/01744**

**Flat 2 279 Dyke Road Hove**

Replacement of existing crittall windows and existing UPVC door to conservatory with new UPVC windows and door. Insertion of new UPVC door into existing rear bay window.

**Applicant:** Mr Oliver Round-Turner

**Officer:** Rebecca Fry 293773

**Approved on 05/08/15 DELEGATED**

**BH2015/01863**

**28 Elrington Road Hove**

Erection of two storey side extension, creation of front dormer above garage, 2no rear dormers and associated works.

**Applicant:** Mr & Mrs G Docherty

**Officer:** Rebecca Fry 293773

**Approved on 20/07/15 DELEGATED**

**BH2015/01966**

**215 Nevill Road Hove**

Application for Approval Details Reserved by condition 11 of application BH2014/01552.

**Applicant:** Bowles Building Co

**Officer:** Jason Hawkes 292153

**Refused on 31/07/15 DELEGATED**

**BH2015/01968**

**26 Radinden Manor Road Hove**

Creation of side dormer.

**Applicant:** Paul De Costa

**Officer:** Jason Hawkes 292153

**Approved on 03/08/15 DELEGATED**

**BH2015/02056**

**20 Tongdean Avenue Hove**

Demolition of existing house (C3) and erection of 1no five bedroom house (C3).

**Applicant:** Mr & Mrs Coleman

**Officer:** Clare Simpson 292321

**Refused on 31/07/15 DELEGATED**

**BH2015/02104****42 Cobton 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 3.619m, for which the maximum height would be 3.465m, and for which the height of the eaves would be 2.78m.

**Applicant:** Mr Tito Cesa

**Officer:** Guy Everest 293334

**Prior approval not required on 20/07/15 DELEGATED**

**BH2015/02255****42 Hill 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 5.400m, for which the maximum height would be 3.000m, and for which the height of the eaves would be 3.000m.

**Applicant:** Mr & Mrs Durand

**Officer:** Guy Everest 293334

**Prior Approval is required and is refused on 28/07/15 DELEGATED**

**BH2015/02300****212 Nevill Road Hove**

Prior approval for the erection of a single storey extension, which would extend beyond the rear wall of the original house by 6m, for which the maximum height would be 3.64m, and for which the height of the eaves would be 2.52m.

**Applicant:** Mr John Miles

**Officer:** Allison Palmer 290493

**Prior Approval is required and is refused on 04/08/15 DELEGATED**

**WESTBOURNE****BH2015/00030****16 Pembroke Avenue Hove**

Enlargement of existing accommodation at rear of drive with associated alterations. Roof alterations including installation of rooflights and new window to rear gable. External spiral staircase to garden level from rear roof terrace.

**Applicant:** Mr John Marinko

**Officer:** Helen Hobbs 293335

**Approved on 16/07/15 DELEGATED**

**BH2015/01140****191 Kingsway Hove**

Application for variation of condition 2 of application BH2014/00703 (Variation of condition 2 of application BH2011/03956) (Original permission for Demolition of existing building and construction of nine residential flats) to permit amendments to the approved drawings for roof alterations.

**Applicant:** Spences Two LLP

**Officer:** Adrian Smith 290478

**Refused on 31/07/15 DELEGATED**

**BH2015/01223****191 Kingsway Hove**

Non Material Amendment to BH2014/00703 to alterations to fenestration to North elevation.

**Applicant:** Spences Two LLP



**Officer:** Adrian Smith 290478  
**Refused on 31/07/15 DELEGATED**

**BH2015/01569**

**Holy Cross Church Tamworth Road Hove**

Alterations to existing entrance including replacement of existing canopy, replacement of existing doors with glazed doors with increased opening, installation of metal handrail, creation of new steps and other associated works.

**Applicant:** Holy Cross Church  
**Officer:** Christopher Wright 292097

**Approved on 30/07/15 DELEGATED**

**BH2015/01580**

**35 Modena Road Hove**

Erection of single storey rear extension.

**Applicant:** Mr D Watkins  
**Officer:** Emily Stanbridge 292359

**Approved on 31/07/15 DELEGATED**

**BH2015/01740**

**32 Wordsworth Street Hove**

Erection of ground and first floor rear flat roof extension.

**Applicant:** Mr & Mrs Dyson  
**Officer:** Helen Hobbs 293335

**Approved on 22/07/15 DELEGATED**

**BH2015/01804**

**26 Wordsworth Street Hove**

Insertion of rooflight to front and rear and creation of dormer to rear.

**Applicant:** Juan Carlos  
**Officer:** Emily Stanbridge 292359

**Approved on 31/07/15 DELEGATED**

**BH2015/02360**

**98 Westbourne Street Hove**

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 3.67m, for which the maximum height would be 3.30m, and for which the height of the eaves would be 2.40m.

**Applicant:** Jonathan Lee  
**Officer:** Allison Palmer 290493

**Prior approval not required on 31/07/15 DELEGATED**

**WISH**

**BH2015/01115**

**124 New Church Road Hove**

Application for variation of condition 2 of application BH2014/02494 (Change of use from doctor's surgery (D1) to residential dwelling (C3), including loft conversion with rooflights and side dormer, new first floor side window and conversion of rear detached building to a garage.) to permit amendments to the approved drawings to allow formation of a side entrance and front bay.

**Applicant:** New Church Road Investments Ltd  
**Officer:** Jason Hawkes 292153

**Approved on 17/07/15 DELEGATED**

**BH2015/01283**

**Knoll House Ingram Crescent West Hove**

Replacement of existing windows and door with double glazed UPVC windows and door.

**Applicant:** Mr Stephen Licence

**Officer:** Luke Austin 294495

**Approved on 30/07/15 DELEGATED**

**BH2015/01285**

**210 New Church Road Hove**

Certificate of lawfulness for proposed loft conversion incorporating creation of rear dormer.

**Applicant:** Mr S Jeavons

**Officer:** Chris Swain 292178

**Approved on 28/07/15 DELEGATED**

**BH2015/01619**

**40 Marmion Road Hove**

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

**Applicant:** Mr Jake Allen

**Officer:** Sonia Gillam 292265

**Approved on 03/08/15 DELEGATED**

**Withdrawn Applications**

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: BH2015/02053  
**12 Church Hill, Patcham**

1no Lime (T5) - prune canopy away from building to give 4m clearance.

Applicant: Mr Nick Jones

Approved on 04 Aug 2015

Application No: BH2015/02054  
**12 Church Hill, Patcham**

Fell 1no Sycamore (T2).

Applicant: Mr Nick Jones

Approved on 04 Aug 2015

Application No: BH2015/02540  
**4 Patcham Grange, Brighton**

1no Horse Chestnut - Remove middle upright branch on 1st limb at 6m (looking from house) also remove very small adjacent branch, on large limb growing over the steps remove 1st branch back to the trunk (growing at 5m).

Applicant: Ms Lesley Baker

Approved on 30 Jul 2015

Application No: BH2015/02566  
**8 Church Hill, Brighton**

1no Weeping Willow (CH1) - reduce the crown to approx.. 5m in height and leaving as many suitable growth points as possible.

Applicant: Mr Keith Honeywood

Approved on 07 Aug 2015

Application No: BH2015/02805  
**8 Church Hill, Brighton**

Fell 1no Ash CH2. (CH2 has no public visibility.)

Applicant: Mr Keith Honeywood

Approved on 07 Aug 2015

Application No: BH2015/02861  
**12 Church Hill, Patcham**

Fell 1no Conifer (T1) & 2no Conifers (G2). (Although visible from the public highway, their poor form and lack of future growing space makes them of only short-term potential.)

Applicant: Mr Nick Jones

**Approved on 04 Aug 2015**

**Application No: BH2015/02862**

**12 Church Hill, Patcham**

5no Conifers (G1) - reduce in height by 50%.

Applicant: Mr Nick Jones

**Approved on 04 Aug 2015**

## **PRESTON PARK**

**Application No: BH2015/01921**

**Fairways, Dyke Road, Brighton**

1no Sycamore (T3) - Reduce crown by 2m maximum. 1no Lime (T4) - Reduce crown by approx 2.5m. 1no Elm (T5) - Clean stem of epicormic growth. 1no Elm (T6) - Re-balance crown by reducing north and north east by approx 2m. 1no Horse Chestnut (T9) - Crown lift to approx 7m. Reduce crown by approx 2.5m all round. 1no Elm (T10) - Lift to crown break to remove epicormic growth. 1no Elm (T11) - Re-balance crown by reducing the tree to north by approx 3m to reduce away from the connecting wall to Booth Museum. 1no Elm (T12) - Re-balance crown by reducing the tree to north by approx 3m to reshape and separate from T11 to form 2 separate trees. 1no Beech (T14) - Reduce crown by maximum 2m.

Applicant: Ben McWalter

**Refused on 04 Aug 2015**

**Application No: BH2015/02504**

**39 Waldegrave Road, Brighton.**

Fell 1no Leylandii and 1no Sycamore. (Trees are not visible from any public area, thus do not have any public amenity value.)

Applicant: Mr Richard Bruggen

**Approved on 05 Aug 2015**

**Application No: BH2015/02859**

**Fairways, Dyke Road, Brighton**

1no Bay Laurel (T1) - lift crown to approx 5m. 1no Sycamore (T2) - lift crown to approx.. 5m.

Applicant: Ben McWalter

**Approved on 04 Aug 2015**

## **REGENCY**

**Application No: BH2015/02535**

**The Coach House, 8 Western Terrace, Brighton**

Report from: 21/07/2015 to: 10/08/2015

1no Silver Birch - 25% reduction to crown, general prune to pull tree away from building.

Applicant: Mr Glenn Nevill

**Approved on 30 Jul 2015**

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

**Application No: BH2015/02533**

**8a Buckingham Place, Brighton**

2no Elms - (T1 & T2) - 3m Crown reduction.

Applicant: Mr Laurence Bartlam

**Approved on 28 Jul 2015**

**Application No: BH2015/02543**

**14 Trafalgar Terrace, Brighton**

Fell 1no Red Maple. (Although the tree has partial public visibility, its location is not sustainable in the long-term.)

Applicant: Gill Attrill

**Approved on 05 Aug 2015**

**Application No: BH2015/02718**

**12 Buckingham Road, Brighton**

1no Willow - Re- Pollard to previous 'pollard' points.

Applicant: Mrs Furlong

**Approved on 07 Aug 2015**

### **WITHDEAN**

**Application No: BH2015/02130**

**2 Varndean Drive, Brighton**

3no Sycamores (T83/84/85) - 30% Crown reduction approx 8ft off top and 20% crown thin.

Applicant: Mr Nyall Thompson

**Approved on 05 Aug 2015**

**Application No: BH2015/02367**

**15 Station Road, Brighton**

Fell 1no Magnolia floribunda in rear garden. The tree is dead. Will replace.

Applicant: Mr Steve Sparks

**Approved on 30 Jul 2015**

**Application No: BH2015/02491**

**23 Harrington Villas, Brighton**

1no Magnolia stellata - 30% crown reduction.

Report from: 21/07/2015 to: 10/08/2015

Applicant: Ms Karen Swirsky  
**Approved on 30 Jul 2015**

**Application No: BH2015/02530**  
**Dorothy Stringer Play Group, Stringer Way, Brighton**

2no Sycamore (T32 & T33) - prune to clear overhead cables. 2no Sycamore (T35 & T36) - reduce crown by 30% and remove deadwood.

Applicant: Mr Nick Jones  
**Approved on 30 Jul 2015**

**Application No: BH2015/02611**  
**243 Preston Road, Brighton**

1no Maple & 2no Sycamores - trim back overhanging branches to north wall.

Applicant: Mr Andrew Smith  
**Approved on 27 Jul 2015**

**Application No: BH2015/02641**  
**34 Withdean Road, Brighton**

1no Beech - reduce canopy on eastern side by 2m.

Applicant: Mr Justin Lee  
**Approved on 05 Aug 2015**

## **QUEEN'S PARK**

**Application No: BH2015/02278**  
**1 Parochial Mews, Prince's Street, Brighton**

1no Sycamore (T1) - reduce back to previous reduction points. Thin remainder by approx. 15-20%. 1no Sycamore (T2) - crown thin by approx. 30%. Prune back laterals on Southern side back to previous points. 1no Sycamore (T4) - Crown thin by approx. 30%.

Applicant: Mr & Mrs Michael Eckstein  
**Approved on 22 Jul 2015**

**Application No: BH2015/02377**  
**18 New Steine, Brighton**

Fell 1no Sycamore (T1). (Tree has no public amenity value.)

Applicant: Carlos Daly  
**Approved on 30 Jul 2015**

**Application No: BH2015/02490**  
**1 Parochial Mews, Prince's Street, Brighton**

Fell 1no Sycamore T3. (Tree has very poor crown conformation and low amenity value.)

Applicant: Mr & Mrs Michael Eckstein  
**Approved on 22 Jul 2015**

Report from: 21/07/2015 to: 10/08/2015

**Application No: BH2015/02576**  
**8 Tillstone Street, Brighton**

Fell 1no Sycamore T1 (Although T1 has some public visibility from Eastern Road, its location and proximity to built structures renders it unsustainable in the long-term.)

Applicant: Mr Roger Nicholson  
**Approved on 07 Aug 2015**

**Application No: BH2015/02810**  
**8 Tillstone Street, Brighton**

1no Sycamore (T2) - Reduce crown by 30%.

Applicant: Mr Roger Nicholson  
**Approved on 07 Aug 2015**

### **ROTTINGDEAN COASTAL**

**Application No: BH2015/02316**  
**Hollingbourne Court, Bristol Place, Brighton**

Elm (T1) - reduce back crown from building 2-3 metres, remove epicormic growth on main stem up to main branch structure; Lime (T3) - re-pollard to previous points; Sycamore (T4) - re-pollard to previous points.

Applicant: Mr A Scrase  
**Refused on 21 Jul 2015**

**Application No: BH2015/02523**  
**20 Wanderdown Way, Ovingdean, Brighton**

1no Golden Cypress - Reduce in height by approx 4ft, crown raise 2-3ft and prune sides accordingly to shape.

Applicant: Mr Rob Stevens  
**Approved on 30 Jul 2015**

**Application No: BH2015/02616**  
**3 Challoners Close, Rottingdean**

1no Sycamore (T-19) - reduce by approx 2-3m on all sides, crown raise all round to 3-4m secondary growth.

Applicant: Mr Ed Haunton  
**Approved on 30 Jul 2015**

**Application No: BH2015/02617**  
**19 Wanderdown Way, Ovingdean**

1no Sycamore (T1) - reduce and reshape all over up to 1.5 - 2m.

Applicant: Mr Richard Green  
**Approved on 30 Jul 2015**

## **WOODINGDEAN**

**Application No: BH2015/02536**

**134a & 134b The Ridgway, Woodingdean**

3no Sycamore (T1, T2 & T3) - reduce lateral growth over drives by 2-3m, reduce 1no limb over road to clear for buses. Even out growth as heavier on western side.

Applicant: J Hatch

**Approved on 30 Jul 2015**

## **BRUNSWICK AND ADELAIDE**

**Application No: BH2015/02505**

**31 Lansdowne Place, Hove**

1no Eucalyptus (T1) - reduce by 2 - 3m.

Applicant: J Hatch

**Approved on 30 Jul 2015**

**Application No: BH2015/02520**

**118A Lansdowne Place, Hove**

Fell 1no Conifer. (Although tree is clearly visible in the local landscape and makes a contribution to the local amenity, its location for a tree of this size is unsustainable. It is causing structural damage to built structures and there is no cost-effective remedy.)

Applicant: Mr Mark Foster

**Approved on 22 Jul 2015**

**Application No: BH2015/02712**

**30B Selborne Road, Hove**

1no Sycamore T1 - Crown lift by removing 5no lower branches and crown thin remaining canopy by 20%. 1no Sycamore T2 - Crown lift by removing the lowest limb over neighbours garden. 1no Sycamore T3 - Crown lift by removing 4 lowest limbs and thin remaining canopy by 20%.

Applicant: Mr Henry Mason

**Approved on 31 Jul 2015**

## **CENTRAL HOVE**

**Application No: BH2015/02382**

**Lynton Court, 40 St Aubyns, Hove**

1no Sycamore - branches to be cut back by approx. 4m.

Applicant: Miss E Wadsworth

**Approved on 05 Aug 2015**

**Application No: BH2015/02610**

**Flat 1, 13 The Drive, Hove**

1no Copper Beech (B1) - Minor crown lift 2-3m. 1no Mulberry tree (M1) - Crown thin

Report from: 21/07/2015 to: 10/08/2015



20%, preserving form.

Applicant: Mr Steve Griffiths

**Approved on 27 Jul 2015**

## **GOLDSMID**

**Application No: BH2015/02158**

**8 Eaton Gardens, Hove**

T1 Sycamore - reduce east crown by up to 2.5m, re-balance on west side up to 1.5m; T5 Sycamore - crown lift to 5m; T6 Sycamore - crown lift to 3.5m; T7 Sycamore - remove secondary/tertiary branches back to main scaffold limbs adjacent to property; T9 Sycamore - reduce by up to 5m; T10 dead Sycamore - monolith to 3m - leave as standing dead timber within hedge; T11 Sycamore - reduce to pollard points on north of crown, reduce remainder by up to 5m; T12 Lime - reduce scaffold on N.E. of crown overhanging car park by up to 4m.

Applicant: Mr Nick Staff

**Approved on 28 Jul 2015**

**Application No: BH2015/02213**

**8 Eaton Gardens, Hove**

Fell 2no Sycamores (T3 & T8). (Both trees are small, drawn up, and etiolated specimens, with no potential to develop into maturity; they are of short-term potential.)

Applicant: Mr Nick Staff

**Approved on 28 Jul 2015**

**Application No: BH2015/02538**

**87a Goldstone Villas, Hove**

2no Lime Trees (T1 & T2) - Reduce by 1-2m and thin. Remove lower epicormic growth.

Applicant: J Hatch

**Approved on 30 Jul 2015**

**Application No: BH2015/02544**

**Basement Flat, 63 Goldstone Villas, Hove**

2no Lime (T1 & T2) - Reduce overhang on garden side.

Applicant: J Hatch

**Approved on 30 Jul 2015**

**Application No: BH2015/02573**

**65 The Drive, Hove.**

Fell 1no Sycamore. (Sycamore has no public visibility and is unsustainable in the long-term.)

Applicant: Mr Bill Robertson

**Approved on 07 Aug 2015**

**Application No: BH2015/02633**

Report from: 21/07/2015 to: 10/08/2015

### **3 Cambridge Mews, Hove**

1no Sycamore (T1) - reduce height by 3m and radial growth by 3m. Remove epicormic growth and crown raise to 4m.

Applicant: Mr S Duance

**Approved on 05 Aug 2015**

### **HOVE PARK**

**Application No: BH2015/02507**

**Northcliffe 21 Dyke Road Avenue, Hove**

1no Blue Atlantic Cedar - partial crown reduction by up to 1m.

Applicant: Miss Marilyn Smith

**Approved on 30 Jul 2015**

### **WESTBOURNE**

**Application No: BH2015/02539**

**40 Sackville Road, Hove**

1no Sycamore (T1) - Reduce by 2-3m. 1no Sycamore (T2) - Reduce by 3-4m and sides by 1-2m.

Applicant: J Hatch

**Approved on 30 Jul 2015**

**Application No: BH2015/02578**

**55 Walsingham Road, Hove.**

1no Sycamore (T1) - prune all growth hanging into the garden of No. 55 back to boundary.

Applicant: Mrs Kimberley Lyons

**Approved on 05 Aug 2015**

**Application No: BH2015/02711**

**62 Pembroke Crescent, Hove**

2no Sycamore (T1 & T2) - Reduce by 1-2m and thin by 20%.

Applicant: J Hatch

**Approved on 07 Aug 2015**

**NEW APPEALS RECEIVED****WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2014/03421

2 Friar Road Brighton

Erection of two storey extension incorporating replacement of existing garage and shed and alterations including dormers to front, rear and side, rear rooflight, internal garage, new porch and changes to fenestration.

APPEAL LODGED

16/07/2015

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****HOLLINGDEAN & STANMER**

BH2014/01429

19 Hollingbury Park Avenue Brighton

Change of use from residential dwelling (C3) to six bedroom small house in multiple occupation (C4). (Part retrospective)

APPEAL LODGED

23/07/2015

Planning (Applications) Committee

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****WITHDEAN**

BH2015/00303

4 Harrington Road Brighton

Creation of vehicle crossover, dropped kerb and hardstanding with associated alterations to front boundary wall.

APPEAL LODGED

23/07/2015

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****DEVELOPMENT DESCRIPTION****APPEAL STATUS****APPEAL RECEIVED DATE****APPLICATION DECISION LEVEL****PRESTON PARK**

BH2015/01199

156 Osborne Road Brighton

Erection of single storey rear extension.

APPEAL LODGED

24/07/2015

Delegated

**WARD****APPEAL APP NUMBER****ADDRESS****PRESTON PARK**

BH2015/01200

156 Osborne Road Brighton

DEVELOPMENT DESCRIPTION Roof alterations including rear dormer and rooflights to front elevation.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 24/07/2015  
APPLICATION DECISION LEVEL Delegated

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**WARD** **ROTTINGDEAN COASTAL**  
APPEAL APP NUMBER BH2015/00900  
ADDRESS 2 Meadow Parade Rottingdean Brighton  
DEVELOPMENT DESCRIPTION Prior approval for change of use from retail (A1) to residential (C3) to form 1no self contained dwelling.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 27/07/2015  
APPLICATION DECISION LEVEL Delegated

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**WARD** **SOUTH PORTSLADE**  
APPEAL APP NUMBER BH2015/00477  
ADDRESS 109 Victoria Road Portslade  
DEVELOPMENT DESCRIPTION Change of use from hair salon (A1) to sports injury clinic (D1).  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 24/07/2015  
APPLICATION DECISION LEVEL Delegated

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**WARD** **WESTBOURNE**  
APPEAL APP NUMBER BH2015/00527  
ADDRESS Flat 2 5 Princes Avenue Hove  
DEVELOPMENT DESCRIPTION Installation of first floor balcony to front elevation.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 30/07/2015  
APPLICATION DECISION LEVEL Delegated

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**WARD** **REGENCY**  
APPEAL APP NUMBER BH2014/04289  
ADDRESS 5 Clifton Hill Brighton  
DEVELOPMENT DESCRIPTION Replacement of 2no aerial masts with 1no aerial mast.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 30/07/2015  
APPLICATION DECISION LEVEL Delegated

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**WARD** **WITHDEAN**  
APPEAL APP NUMBER BH2015/00476  
ADDRESS 79 Green Ridge Brighton  
DEVELOPMENT DESCRIPTION Hip to gable roof extension incorporating enlargement of side dormers.  
APPEAL STATUS APPEAL LODGED  
APPEAL RECEIVED DATE 03/08/2015

APPLICATION DECISION LEVEL Delegated

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**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**QUEEN'S PARK**

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.

APPEAL LODGED

03/08/2015

Delegated

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**WARD**

APPEAL APP NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

**HOVE PARK**

BH2015/01229

268 Old Shoreham Road Hove

Prior approval for change of use from post office/shop (A1) to residential (C3) to create 2no one bed flats.

APPEAL LODGED

05/08/2015

Delegated



**Brighton & Hove  
City Council****INFORMATION ON HEARINGS / PUBLIC INQUIRIES  
26<sup>th</sup> August 2015**

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**This is a note of the current position regarding Planning Inquiries and Hearings**  
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**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**

	<b>Page</b>
<b>A – 7 AYMER ROAD, HOVE – WESTBOURNE</b>	<b>191</b>
<p>Application BH2014/00165 – Appeal against Enforcement Notice requiring (i) removal of railings that sit above the wall on the north, east and southern boundaries of the front garden and (ii) making good and repair of any damage to the existing walls caused by the removal of the railings. <b>APPEAL ALLOWED</b> (delegated decision)</p>	
<b>B – 30 AYMER ROAD, HOVE – WESTBOURNE</b>	<b>195</b>
<p>Application BH2014/00901 – Appeal against Enforcement Notice in respect of proposed erection of vertical timber boarded fence along southern frontage of site (Princes Avenue frontage), including creation of new brick piers. <b>APPEAL ALLOWED</b> (delegated decision)</p>	
<b>C – FLAT 6, 29 BRUNSWICK SQUARE, HOVE – BRUNSWICK &amp; ADELAIDE</b>	<b>199</b>
<p>Application BH2014/03706 – Appeal against refusal to grant planning permission for conversion of existing flat into two s/c <b>APPEAL ALLOWED</b> (delegated decision)</p>	
<b>D – 285 DYKE ROAD, HOVE – HOVE PARK</b>	<b>203</b>
<p>Application BH2014/02755 – Appeal against refusal to grant planning permission for construction of a new 3 bedroom detached bungalow. <b>APPEAL ALLOWED</b> (delegated decision)</p>	
<b>E – 8 BRAMBLE RISE, BRIGHTON – WESTDENE</b>	<b>207</b>
<p>Application BH2015/00272 – Appeal against refusal to grant planning permission for s single storey rear extension. <b>APPEAL DISMISSED</b> (delegated decision)</p>	

**F – 12 PRESTON PARK AVENUE, BRIGHTON – PRESTON PARK 211**

Application BH2014/03679 – Appeal against refusal to grant planning permission for erection of a single storey rear extension and internal alteration's to the flat's layout. **APPEAL ALLOWED** (delegated decision)

**G – UNIVERSITY OF SUSSEX RECTORY ROAD, BRIGHTON – HOLLINGDEAN & STANMER -----**

Application BH2013/04337 – Appeal against refusal to grant planning permission for the extension and redevelopment of existing built development to provide additional academic floorspace, student residential accommodation and supporting facilities and infrastructure together with associated landscaping

**APPEAL ALLOWED**(committee decision)

**Note:** (due to the size of this document (32 pages) hard copies have been placed on public deposit only and are appended as a separate supplement hereto)

**H – 89 UPPER LEWES ROAD, BRIGHTON - ST PETER'S & NORTH LAINE 213**

Application BH2014/02977 – Appeal against refusal to grant Planning permission for change of use from small HMO (C4) to large HMO (Sui Generis) only. **APPEAL ALLOWED** (delegated decision)

**I – BRIGHTON COLLEGE, EASTERN ROAD, BRIGHTON – QUEEN'S PARK 217**

Application BH2014/02054 – Appeal against refusal to grant planning permission for permission to demolish the swimming pool and old music school buildings, the erection removal of an new academic building with connections to the Great Hall and Skidelsky building, the removal of an Elm Tree and other associated works. **APPEAL ALLOWED** (delegated decision)

**J – 1 SALTDEAN DRIVE, SALTDEAN, BRIGHTON – ROTTINGDEAN COASTAL 225**

Application BH2014/03475 – Appeal against refusal to grant planning permission for demolition of the existing house and construction of six residential units. **APPEAL DISMISSED** (delegated decision)

**K – 2 PERRY HILL, SALTDEAN, BRIGHTON –  
ROTTINGDEAN COASTAL**

Application BH2015/00111 – Appeal against refusal to grant planning permission for a full infill extension to the front elevation of the existing garage. Incorporating a window and a dummy pitched roof.  
**APPEAL DISMISSED** (delegated decision)





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## Appeal Decision

Site visit made on 14 July 2015

**by C A Thompson DiplArch DipTP RegArch RIBA MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 August 2015**

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**Appeal Ref: APP/Q1445/C/15/3003845**

**7 Aymer Road, HOVE, East Sussex BN3 4GB**

- The appeal is under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
  - The appeal is by Mr Fred Harrison against an enforcement notice issued by Brighton & Hove City Council.
  - The Council's reference is 2014/0165.
  - The notice was issued on 9 January 2015.
  - The breach of planning control as alleged in the notice is the installation of railings on top of the boundary walls to the front of the property.
  - The requirements of the notice are:
    - 1 Remove the railings that sit above the wall on the north, east and southern boundaries of the front garden, and;
    - 2 Make good and repair any damage to the existing walls caused by the removal of the railings.
  - The period for compliance with the requirements is 3 months after this notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a)+(g) the Act.
- 

### Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the installation of railings on top of the boundary wall to the front of the property.

### Background Matters

2. The site is within the Pembroke and Princess Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLB+CA Act) sets out a statutory duty, in the exercise of planning functions in such areas, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
3. Under the Town and Country Planning General Development Order 1988 (as amended) (GPDO) the Council has made The Pembroke and Princess Article 4 Direction 1994 (amended). In this Direction the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, that is permitted under Part 2, Minor Operations, Class A1(a) of the GPDO, is brought under planning control. The signed and sealed Direction is dated 2 November 1994.

4. The development plan (DP) includes the Brighton and Hove Local Plan (LP). There is also an adopted (December 2009) supplementary planning document entitled Architectural Features (SPD). Relevant Government policy includes that in the 2012 National Planning Policy Framework (NPPF).

### **The Notice**

5. It is a matter of fact that the notice refers just to the railings and not the gates despite both being to a similar design.

### **Ground (a) Appeal**

6. This ground is that planning permission ought to be granted.

### Main Issue

7. There is one. This is whether the notice works have resulted in the character or appearance of the Pembroke and Princess Conservation Area being preserved or enhanced.

### Reasons

8. This is a handsome street composed of what looks like, substantial and good-looking, mainly Victorian or Edwardian, semi-detached villas.
9. I saw that one of the particular, distinctive and attractive, local features is the low, red brick, frontage boundary walls with their taller gate pillars. These give a pleasing rhythm to the street picture. The lower sections of the walls probably once had cast iron railings between the pillars but these are now gone (likely to have been removed as part of the Second World War effort).
10. The metal gates and railings added to the frontage of N<sup>o</sup> 7 are made from steel bars in the pattern of vertical railings painted black and set within horizontal top and bottom rails.
11. The notice works are to an unashamed modern design but, despite being made from rather thin steel sections, they have presence, look intrinsically attractive and are functional. Rather than be out of place in Aymer Road the new railings fit well within the retained historic fabric (the low front walls and the taller gate pillars) and (along with the gates) seem to me to have helped both to preserve and enhance the character and appearance of the conservation area. This exceeds the statutory duty identified by section 72(1) of the PLB+CA Act and would not conflict with LP Policies HE6 and QD5 or the main thrust of Chapter 12 of the NPPF. These are sufficient reasons to allow the appeal under ground (a).
12. In reaching this conclusion I have considered the advice in the SPD on railings and gates. I accept that the use of a traditional cast iron material, in historic areas, is generally to be preferred and that it is desirable for such chunky sectioned vertical railings to be individually fixed into the top of any walls. But in this case there are no originals for the notice railings to match and a marked absence of any examples of suitable replacements elsewhere in the street; there certainly is no consistency of design or any acceptable pattern or style for such items. So this would appear to me to be one of the cases, of the kind referred to by the appropriate Conservation Areas Policy at the top of page 45 in the SPD, where a sympathetic contemporary alternative, of appropriate

scale, can be acceptable. Being such a suitable alternative this advice adds weight to my decision to grant planning permission for the notice works.

13. I have also taken into account the fact that the height of the gates (not identified in the notice so are likely to be retained) and the railings (required by the notice to be removed) are similar and are part of one cohesive design. Removing one element of this frontage boundary whilst retaining the other would look odd and would do little to preserve the character of the conservation area.

#### **Ground (g) Appeal**

14. Because of the success under ground (a) the ground (g) appeal does not fall to be considered.

*Colin A Thompson*







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## Appeal Decision

Site visit made on 12 March 2015

by **Ray Wright** BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 March 2015

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**Appeal Ref: APP/Q1445/D/14/2223558**  
**30 Aymer Road, Hove, East Sussex BN3 4GA**

- 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 Jeremy Hoyer against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/00901 was refused by notice dated 20 June 2014.
  - The development proposed is 'erection of vertical timber boarded fence along southern frontage of site (Princes Avenue frontage), including creation of new brick piers.'
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a vertical timber boarded fence along the southern frontage of the site (Princes Avenue frontage), including creation of new brick piers at 30 Aymer Road, Hove, East Sussex BN3 4GA in accordance with the terms of the application, Ref BH2014/00901 dated 20 March 2014, subject to the conditions set out in Schedule A.

### Main issue

2. The main issue in this case is the effect of the proposed development on the character of the site and whether it would preserve or enhance the character or appearance of the Pembroke and Princes Conservation Area.

### Reasons

3. The application relates to a detached bungalow, at the junction of Aymer Road and Princes Avenue, within the Pembroke and Princes Conservation Area. It has a low brick wall with timber fencing above to both its road frontages.
4. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places an obligation on decision makers to pay special regard to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in Policy HE6 of the Brighton and Hove Local Plan 2005 (LP). The National Planning Policy Framework (Framework) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
5. Policy QD14 of the LP sets out general design requirements but does not specifically address boundary treatments. Supplementary planning documents 'spd 9 - architectural features' (SPD9) and 'spd12 - extensions and alterations' (SPD12) set out more detailed guidance, including promoting the reversal of

- past inappropriate changes, re-instatement of original features and use of finishes sympathetic to the area in accordance with Policy HE6 of the LP.
6. The appeal property is located on a corner site and is therefore in a relatively prominent position within the street scene. The Pembroke and Princes Conservation Area Character Statement identifies the area as having a 'sylvan 'garden suburb' atmosphere.'
  7. This scheme follows a decision, on appeal, in respect of fencing currently at the site.<sup>1</sup> The appeal was dismissed and the heavy horizontal timber fencing bolted to posts, due to its height and form, were identified as inappropriate within this Conservation Area. In this scheme the existing wall and pillars on the Aymer Road frontage would have existing fencing removed and solely a box hedge planted behind them. The Council indicate no objection to this arrangement as the refusal reason in the decision letter refers only to 'the proposed timber fence to the side elevation.'
  8. On this southern boundary three new piers would be introduced with timber fencing in between. The proposed piers would match the originals and beneficially divide and visually break up the long frontage to Princes Avenue. The proposed timber infill fencing would be limited in height and, appropriately, below the coping stones of the piers. It would be in a lighter form and have a vertical emphasis, as opposed to the horizontal emphasis of the fencing currently in place.
  9. The final form and overall height of the boundary, as proposed, would not appear dissimilar to that previously in place on this boundary, albeit that this also had a significant hedge to its rear.
  10. As highlighted by the appellant, within the immediate area, particularly where rear garden boundaries adjoin road frontages, boundary treatments are less formal and uniform, with timber fencing used, in some cases, to provide more screening for security and privacy. These examples show that timber fencing does not represent a wholly uncharacteristic feature within the immediate area. However, all sites are different, and I have determined this appeal solely on its individual merits.
  11. Overall, the boundary treatment proposed would represent a low key approach, as advocated by SPD 9, which would provide a visually acceptable form of enclosure for this bungalow. As such, I consider the proposal would not harm the appearance of the site and would preserve the character and appearance of the Conservation Area. It would, therefore, not conflict with the aims of the Framework, Policies HE6 or QD14 of the LP or SPD 9 or SPD12.

### **Conditions**

12. The Council solely put forward the standard three year commencement condition should the appeal be allowed. I consider this is not appropriate, in this case, where the proposed fencing is to replace existing, unauthorised boundary treatment. Consequently a condition detailing more specific timescale requirements is necessary. A condition referring to the relevant plans, for the avoidance of doubt and in the interests of proper planning, is also necessary. The exact construction and final finish of the fencing and piers is not clearly set out in the drawings, these details are important due to the location of the

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<sup>1</sup> APP/Q1445/D/13/2210013

property within a Conservation Area. A condition is therefore required to ensure these elements are satisfactory.

### **Conclusion**

13. For the reasons given above, I conclude that the appeal should be allowed.

*Ray Wright*

INSPECTOR

### **Schedule A – Conditions**

- 1) The development, hereby permitted, shall be carried out in accordance with the following approved plans: A.03 Rev P1 and D.01 Rev C.
- 2) Within 3 months of the date of this decision a scheme showing exact details of materials and construction of the timber fencing and new brick piers to be used on the Princes Avenue frontage, including any associated staining of the fencing, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The approved scheme shall be carried out and completed in accordance with the approved details and timetable.
- 3) If no scheme, in accordance with condition 2 above, is approved and/or implemented within 6 months of the date of this letter, the existing timber fencing to both the Aymer Road and Princes Avenue frontages shall be removed and no alternative boundary enclosure shall be erected until such time as an alternative scheme, approved in writing by the local planning authority, is implemented.





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## Appeal Decision

Site visit made on 2 June 2015

**by Cullum J A Parker BA(Hons) MA MRTPI AIEMA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7 August 2015**

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**Appeal Ref: APP/Q1445/W/15/3003834**

**Flat 6, 29 Brunswick Square, Hove, East Sussex BN3 1EJ**

- 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 Alexander Hole against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/03706, dated 12 November 2014, was refused by notice dated 12 January 2015.
  - The development proposed is described as: conversion of existing flat into two s/c units.
- 

### Decision

1. The appeal is allowed and planning permission is granted for conversion of existing flat into two s/c units at Flat 6, 29 Brunswick Square, Hove, East Sussex BN3 1EJ in accordance with the terms of the application, Ref BH2014/03706, dated 12 November 2014, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, 01/1410601, 02/1409598 and 03/1409598.

### Application for costs

2. An application for costs was made by Mr Alexander Hole against Brighton and Hove City Council. This application is the subject of a separate Decision.

### Main Issue

3. The effect of the proposed development on the living conditions of future occupiers with specific regard to the proposed floor area and habitable space.

### Reasons

4. The appeal building is a terraced building situated on a corner plot near the head of Brunswick Square. The building itself is Grade I listed, and dates from around the 1820s. The building comprises six floors, with basement and ground, first and second floors, with the third located above the cornice. The uppermost floor comprises the attic and is partially concealed by the parapet and includes the part of the building subject to this appeal. Internally the flat is accessed via a shared staircase, which also contains a central exposed lift shaft. The flat itself occupies the sixth floor of the building.

5. During my site visit I was able to see that the flat is already laid out with two bathrooms, two kitchens, two living rooms areas and a secondary entrance door adjacent the to the main door. It also appears as though the architrave between the two doors in the hallway was sealed given the nail holes in the frame. All of these features appear to be historic, that is present for a number of years, rather than new and point to an earlier subdivision of the flat into two separate units.
6. The appeal scheme seeks to subdivide the three bedroom flat into a one and two bedroom flat respectively. At the appeal stage, the appellant has submitted two drawings for information, 04/1409598 and 05/1409598, which indicate that the floor areas would be 74.6sqm and 40.7sqm; giving an overall floor area of just over 115sqm respectively. To the contrary originally the Council considered that the gross internal floor area was approximately 113sqm, but have not provided details as to how this figure was achieved. Moreover, the appellant's figure of 115sqm, which are accompanied with detailed calculations, is not disputed by the Council. Policy HO9 of the Brighton and Hove Local Plan 2005 (BHLP) list a number of criteria which need to be satisfied in order for planning permission to be granted. The Council considers that the proposal would fail to achieve criteria (a) the original floor area must be greater than 115sqm, and criteria (b) one unit of accommodation should be suitable for family occupations and have two bedrooms.
7. I was able to see that the size of accommodation for each proposed flat, 6 and 6a, whilst not necessarily spacious, would be functional, with a range of different rooms allowing occupiers to function as two separate households. What is more, it is clear that the two units would be able to provide usable and functional floor areas. This would be in line with the underlying aim of Policy HO9, which identifies that the conversion of larger properties contributes towards the provision of a wider range of housing and helps meet the needs of a growing number of smaller households. Nationally this is supported by Paragraph 47 of the National Planning Policy Framework (the Framework), which anticipates a significant boost in the supply of housing. I therefore find that the proposed flats would achieve criterion (a), and its underlying aims, of Policy HO9.
8. In terms of criterion (b) of Policy HO9, one unit would have two bedrooms, and the other one bedroom. The Council points to the fact that the two bedroom flat would have one bedroom served by a rooflight and internal partially glazed wall, with the other room being extremely small. However, this is to negate the fact that both rooms are used as bedrooms at present, with no internal changes sought. I saw that the larger bedroom was served by a rooflight that provided a high level of light into the room. The two bedroom unit could therefore be suitable for family occupation, and as such the proposal would comply with criterion (b) of Policy HO9.
9. The Council also point to Policy QD27 of the BHLP, which requires developments to be refused if they would result in a loss of amenity. However, the Council concedes that the proposal would not result in a significant impact on the amenity of adjacent properties in terms of light, outlook, noise and disturbance or enclosure. I see no reason to disagree given the development proposed and the existing residential use of the building. I have also been directed to the Nationally Prescribed Minimum Space Standards. In this respect, proposed Flat 6a would have a floor area lower than the 50sqm

suggested for a one bedroom, 2 person, one storey dwelling. However, it would have more than the 39sqm required for a one bedroom, 1 person, one storey dwelling. Moreover, the local development plan policy, which is the starting point for such considerations, indicates that units of 115sqm, subject to other criteria, can be subdivided. This is supported by the core planning principles of the Framework which includes that that planning should seek to secure a good standard of amenity. It was also clear that each room would be served by natural light and each flat would have its own services and functional rooms such as kitchens and bathrooms. Whilst the flats would not be vast in floorspace, they could provide comfortable living accommodation and would therefore meet the underlying aims of both the development plan policy and the *Technical Housing Standards – nationally described space standard, March 2015*.

10. I do not, therefore find that the proposal would result in unacceptable levels of habitable space or floorspace generally that would be harmful to the living conditions of future occupiers. I therefore conclude that the proposed development would accord with Policies HO9 and QD27 of the BHLP and those of the Framework, which seek the various aims cited.
11. Listed building consent has been granted by the Council under application ref BH2014/03705. The works proposed are internal, with the interior making little contribution to its heritage significance, because its significance derives from its exterior as part of a formal composition. The proposed minor alteration would not therefore adversely affect the significance of the Grade I listed building. As required under Section 66(1) of the above Act, I do not consider that the proposal would conflict with the desirability or preserving the listed building, or its setting or any features of special architectural or historic interest. I also acknowledge that the site is located within the Brunswick Town Conservation Area. Neither party has raised specific concerns in terms of the proposal affecting the character or appearance of the conservation area. Given my findings in terms of listed building matters, I find that the proposal internal works would preserve the character or appearance of the conservation area.

### **Conditions**

12. No suggested conditions have been submitted by the Council. Nonetheless, I have had regard to Paragraph 206 of the Framework and the Planning Practice Guidance in terms of the use of planning conditions. In this respect a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.

### **Conclusion**

13. For the reasons given above I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR





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# Appeal Decision

Site visit made on 22 June 2015

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 July 2015**

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**Appeal Ref: APP/Q1445/W/15/3005133**  
**285 Dyke Road, Hove, East Sussex BN3 6PD**

- 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 E Herandi against the decision of Brighton & Hove City Council.
  - The application, Ref. BH2014/02755, dated 14 August 2014, was refused by notice dated 31 October 2014.
  - The development proposed is the construction of a new 3 bedroom detached bungalow.
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## Decision

1. The appeal is allowed and planning permission is granted for the construction of a new 3 bedroom detached bungalow at 285 Dyke Road, Hove, East Sussex in accordance with the terms of the application, Ref. BH2014/02755, dated 14 August 2014, subject to the conditions in the attached schedule.

## Main Issue

2. The main issue is whether there would be adequate living conditions for future occupiers of the proposed bungalow in terms of privacy.

## Reasons

3. The Council's objection to the proposed bungalow is that because of its proximity to the host property No. 285 Dyke Road, the latter's west facing windows and roof terrace would unacceptably overlook the east facing windows and the majority of the garden of the new dwelling. This was also a concern in respect of a previous scheme and supported by an Inspector at appeal.
  4. In an attempt to overcome the Inspector's concerns the current scheme amends its predecessor. The footprint of the proposed bungalow has been reduced to increase the distance between its east facing windows and the first floor windows and second floor terrace at No. 285 Dyke Road, resulting in a back to back distance of just over 20m. Despite the angle of view from the flats this distance is not untypical of an urban context and planting on the proposed dwelling's side of a 2m high boundary fence would be under the control of future occupiers with the opportunity to increase privacy through management of its height and density.
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5. The Inspector was also concerned there would be little opportunity to find an area in the proposed garden that would not be readily overlooked from the flats in No. 285. To address this the current proposal includes the provision of a pagoda, which although open at its sides would have a roof to prevent overlooking. I consider this to be an innovative approach that would significantly increase the levels of privacy at the new property.
6. My assessment of the main issue is influenced by two further factors. Firstly it will be for future occupiers of the bungalow to decide whether the relationship between the dwelling and its garden and the flats at the host property is such as to lead to inadequate privacy or any perception thereof. I accept that the opinions of occupiers are rarely determinative, as the planning system exists to safeguard issues such as privacy as a matter of public interest. However, they are nonetheless an important material consideration.
7. Secondly, the Council's Notice of Refusal says that the harm caused by the overlooking is considered to outweigh the benefit provided by the additional residential unit. Given that housing supply is a particularly high priority in national planning policy, and indeed locally in Brighton given the absence of a five year figure, I consider the flexible and positive approach advocated in the National Planning Policy Framework 2012 ('the Framework') and the Planning Practice Guidance of March 2014 merits substantial weight in my decision.
8. All things considered, I conclude that the amendments to the previous scheme would be sufficient to ensure adequate living conditions for future occupiers of the proposed bungalow in terms of privacy and avoid a conflict both with Policies QD27 and HO5 of the Brighton & Hove Local Plan 2005 and the core planning principles of the Framework.
9. The Council has suggested a number of conditions if the appeal is allowed. Whilst most of them are reasonable and necessary I agree with the appellant that having regard to the March 2015 changes in Government policy, proposed conditions 12 and 17 relating to the now defunct Code for Sustainable Homes are inappropriate.
10. A condition requiring the development to be carried out in accordance with the approved plans is required for the avoidance of doubt and in the interests of proper planning. Conditions relating to external materials and landscaping will safeguard visual amenity, whilst conditions requiring details of land levels and the withdrawal of permitted development rights will protect the living conditions of adjoining occupiers.
11. Conditions in respect of details of hard surfacing and measures to deal with any as yet unidentified contaminants will reduce the risk of flooding and pollution respectively. A cycle storage facility condition will encourage this sustainable travel; a Lifetime Homes condition will optimise the long term benefit of the dwelling; a refuse storage and recycling condition will provide adequate facilities for the sustainable collection of waste, and a condition requiring adequate signage of the access is in the interests of highway safety.

*Martin Andrews*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. PL01 Rev. C; PL02 Rev. C; PL03 Rev. B; PL04 Rev. D; PL05 Rev. D; PL06;
- 3) 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;
- 4) The new dwelling hereby permitted shall be constructed to Lifetime Homes Standards prior to its first occupation and shall be retained as such thereafter;
- 5) No extension, enlargement, alterations or provision within the curtilage of the dwelling house as provided for within Schedule 2, Part 1, Classes A, B, C & E of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) shall be carried out without planning permission first having been obtained from the Local Planning Authority;
- 6) 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;
- 7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include hard surfacing; boundary treatments; planting, indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development;
- 8) 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;
- 9) No development shall commence until full details of the existing and proposed land levels of the proposed development in relation to Ordnance Datum and to surrounding properties have been submitted to and agreed in writing by the Local Planning Authority. The details shall include

finished floor levels and elevations with datum levels clearly marked. The development shall be constructed in accordance with the agreed details;

- 10) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times;
- 11) If, during development, contamination not previously identified is found to be present at the site no further development shall be carried out until the developer has submitted and obtained written approval of the Local Planning Authority for a Method Statement to identify, risk assess and address unidentified contaminants;
- 12) The development hereby permitted shall not be commenced until further details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times;
- 13) The development hereby permitted shall not be commenced until details of appropriate signage on the access have been submitted to and approved in writing by the Local Planning Authority. The signage shall be carried out in full as approved and retained as such thereafter.



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## Appeal Decision

Site visit made on 27 July 2015

**by Louise Phillips MA (Cantab) MSc MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 06/08/2015**

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**Appeal Ref: APP/Q1445/D/15/3022926**

**8 Bramble Rise, Brighton BN1 5GF**

- 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 Oliver Dorman against the decision of Brighton & Hove City Council.
  - The application Ref BH2015/00272, dated 27 January 2015, was refused by notice dated 27 March 2015.
  - The development proposed is a single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the description of development from the application form. The decision notice refers also to "alterations to fenestration", and I note that the plans show the squaring-off of a front bay window and the insertion of high level windows in the existing south side elevation. These aspects of the proposal are not contentious for the parties and, while I have taken account of them in reaching my decision, they do not affect the outcome of the appeal.
3. Interested parties have raised concerns about business activities being conducted from an outbuilding in the garden of the appeal property. However, neither the outbuilding itself, nor the nature of its use, form part of the proposal before me. Consequently, this matter has no bearing upon my decision.

### Main Issue

4. The main issue is the effect of the proposed development upon the character and appearance of the host property, the attached neighbouring property and the wider area.

### Reasons

5. The appeal property is a semi-detached, chalet-style dwelling with a pitched, clay tile roof, to which flat roofed dormers have been added at the front and rear. It is finished mainly in brick, but part of the front elevation has been rendered. Notwithstanding that both the original detailing and the nature of later alterations varies slightly, the other properties in Bramble Rise have a similar overall appearance.

6. The proposed development is a single storey rear extension. It would be flush with the south side elevation of the main building and continue across the back of the house to the shared boundary with No 10. No 10 has an existing rear extension of a similar depth to that now proposed and, at the boundary, the proposed extension would also be of a similar height. Its dimensions would accord with the design guidance set out in the Council's Supplementary Planning Document (SPD)<sup>1</sup> and it would not be out of scale with either the host dwelling or its attached neighbour.
7. However, the design of the extension would be deliberately contemporary, with a curved roof which, viewed from the rear, would be low at the boundary with No 10 and rise to a high point adjacent to No 6 to the south. Its side profile would be essentially flat and it would adjoin the existing roof just below the rear dormer. In my view, the intersection of the old and new roof forms at the south side of the property would be rather successful, but the relationship across the back would be awkward due to the significantly different styles. Notwithstanding its sustainability credentials, the provision of a green roof covering for the extension would draw attention to this.
8. Indeed the extension would include a number of design features which would set it apart from the more conventional style of the host dwelling and surrounding properties. In addition to the asymmetrical roof already described, the rear elevation would have a triangular projection to one side which would cause it to look unbalanced; and the provision of a wrap-around window at the south-eastern corner would afford the extension a futuristic appearance which would be at odds with the prevailing 1950s character of the area. Whilst it is proposed to change the windows in the existing house and to render the walls to match the extension, the fundamental difference in styles and proportions would still be conspicuous.
9. In reaching my decision, I have had regard to the statement in the SPD that *"modern designs using contemporary and sustainable materials will be generally welcomed and the Council would not wish to restrict creative designs"*. Read in context, however, such designs are required to be *"considered holistically with the original/main building to avoid an awkward jarring of materials and forms"*. Reading on, this is to avoid approaches which are *"harmful to the character of a building and its surrounds"*. Similarly, while paragraph 60 of the National Planning Policy Framework (the Framework) requires that *"planning policies and decisions should not attempt to impose architectural styles or particular tastes etc."*, this is qualified by the statement that *"it is, however, proper to seek to promote or reinforce local distinctiveness"*.
10. For the reasons already given, I do not consider that the proposed extension would integrate successfully with the host dwelling. A modern design at the rear of the site might well be appropriate in principle, but the particular solution proposed would be poorly related to the overall appearance of the building and this would cause harm. Notwithstanding that No 10 is presently well screened from view by boundary planting, the extension would also detract from the fundamental character of the property as half of a semi-detached pair. However, given the restricted nature of the view from the road,

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<sup>1</sup> Design Guide for Extensions and Alterations Supplementary Planning Document, 2013.

which would be limited to the side elevation, I do not consider that the development would cause any significant harm to the wider street scene.

11. Therefore, I conclude that the proposed development would harm the character and appearance of the host property and the attached neighbouring property. Thus it would conflict with Policy QD14 of the Brighton and Hove Local Plan, which requires extensions to be well designed in relation to the property to be extended and to adjoining properties.

### **Other Matters**

12. In reaching my decision, I have had regard to the three dimensions of sustainable development as set out in paragraph 7 of the Framework and I accept that the proposal would not conflict with either its economic or social role. Indeed, the construction project would have benefits for employment; and the additional space created would meet the needs of the appellant's family. The dwelling is also in an accessible location relative to local services.
13. However, paragraph 8 of the Framework is clear that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. I have found that the appeal scheme would conflict with the environmental role in respect of character and appearance, and the benefits described above would not outweigh the harm which would be caused. Whilst I acknowledge that the extension would be constructed using high quality materials and energy efficient methods, such benefits are not dependent on the particular design proposed.
14. I have also taken account of the concerns raised by interested parties in respect of overlooking to No 6 Bramble Rise, but given my conclusion in relation to the main issue of the appeal, my decision does not turn on this matter.

### **Conclusion**

15. For the reasons given above, I conclude that the appeal should be dismissed.

*Louise Phillips*

INSPECTOR







## Appeal Decision

Site visit made on 29 June 2015

**by Les Greenwood MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 July 2015**

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### **Appeal Ref: APP/Q1445/W/15/3005715**

#### **12 Preston Park Avenue, Brighton BN1 6HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms H Fazakerley against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/03679, dated 31 October 2014, was refused by notice dated 31 December 2014.
  - The development proposed is the erection of a single storey rear extension and internal alterations to the flat's layout.
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### **Preliminary matter**

1. The submitted plans show an enlarged lightwell to the front of the proposed extension, but this is not referred to in the appeal application. Both sides agreed at the site visit that no changes are proposed to the lightwell.

### **Decision**

2. The appeal is allowed and planning permission is granted for a single storey rear extension and internal alterations to the flat's layout in accordance with the terms of the application Ref BH2014/03679, dated 31 October 2014, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
    - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 12E02, 12P01, 12P02 and 12P03, with the exception that this decision shall not be construed as granting permission for alterations to the existing lightwell on the northern side of the building.
    - 3) The external finishes of the extension hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
    - 4) The windows on the western elevation of the extension hereby permitted shall be painted timber sash windows.
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### **Main issue**

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the building and the Preston Park Conservation Area.

### **Reasons**

4. Preston Park Avenue is an attractive street, with Victorian villas and modern blocks of flats on one side and a park on the other. No 21 is a typical villa, a substantial semi-detached red brick building, now split into flats. It has a single storey brick and render flat roof extension to the rear which projects beyond the main side wall, behind the lightwell. It also has a detached garage building further to the rear, next to the side boundary.
5. The proposal would replace the existing rear extension with a new flat roofed extension, projecting slightly further to the side. The Council's Supplementary Planning Document 12 *Design Guide for Residential Extensions* (SPD12) advises that rear extensions should not normally extend beyond the main side walls of the building.
6. In this case, however, the amount of extra projection to the side would be marginal. The proposed extension would replace a poor quality existing extension, would be small in scale compared to the main building and would be appropriately detailed, including sash windows at the front. It would be seen against the backdrop of the existing garage, so would not appear to spread built development. Other buildings on the street also have rear extensions projecting to the side, so this proposal would not be out of character with the locality.
7. I conclude that the proposal would represent an improvement in the quality of the building and would preserve the character and appearance of the conservation area. It therefore accords with the aims of SPD12 and Brighton and Hove Local Plan Policies QD14 and HE6, to ensure that extensions in conservation areas are of a high standard of design and detailing, reflecting the scale and character or appearance of the area. It furthermore accords with the National Planning Policy Framework's emphasis on securing high quality design that sustains and enhances the significance of heritage assets.
8. I impose a condition listing the approved plans and clarifying the position regarding the lightwell, for the avoidance of doubt and in the interest of proper planning. The use of matching materials and sash windows is necessary in order to protect the character and appearance of the area. The Council has also suggested conditions regarding window details and external pipework. I am not convinced that this degree of control is necessary for this small scale extension, set well back from the road.
9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

*Les Greenwood*

INSPECTOR



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## Appeal Decision

Site visit made on 22 July 2015

**by Y Wright BSc (Hons) DipTP MSc DMS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 August 2015**

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**Appeal Ref: APP/Q1445/W/15/3006221**  
**89 Upper Lewes Road, Brighton BN2 3FF**

- 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 John Standing against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/02977, dated 4 September 2014, was refused by notice dated 30 December 2014.
  - The development is change of use from small HMO (C4) to large HMO (Sui Generis) only.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from small HMO (C4) to large HMO (Sui Generis) only at 89 Upper Lewes Road, Brighton BN2 3FF in accordance with the terms of the application, Ref BH2014/02977, dated 4 September 2014, and the plans numbered 3493.EXG.01 and 3493.EXG.10 revision A.

### Procedural Matter

2. The Council's decision notice includes reference to plan number 3493.EXG.10. However both parties have confirmed that the decision was based on plan number 3493.EXG.10 revision A. I consider the appeal on this basis.

### Main Issue

3. The main issue is whether or not the development provides acceptable living conditions for its occupants.

### Reasons

4. The property is already being used as an 8 bedroom house in multiple occupation (HMO). It is a three storey (basement, ground and first floor) mid terraced dwelling with an additional loft conversion. The property is located on a site which slopes significantly from front to back resulting in the rear of the basement level having a small enclosed yard which is used for sitting out and cycle parking.
5. I note that the loft conversion includes a dormer window to the rear and roof lights to the front. However these do not form part of the appeal before me and I therefore do not consider them in my decision.

6. The property has been reconfigured internally to create 3 additional bedrooms (1 in the basement and 2 in the loft) and the kitchen has been extended into the front basement bedroom to create a dining area. In addition the previous basement bathroom, which is now a bedroom, has been relocated to the ground floor resulting in the front bedroom on this level being reduced in size. The first floor remains unchanged.
7. I note that both parties agree that the basement front bedroom is slightly smaller than shown on the submitted plans as the stud wall adjacent to the dining area protrudes around 200mm further in to the bedroom. However on my site visit I saw that the difference is slight and does not reduce the size of the room or the space within it by a significant degree. Although this room has an irregular shape it is not unduly small when compared to the size of some of the other bedrooms within the property. The room includes a double bed, shelving, a desk and clothes storage and I saw that the existing layout provides adequate usable space for the occupant.
8. The basement rear bedroom contains a built in wardrobe, its own sink, double bed, desk and drawers. I saw that due to the layout of the room, the space is adequate and usable by the occupant.
9. The loft bedrooms also provide adequate space for double beds, wardrobes, drawers and desks. Although I recognise that only around 2.8 sqm of the front bedroom would have a minimum height of around 2 m due to the sloping roof, I saw on my visit that due to the layout of the room, this provided sufficient usable space for the occupier that was not overly restrictive.
10. I note that the other bedrooms within the property provide similar amounts of furniture and sufficient usable space for the occupants. The bathroom facilities are also adequate. Although the kitchen/dining area is the only communal area within the property, I saw on my site visit that these facilities are adequate and provide sufficient space for the preparation and eating of meals. Although I recognise that it would be difficult for all 8 occupants to cook and eat at the same time, I consider that this would be an unlikely occurrence, as occupants within HMOs tend to be independent from each other and likely to use such facilities at different times of the day.
11. As a small HMO the property can lawfully house 6 occupants so although the development adds 3 further bedrooms to the property, its use increases by 2 occupants. I do not consider that this causes a significant intensification in use of the property. I also note that the Council does not have minimum internal space standards. Moreover the development has been granted a HMO licence for 8 bedrooms by the Council's Private Sector Housing Department which states that the house 'fully meets the department's standards for such use'. Whilst the HMO licence is a separate regulatory matter, it nevertheless reinforces my view that the standard of accommodation within the property is acceptable. Consequently I conclude that the living conditions of the existing occupiers of the property are not adversely affected and as such the development is in accordance with Policy QD27 of the Brighton and Hove Local Plan 2000 which includes seeking development that does not cause loss of amenity to existing occupiers.
12. The appellant draws attention to an appeal decision for a 7 bedroom HMO within the area (APP/Q1445/A/14/2214317), which was approved by the Inspector in May 2014. Although a copy of the appeal decision has been

provided I do not have full details of this development so I cannot be sure that it is directly comparable. The Council refers to another HMO development on Pevensey Road stating that this provided larger, better proportioned bedrooms, a larger living area and one less bedroom than the appeal property. However full details of this development are also not provided and I do not know the circumstances that applied at the time of its consideration. Nevertheless I agree with the Council that the existence of this and other similar developments within the surrounding area do not set a precedent, as each case is considered on its merits. I determine this appeal on its own individual merits.

13. In reaching my conclusion I have considered concerns that have been raised about increased noise and the amount of refuse and recycling produced and its storage. However these issues do not form part of the Council's case and I have no evidence before me to demonstrate that noise, refuse and recycling problems have occurred. I therefore find that the living conditions of the occupants of neighbouring properties have not been prejudiced. I have also taken into account the letters of support provided by the occupants of the appeal property.

#### *Conditions*

14. Although no conditions have been suggested by the Council, the Highway Authority has proposed one to ensure that satisfactory facilities for the parking of cycles are provided at the property. As the development is already in place including cycle parking provision, this condition is unnecessary and I therefore do not include it.

#### **Conclusion**

15. For the reasons given above I conclude that the appeal should be allowed.

*Y Wright*

INSPECTOR





## Appeal Decision

Site visit made on 7 July 2015

**by Kenneth Stone Bsc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 July 2015**

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**Appeal Ref: APP/Q1445/W/15/3003880**

**Brighton College, Eastern road, Brighton BN2 0AL**

- 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 Steve Patten (Brighton College) against the decision of Brighton & Hove City Council.
  - The application Ref BH2014/02054, dated 20 June 2014, was refused by notice dated 22 September 2014.
  - The development proposed is described as the 'demolition of the swimming pool and old music school buildings, the erection of a new academic building with connections to the Great Hall and Skidelsky building, the removal of an elm tree and other associated works'.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the swimming pool and old music school buildings, the erection of a new academic building with connections to the Great Hall and Skidelsky building, the removal of an elm tree and other associated works at Brighton College, Eastern road, Brighton BN2 0AL in accordance with the terms of the application, Ref BH2014/02054, dated 20 June 2014, subject to the conditions set out in the schedule at the end of this decision.

### Procedural matter

2. Subsequent to the Council's determination of the application the subject of this appeal it made Tree Preservation Order (No.7) 2014 (TPO), which protects two elm trees in the vicinity of the development. I have had regard to the TPO in the consideration of this appeal.
3. I have been provided with a document entitled draft statement of common ground submitted by the appellant. This document is unsigned and I have had no confirmation from the Council that they have agreed to its contents. I have therefore taken account of the information contained within it as additional information to the appellant's case.

### Background and Main Issues

4. The proposed development is for the construction of a new five storey academic building within the existing campus of Brighton College. The new building would be located and connected to the Great Hall, a grade II listed building and the Skideslsky building, a modern addition to the College campus. The College buildings and grounds are identified as falling within the College Conservation Area (CCA). The proposal would require the removal of two existing buildings and the felling of an existing elm tree. The Council have



confirmed that they do not object to the loss of the existing buildings, the scale and design of the proposed new building, or its impact on the adjacent listed buildings. Its sole concern relates to the loss of a mature elm tree, which the Council considers has substantial amenity value within the College Conservation Area and has substantial scientific and ecological value as part of the National Elm Collection.

5. On this basis the main issue in this appeal are:
- Whether the proposed development would preserve or enhance the character or appearance of the CCA, with particular regard to its effect on the protected elm tree ; and
  - The effect of the proposed development on the ecology of the area.

### **Reasons**

6. The appeal site forms part of the wider Brighton College campus and presently accommodates a swimming pool and old music school buildings. The swimming pool building is single storey, fronts onto Sutherland Road and is attached to the adjoining Great Hall, a Grade II listed building. Behind the swimming pool building within the College campus grounds is the smaller old music school building. This sits adjacent to the internal estate road and at an elevated level above the floor level of the swimming pool building. A mature elm tree is located to the south of the Old Music School building and a further mature elm tree beyond that. Both the elm trees are protected by the TPO.

#### *Character and appearance*

7. Views into the College site along Sutherland Road are restricted, for the most part, due to the scale and layout of the buildings. The built form around the site creates an outer perimeter of development on the southern half of the campus with further buildings within this area creating an inner quadrangle. Towards the north the College site is more open with the grounds laid out for sports pitches.
8. Along Sutherland Road the single storey level of the swimming pool building affords views into the site and of the elm tree. These area however restricted due to the angles of view and the scale of the other buildings. Outside of the site therefore the elm tree makes little contribution to the street scene or the character of the area.
9. Within the College grounds which is within the conservation area the mature tree softens the built development and positively contributes to the appearance of the area. This view however is not accessible for general members of the public. Whilst the tree is now the subject of a tree preservation order, it makes little contribution to public amenity in the general area.
10. The loss of the tree would not result in a significant or harmful impact on the character of the surrounding area. Its loss from the conservation area would however result in harm to the appearance of the conservation area from within the college. Given the lack of visibility and the limited wider impact this would amount to less than substantial harm in the context of paragraph 134 of the National Planning Policy Framework (the Framework). However, the proposal would result in the removal of two exiting buildings which do not make positive contributions to the conservation area and which would be replaced by a new



building. The Council and English Heritage, as it then was, have confirmed that the design, appearance, and siting of the new building will make a positive contribution to the conservation area and better reveal the significance of the adjoining listed building. I agree that the proposal is of a high quality design and its improved relationship with the adjoining Great Hall, by stepping the building away from the building and having a lightweight connection would improve the setting of that listed building. In this regard the development proposals as a whole would have a positive effect on the heritage assets, enhancing the appearance of the conservation area and the setting of the listed Great Hall.

11. For the reason given above I conclude that the proposed development would enhance the appearance of the College Conservation Area, and the character and appearance of the wider area. Consequently, it would not conflict with policy QD16 and HE6 of the Brighton and Hove Local Plan 2005 (BHLP) which seek to protect trees on development sites and within conservation areas, but recognise where trees are unavoidably lost require replacement tree planting.

### *Ecology*

12. The Framework at paragraph 118 advises that in determining planning applications the decision maker should aim to conserve and enhance biodiversity by applying various principles. Bullet point five of that list indicates that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location, clearly outweigh the loss.
13. Whilst it has not been argued that the elm tree is aged or veteran the Council are concerned that its rarity ensures it is of significant ecological and scientific value. The National Elm Collection has no special statutory or policy protection although section 197 of the Town and Country Planning Act places a duty on decision makers to ensure whenever it is appropriate, that, in granting planning permission for any development adequate provision is made for the preservation and planting of trees. The tree is, according to the arboricultural report submitted by the appellant, in good health with a reasonable remaining life expectancy. Given the national rarity of the elm tree I afford this tree significant weight in my considerations. However, the appellant has provided compelling evidence on the detailed consideration for the retention of the tree, the educational and college need for the development and the limitations of the overall site to accommodate this development without prejudice to their wider plans, which are set out in a master plan.
14. Paragraph 72 of the Framework advises that the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It further advises that decision makers should take a positive approach to development that will widen choice in education. The College have provided evidence to demonstrate the design and layout parameters and constraints of the development and to demonstrate how the development fits within the wider aspirational plans for the development of the site. The improvement of the college facilities in terms of teaching environment and numbers of rooms will strengthen the facility and widen choice.

15. When taken in the round I am satisfied that the benefits associated with the development in terms of the school, the widening of educational choice, the spin off benefits to the economy from the building activities and level of investment, and the significant visual improvements from the new building, would clearly outweigh the loss of one tree, albeit that tree is an elm. Added to this the appellant is proposing planting three additional elm trees and this can be secured by condition.
16. There is no substantiated evidence before me that the development would affect a protected species and whilst I note the references by the parties to the white-letter Hairstreak butterfly there is no evidence of it being present on site.
17. For the reasons given above I conclude that the proposed development would not result in material harm to the ecology of the area through the loss of the elm tree. Consequently it would not conflict with policy QD16 of the BHLPP which seeks to protect trees on development sites or seek replacement planting where they are unavoidably lost.

### **Overall Conclusions and conditions**

18. Overall I am satisfied that the benefits of the scheme outweigh the amenity and ecology value that could be attributed to the elm tree and the contribution it makes to the conservation area and its wider ecological and scientific value. Therefore I conclude that the development would amount to sustainable development and that the appeal should succeed
19. I have not been provided with suggested conditions by the Council, however there are a set of conditions attached to the Officer report and the appellant has included those conditions in their draft statement of common ground. I have therefore used these as the basis of my consideration as to the conditions I should impose on the permission. I have considered the conditions in the context of the advice in the PPG and the wording of the suggested models of acceptable conditions in appendix A to Circular 11/95 'The use of conditions in planning permissions' which remains extant. I have imposed all the conditions but made minor adjustments to some to improve precision and better reflect the wording of the guidance as set out below.
20. I have imposed a condition specifying the approved plans, for the avoidance of doubt and in the interests of proper planning as advised at paragraph 21a-022 of the PPG. Conditions 3 through to 7 are required in the interests of the appearance of the development, the adjoining buildings and the wider area. Conditions 8, 9 and 10 are required to mitigate and compensate for the loss of the elm tree and to protect the retained elm tree. Condition 11 is required to ensure the development is properly drained and conditions 12 and 13 are consistent with Local plan policy and required to ensure the development is sustainable. Condition 14 is required to ensure the development takes appropriate account of any potential contamination and condition 15 is required to protect the surrounding environment, residents and in the interests of highway safety.
21. For the reasons given above I conclude that the appeal should be allowed.

*Kenneth Stone*

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL REF NO: APP/Q1445/W/15/3003880

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 2001 Rev B; 3000 Rev B; 3010 rev B; 3011 rev A; 3015 Rev A; 3020 Rev J; 3020 Rev J; 3022 Rev J; 3023 Rev J; 3024 Rev J; 3025 Rev E; 4000 Rev B; 4001 Rev B; 4010 Rev E; 4011 Rev F; 4012 Rev E; 4013 Rev E; 4020 Rev B; 4021 Rev B; 4030 Rev B; 4031 Rev E; 5000 Rev D; 5001 Rev C; 5010 Rev C; and 5011 Rev A.
- 3) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway.
- 4) No works shall take place until samples of the materials (including samples of the timber louvres, roofing materials and details of all timber treatments) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
- 5) No development shall take place until sample panels of the brickwork and flintwork have been constructed on the site and approved in writing by the Local Planning Authority. The brickwork and flintwork comprised within the development, including the mortar, shall be carried out and completed to match the approved sample panels.
- 6) No development shall take place until sample elevations and sections at 1:5 scale of the window frames and mullion profiles have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.
- 7) No development shall take place until further details of the treatment of those areas of the northern elevation of the Great Hall that will become exposed within the atrium of the new building have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall indicate how the exterior walls will be treated including details of materials and finishes. Where doorway features are affected, proposed full details of the design, materials and finish of these elements should be provided. The development shall be carried out in strict accordance with the approved details.
- 8) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the planting of a minimum three Elm trees, including two on the footway along Sutherland Road. The scheme shall include the location of the new trees, their size (to be a minimum Heavy Standard with a 12-14cm girth), and planting method, and a maintenance programme. The trees

shall be planted in the first planting season following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees 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.

- 9) No development shall commence until fences for the protection of trees to be retained have been erected in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with BS5837 (2012) and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the areas enclosed by such fences.
- 10) No development shall commence until a scheme to enhance the nature conservation interest of the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the provision of swift and bat boxes and be implemented in full prior to the occupation of the development hereby approved.
- 11) No development approved by this permission shall be commenced until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority. The foul and sewerage works shall be completed in accordance with the details and timetable agreed.
- 12) Unless otherwise agreed in writing by the Local Planning Authority, no non-residential development shall commence until a BRE issued Interim/Design Stage Certificate demonstrating that the development has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' for all non-residential development has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable.
- 13) Unless otherwise agreed in writing by the Local Planning Authority, the non-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a minimum BREEAM rating of 60% in energy and water sections of relevant BREEAM assessment within overall 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.
- 14) (i) The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority:
  - (a) a desk top study documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2

and 3 and BS10175:2001 - Investigation of Potentially Contaminated Sites - Code of Practice; and, unless otherwise agreed in writing by the Local Planning Authority,

- (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study in accordance with BS10175:2001; and, unless otherwise agreed in writing by the Local Planning Authority, and
- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include the nomination of a competent person to oversee the implementation of the works.

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

- a) as built drawings of the implemented scheme;
- b) photographs of the remediation works in progress; and
- c) certificates demonstrating that imported and/or material left in situ is free from contamination. Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under (i) (c).

- 15) No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to mitigate disturbance during demolition and construction works from noise and dust, plant and equipment and transport movements in addition to details of any temporary external lighting to be installed at the site and measures to prevent light spillage. The development shall be carried out in accordance with the approved CEMP unless otherwise approved in writing by the Local Planning Authority.

END





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# Appeal Decision

Site visit made on 29 June 2015

**by J L Cheesley BA(Hons) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 July 2015**

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**Appeal Ref: APP/Q1445/W/15/3004478**

**1 Saltdean Drive, Saltdean, Brighton, East Sussex BN2 8SB**

- 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 Nigel Rose, Homemakers of Brighton Ltd against the decision of Brighton and Hove City Council.
  - The application Ref BH2014/03475 dated 15 October 2014 was refused by notice dated 30 January 2015.
  - The development proposed is the demolition of existing house and construction of six residential units.
- 

## Costs

1. An application for costs was made by Mr Nigel Rose, Homemakers of Brighton Ltd against Brighton and Hove City Council. This application is the subject of a separate decision.

## Decision

2. The appeal is dismissed.

## Main Issues

3. I consider the main issues to be the effect of the proposal on the appearance of adjoining properties, the character and appearance of the surrounding area and strategic views along the coastline.

## Reasons

4. The appeal site lies within a primarily residential area in a prominent location on the coast road. Detached dwellings of various designs and sizes are a characteristic of the area. The White House close to the site is a distinctive building in the streetscene, as is the contemporary dwelling at 1 Marine Close adjacent to the appeal site. Otherwise, residential development primarily comprises bungalows and modest dwellings.
5. The existing chalet bungalow on the site is in a poor condition and has a number of unsympathetic single-storey extensions. The proposed building would be of contemporary design. The upper block would comprise three storeys above basement level with the eaves level at a similar height to the eaves on the adjacent dwelling at 1 Marine Close. The lower block would comprise two storeys above the basement, built in tiers and set back from the main block. The footprint of development on the site would project forward from that of the existing dwelling.



6. From my observations, due to the combined height, footprint and bulk of the proposed building in such a prominent elevated location, I consider that it would appear as an excessively dominant building. As such it would constitute an overdevelopment of the site. This would be to the detriment of the character and appearance of the surrounding area and would overwhelm adjoining properties to the detriment of their appearance in the streetscene. In addition, as the building would appear very prominent from longer public strategic views along the coastline, it would be to the detriment of these strategic views.
7. In reaching my conclusion, I have had regard to all matters raised, including the views of local residents and the quality of construction. I am in no doubt that the detailing would be to a high standard. However, due to the reasons stated above, I do not consider this matter justifies allowing the appeal.
8. For the above reasons, the proposal would be contrary to Policies QD1, QD2, QD3 and QD4 in the Brighton and Hove Local Plan 2005, where they seek new development to make a positive contribution to the visual quality of the environment, to incorporate an intensity of development appropriate to the locality and to preserve or enhance strategic views. I consider that these policies are broadly in accordance with the National Planning Policy Framework as far as they meet the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area.
9. The Council has stated that there is no agreed up-to-date housing provision target against which to assess a five-year housing land supply position. The Framework states at paragraph 49 that *relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*.
10. It must be acknowledged that at the heart of the Framework is the presumption in favour of sustainable development. It sets out the three dimensions that need to be considered, and that the roles should not be taken in isolation.
11. I recognise the economic benefits of the proposal, particularly in terms of construction of the development and the social role of providing additional accommodation. However, taking the three dimensions together, in the light of my concerns regarding the environmental impact of the proposal, I consider that the benefits I have acknowledged would arise from the proposal are not outweighed by this harm. Thus, I consider that the proposal would not constitute sustainable development.

*J L Cheesley*

INSPECTOR





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## Costs Decision

Site visit made on 29 June 2015

**by J L Cheesley BA(Hons) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 22 July 2015**

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### **Costs application in relation to Appeal Ref: APP/Q1445/W/15/3004478 Land at 1 Saltdean Drive, Saltdean, Brighton, East Sussex BN2 8SB**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Nigel Rose, Homemakers of Brighton Ltd for a full award of costs against Brighton and Hove City Council.
  - The appeal was made against the refusal of planning permission for the demolition of existing house and construction of six residential units.
- 

1. The application for an award of costs is refused.

#### **Reasons**

2. The Planning Practice Guidance advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. I understand that two case officers considered the proposal favourably yet the planning application was refused following internal discussion and consideration by a Senior Officer. Whether or not the Senior Officer should have visited the site is not for my determination. I note that the Senior Officer had reviewed the planning application and submissions and the Case Officer's report before an internal discussion. I note that this was in accordance with the procedures at the Council. I have no concerns with this approach.
4. The Council referred to the character and appearance of the area, which is a matter of judgement. The Council referred to Local Plan policies in this respect. In my opinion, the Council provided a clear explanation of its reasons for refusal, with reasonable planning grounds, and therefore, the Council's behaviour was not unreasonable when judged against the planning guidance. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*J L Cheesley* INSPECTOR

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## Appeal Decision

Site visit made on 17 July 2015

**by Susan A F Simpson LLB Solicitor (N-P)**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23/07/2015**

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### **Appeal Ref: APP/Q1445/D/15/3022083**

### **2 Perry Hill, Saltdean, Brighton BN2 8FT**

- 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 and Mrs Izzard against the decision of the Brighton & Hove City Council.
  - The application Ref BH2015/00111 dated 15 January 2015 was refused by a notice dated 12 March 2015.
  - The proposed development is described in the application as an infill extension to the front elevation of existing garage. Incorporating a window and dummy pitched roof.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The appeal was submitted in the sole name of Mr Dale Izzard. However, as the right of appeal vests in the names of the original applicants, the appeal will proceed in the joint names of Mr and Mrs Izzard.
3. The Council's decision notice refers to the Supplementary Planning Document: Design Guide for Extensions and Alterations (SPD12) but no further information has been given as to the specific paragraphs of the document that apply in this case.

### **Main Issue**

4. The main issue in the appeal is the effect of the development upon the character and appearance of the area.

### **Reasons**

5. The prevailing uniformity of the development found along Perry Hill can be attributed to the single storey appearance of the bungalows; their hipped roofs; the linked flat roof garages; the contiguous gated side passages and a common building line. As a result, these recurrent design features provide a definite rhythm of regular spacing between buildings and a consistency of the built form that creates an attractive and harmonious street scene.
6. No 2 is situated in a prominent corner plot at the entrance to Perry Hill and on the eastern side of the road where dwellings are situated at a lower level than their neighbours opposite. The proposal involves the conversion and a forward extension of the existing garage to provide an enlarged living room. Even

allowing for the set back from the existing front elevation of this part of the dwelling, the development would project forward from, and introduce a dummy pitched roof that would be higher than, the flat roof of next door's attached garage.

7. Whilst I agree with the appellants' submission that, the creation of a gable end roof to accommodate a loft conversion, has "unbalanced" the appearance of their dwelling, it, also, has reduced the visual degree of separation at first floor level between Nos 2 and 4. The increased height and forward projection of the proposed development would only serve to further unbalance the existing pair of properties and accentuate the reduction in space, and the visual tension and differences, between the appeal premises and its immediate neighbour. Thus, the development would harmfully disrupt and detract from the prevailing harmonious and coherent appearance of the dwellings found along Perry Hill.
8. It is argued that other properties on the opposite side of Perry Hill have carried out similar extensions and alterations to their linked garages but, according to the Council, these do not benefit from planning permission. Nor are the site specifics the same as in this case. In any event, the existence of such development is no reason to permit further harmful proposals.
9. I conclude that the development would cause harm to the character and appearance of the area. Accordingly, it would be contrary to policies QD2 and QD14 of the Brighton & Hove Local Plan 2005. These policies state, amongst other things, that: all new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking into account such matters as the height, scale, bulk and design of existing buildings; require extensions and alterations to buildings to be well designed, sited and detailed in relation to the property to be extended, adjoining properties and to the surrounding area.
10. The proposal, also, would be contrary to Government policy in the National Planning Policy Framework which states that developments should: respond to local character and history and reflect the identity of local surroundings and materials; be refused where they are of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### **Other Matters and Conclusion**

11. Having considered these matters and all others raised, I find that, either individually or cumulatively, none would outweigh the harm I have described in terms of the main issue in this appeal. Thus, for the reasons given above, the appeal must fail.

*S A F Simpson*

INSPECTOR