





**Brighton & Hove
City Council**

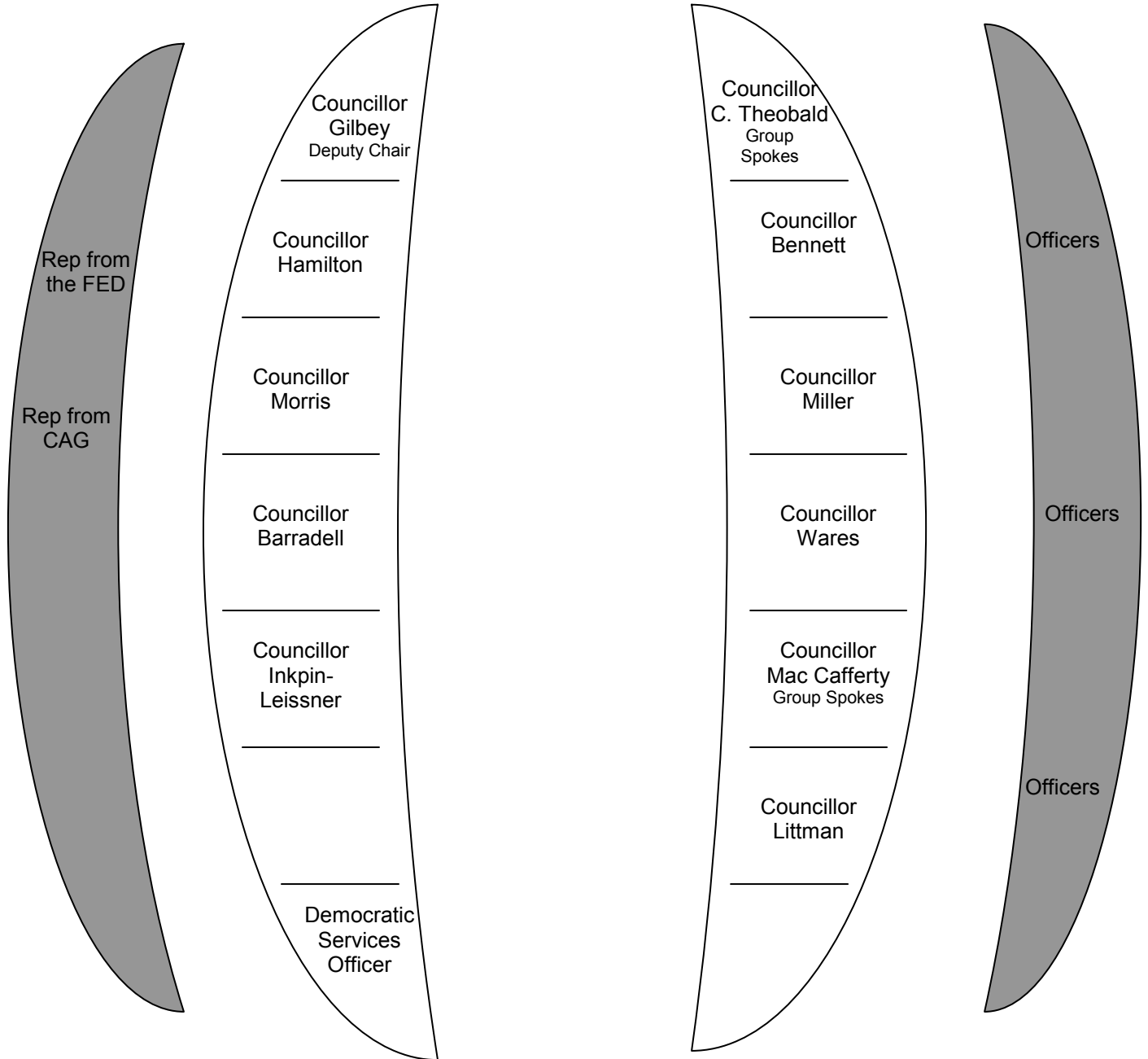
Planning Committee

Title:	Planning Committee
Date:	18 November 2015
Time:	2.00pm
Venue	The Ronuk Hall, Portslade Town Hall
Members:	<p>Councillors: 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>Co-opted Members: Jim Gowans (Conservation Advisory Group)</p>
Contact:	<p>Ross Keatley Democratic Services Manager 01273 29-1064/5 planning.committee@brighton-hove.gov.uk</p>

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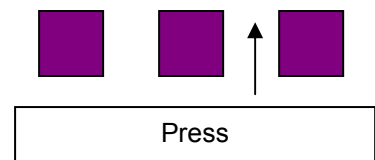
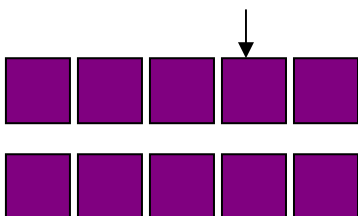
Democratic Services: Planning Committee

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



AGENDA

101 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

102 MINUTES OF THE PREVIOUS MEETING 1 - 18

Minutes of the meeting held on 28 October 2015 (copy attached).

103 CHAIR'S COMMUNICATIONS

104 PUBLIC QUESTIONS

Written Questions: to receive any questions submitted by the due date of 12 noon on 11 November 2015.

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

106 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 BH2015/01783 - 106 Lewes Road, Brighton - Full Planning 19 - 44

Demolition of existing public house (A4) (retrospective) and construction of a new part 5no part 3no storey student accommodation building (sui generis), comprising 44no rooms, plant room, communal areas, cycle parking, refuse facilities, landscaping and other associated works.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: St Peter's & North Laine

MINOR APPLICATIONS

B BH2015/02049 - 67 Falmer Road, Rottingdean, Brighton - Full Planning 45 - 78

Demolition of existing house and garage and erection of 9no four bedroom houses.

RECOMMENDATION – MINDED TO GRANT

Ward Affected: Rottingdean Coastal

C BH2015/02786 - Land to Rear of 101 Roundhill Crescent, Brighton - Full Planning 79 - 102

Erection of two storey, three bedroom dwelling (C3).

RECOMMENDATION – REFUSE

Ward Affected: St Peter's & North Laine

PLANNING COMMITTEE

- D BH2015/02796 - Land to Rear of 101 Roundhill Crescent, Brighton - Listed Building Consent 103 - 112**

Alterations to boundary wall.

RECOMMENDATION – REFUSE

Ward Affected: St Peter's & North Laine

- E BH2015/02713 - Kingsmere London Road, Brighton - Full Planning 113 - 126**

Roof extension to Blocks E & F to provide 8no flats each with own private roof garden.

RECOMMENDATION – GRANT

Ward Affected: Withdean

- F BH2015/02562 - 107 Boundary Road, Hove - Full Planning 127 - 144**

Demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated parking.

RECOMMENDATION – REFUSE

Ward Affected: Hangleton & Knoll

- G BH2014/03826 - The Wardley Hotel, 10 Somerhill Avenue, Hove - Full Planning 145 - 156**

Internal alterations to facilitate increased number of bed spaces from 40 to 51 rooms. (Part Retrospective)

RECOMMENDATION – GRANT

Ward Affected: Goldsmid

- 107 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

- 108 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS 157 - 160**

(copy attached).

- 109 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS) 161 - 216**

(copy attached)

PLANNING COMMITTEE

110 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE 217 - 220

(copy attached).

111 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES 221 - 222

(copy attached).

112 APPEAL DECISIONS 223 - 252

(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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PLANNING COMMITTEE

the designated Democratic Services Officer listed on the agenda.

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

Date of Publication - Tuesday, 10 November 2015

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 28 OCTOBER 2015****THE RONUK HALL, PORTSLADE TOWN HALL****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), Mac Cafferty (Group Spokesperson), Allen, Bennett, Inkipin-Leissner, Janio, Littman, Miller, Morris, Robins and Wares

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

Officers in attendance: Jeanette Walsh (Planning and Building Control Applications Manager); Nicola Hurley (Planning Manager, Applications); Mick Anson (Principal Planning Officer); Jason Hawkes (Planning Officer, Applications); Steven Shaw (Development and Transport Assessment Manager); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE**89 PROCEDURAL BUSINESS****89a Declarations of substitutes**

89.1 Councillor Allen was present in substitution for Councillor Hamilton, Councillor Robins was present in substitution for Councillor Barradell and Councillor Janio was present in substitution for Councillor C Theobald.

89b Declarations of interests

89.2 Councillor Bennett referred to Application BH2014/02331, 59 Hill Drive, Hove stating that having submitted a letter of objection (attached to the officer report) she intended to speak in her capacity as a Local Ward Councillor and then to withdraw from the meeting and take no part in the discussion or voting thereon.

89.3 Councillors Miller Janio and Mac Cafferty declared an interest in Application BH2015/02941, Former Whitehawk Library Site, Findon Road/Whitehawk Road, Brighton. Councillor Miller explained that he had attended the Housing Committee meeting at which the principle of the development had been agreed, however he remained of a neutral mind in respect of the application and would therefore remain at

the meeting and take part in the discussion and voting thereon. Councillors Janio and Mac Cafferty had attended the Meeting of the Policy and Resources Committee at which funding for a scheme had been agreed, both confirmed however, that they remained of a neutral mind and would therefore remain at the meeting and take part in the discussion and voting thereon.

89.4 Councillor Cattell, the Chair referred to Application BH2015/00914, 17 Marmion Road, Hove explaining that Liam Russell the agent for the scheme was known to her. She had carried out work for clients of his in the past, although not recently; she had no financial or business link with Mr Russell. The Chair confirmed that she was of a neutral mind in respect of the application and she would remain present in the Chair during its discussion and determination.

89c Exclusion of the press and public

89.5 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it was 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.

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

89d Use of mobile phones and tablets

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

90 MINUTES OF THE PREVIOUS MEETING

90.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 7 October 2015 as a correct record.

91 CHAIR'S COMMUNICATIONS

91.1 The Chair referred to criticism of the planning department that had appeared in the press recently. This was unfortunate as she was aware that staff at all levels had been working very hard to process and clear an unprecedented number of applications and proposed a vote of thanks in recognition of the dedication of staff requesting that the Planning and Building Control Applications Manager convey this to staff.

92 PUBLIC QUESTIONS

92.1 There were none.

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

93.1 There were none.

94 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A BH2015/02403, Brighton College Eastern Road, Brighton - Full Planning

Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area.

- (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 report by reference to photographs elevational drawings, floor plans and site plans. These showed the existing and proposed street frontages and views across the site towards neighbouring properties, samples of materials were also displayed. Planning permission was sought for the demolition of the existing Sports Hall, Chowen building, Blackshaw building and Pavilion and the erection of a replacement four storey (including lower ground floor) Sports and Sciences building comprising the following mix of teaching and sports facilities:
 - Basement level swimming pool, changing facilities, plant room, stores and car park for 20 vehicles and 36 bicycles
 - Ground floor level Sports Hall, fitness studios and café
 - First floor lecture theatre, stores and four classrooms
 - Second floor 15 science classrooms, preparation rooms and greenhouse
 - Roof level amenity terraces, running track and non-accessible sedum roofs
- (3) In order to facilitate access to the basement car park a section of flint boundary wall fronting Sutherland Road was to be removed, along with all fencing and walls fronting the new building. The section of wall to be removed sat within a flint wall that attaches to a Grade II listed flint wall extending along College Terrace and was considered listed by virtue of its attachment. On balance and having regard to the overall benefits of the redevelopment of this part of the campus it was not considered that the absence of a boundary wall at this point was so detrimental as to warrant refusal of permission. Conditions were recommended to secure details of the new wall-ends, prior to works to the wall commencing.
- (4) It was considered that the application represented a well-designed addition to the Brighton College site which suitably preserved and enhanced the special interest and setting of its Grade II listed buildings, the appearance of the site when viewed from Sutherland Road, and the character and appearance of the College Conservation Area as a whole, without resulting in undue harm to neighbouring amenity or highway safety, in accordance with development plan policies, the NPPF when considered as a whole,

and the statutory duty within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and approval was therefore recommended.

Public Speakers and Questions

- (5) Mr Denny spoke on behalf of neighbouring residents setting out their objections to the scheme. He stated it was considered that the proposals would compromise daylight and sunlight, particularly to properties at the rear by virtue of the height and close proximity of those buildings. The proposed scheme was out of keeping with the character of the neighbouring conservation area and failed to address the safety concerns raised. It was the view of objectors that the car park should be removed and the height of the north block reduced to give the scheme a more modest appearance. Objectors were also at the apparent reduction of opportunities for local community use arising from the scheme.
- (6) Mr Westbrook, spoke on behalf of the applicants in support of the scheme. He explained that there was currently a mismatch of buildings on site, they were outdated, too small and were no longer fit for purpose as they were inadequate for modern teaching requirements. The scheme had been revised to reflect the feedback received following consultation, both the CAG and Historic England had raised no objection to the proposals.
- (7) Councillor Miller asked whether there would be an increase in pupil number and Mr Westbrook confirmed that was not envisaged.
- (8) Councillor Wares referred to the fact that a number of objections had been received and asked the applicant's representative regarding amendments made in order to mitigate objectors concerns.
- (9) Councillor Janio asked the applicant to provide details in relation to on-site parking arrangements and how this would be monitored. It was explained that the additional on-site parking was intended in part, to ameliorate the pressure on parking in neighbouring streets. A one in one out system would be used in order to manage traffic flow and to control the number of vehicular movements on site.

Questions for Officers

- (10) Mr Gowans, CAG asked for clarification regarding the elevational treatments and glazing proposed to the classrooms to be provided at second floor level.
- (11) Councillor Wares sought further information in relation to the operation of the proposed car lift and asked for details of the potential impact this could have in terms of vehicles queuing to access it. The Development and Transport Assessment Manager, Steven Shaw, explained that this had been assessed, and would operate as a "tidal flow" arrangement in the morning and evening and it was considered to be satisfactory.
- (12) Councillor Robins asked for clarification of the height of the constituent elements of the scheme and their distance from the nearest neighbouring properties.

- (13) Councillor Miller requested detail in respect of the extent of the works to be carried out adjacent to the listed flint wall.
- (14) Councillor Inkpin-Leissner enquired regarding the arrangements to be made for transportation of materials and waste to and from the site during the construction period. It was important to minimise noise nuisance and other disruption.

Debate and Decision Making Process

- (15) Councillor Morris asked whether it would be possible to add an informative requesting that the applicant consider making facilities at the college available to small local community groups.
- (16) Councillor Wares concurred and considered that it was also important to ensure that use of the roof did not give rise to noise nuisance.
- (17) Councillor Gilbey considered that it would be appropriate to condition use of the roof to be used between 8am and 8pm seven days per week.
- (18) Councillor Mac Cafferty had noted the concerns raised by residents, about the potential impact on the neighbourhood also noting, however, that this scheme represented the “final Piece of the jigsaw” in that it represented the last stage of works at the college.
- (19) A vote was taken and members voted unanimously that planning permission be granted subject to the additional condition set out below.

94.1 **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. Condition 15 to be amended as set out below and also to the additional Condition and informative set out below:

Amendment to Condition 15 to read:

No development other than demolition works and works to clear the site shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, as per the Surface Water Drainage – Response to Comments (Ref. 23946), dated October 2015, 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: This pre-commencement condition is required to ensure that the principles of sustainable drainage are incorporated into this proposal from the start and to comply with policy SU4 of the Brighton & Hove Local Plan.

Additional Condition:

The use of the roof for recreational purposes as set out in the planning application hereby approved shall take place between 8.00am to 8pm Monday to Sunday only.

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

Additional Informative:

The applicant is advised that Planning Committee would like to encourage the applicant to find creative ways of making the sport and recreation facilities available for the public/community to use.

B BH2015/02941, Former Whitehawk Library Site Findon Road/Whitehawk Road, Brighton - Full Planning

Construction of 2 residential blocks to provide a total of 57 self-contained flats incorporating creation of vehicular access points from Whitehawk Road and Findon Road, car parking spaces, refuse facilities, landscaping and other associated works. (Amended Scheme).

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Jason Hawkes introduced the report by reference to plans, photographs, aerial photographs and elevational drawings. Planning permission was sought for the construction of two blocks to form 57 flats. The land was Council owned and would provide 57 housing units. The scheme was part of the New Homes for Neighbourhoods programme to build 500 new council homes by 2030. During the course of the application, the Estates teams had advised that the scheme would be built either as a 100% affordable rented scheme or with a minimum of 50% affordable rented and a percentage of market sale depending on financial viability. The main considerations in determining this application related to the loss of the former community use, the provision of affordable housing, the design and appearance of the proposed development, impact on residential amenity, standard of accommodation, transport and highway concerns, land contamination, impact on trees and landscaping, sustainability, ecology considerations and crime prevention measures.
- (3) It was considered that the loss of the existing community use was acceptable given the historical relocation of the previous community use to a nearby location. 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, ecology and sustainability and minded to grant approval was therefore recommended.
- (4) It was noted that although objectors had registered to speak in respect of the application, notification had been received that they would be unable to attend, therefore there would be no speaking in respect of this application.

Questions of Officers

- (5) Councillor Gilbey sought confirmation of the number of parking spaces to be provided, and whether this was comparable with that generally provided. Councillor Gilbey stated

it was her understanding that estimates of the number of vehicle movements generated included those in the wider vicinity, as well as access/egress to the site itself.

- (6) Councillor Robins also sought confirmation on that point. It was confirmed that this accorded with that set out in planning guidance.
- (7) The Development and Transport Assessment Manager, Steven Shaw, confirmed that the figure for post developmental trips had been calculated by reference to the TRICS database and had been based on the information submitted. The figure of 110 trips in total did however relate solely to vehicle trips. The total number of person trips used for the purposes of calculating sustainable transport contributions had been made in accordance with the Council's standard methodology.
- (8) Councillor Bennett sought clarification of the position of the balconies in relation to the roof slope above.

Debate and Decision Making Process

- (9) Councillor Janio stated that whilst considering the scheme to be acceptable overall, he was of the view that the level of on-site parking provided was inadequate.
- (10) Councillor Miller stated that he considered the scheme to be of a good design and supported it.
- (11) The Chair, Councillor Cattell commended the scheme which she considered to be a good one which would provide much needed housing.
- (12) A vote was taken and members voted unanimously that minded to grant planning permission be granted.

94.2 **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 BH2015/01434, Royal Sussex County Hospital, Eastern Road, Brighton - Full Planning

Demolition of existing single storey double stacked modular units (C2) and single storey brick store and construction of a 3 storey building (C2) situated at the junction of North (Service) Road and Bristol Gate to provide clinical offices, workshops, storage and plant with associated works.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Mick Anson, introduced the application and gave a presentation by reference to plans, photographs, sectional and elevational drawings and floor plans showing perspectives across the site from various locations. Planning permission was sought for the demolition of existing double stacked modular units and the single storey brick structure and the erection of a three storey building (Use Class

C2) and associated works. The proposed building would enable staff to be relocated as part of the decanting operation in preparation of the main redevelopment of the front part of the Royal Sussex County Hospital site, known as the 3T's (Trauma, Teaching and Tertiary) development. Implementation was subject to final approval of the Full Business Case by the Treasury. The north east corner of the proposed new building would accommodate a new sub-station, transformers and generators to serve the new building and other buildings on the hospital estate. The remaining rooms in the building would be for administrative purposes and would accommodate approximately 80 members of staff. It was explained that "Minded to Grant" permission was now recommended in order to allow for final agreement of the submitted details of the CEMP. Samples of the proposed materials were also displayed and it was explained that it was proposed that the window frames would be grey with aquamarine powder coated fascias.

- (3) The main considerations in determining the application related to the scale and design of the proposed building. The use of the building and its relationship to the decanting phase of the main 3T's RSCH hospital redevelopment scheduled to start in 2016 was another issue as well as any potential impacts on residential amenity due to loss of outlook or noise or emissions from the building.
- (4) The proposed development would provide a key component in the decanting operation required for the 3T's development by providing permanent and replacement accommodation for the temporary buildings in situ. Minded to Grant permission was therefore recommended.

Questions for Officers

- (5) Councillor Morris enquired regarding treatment of the proposed cladding material, citing concerns that dependent on the surface treatment used timber cladding (if this was to be used) did not always wear well and in such instances detracted from the appearance of the building.
- (6) Councillor Gilbey also asked for clarification of this matter, expressing concern that one of the circulated material samples was chipped and was already showing signs of wear. It was explained that a long lasting easy to clean treatment was proposed similar to those recently approved for a scheme in Preston Road. If permission was granted final an informative could be added advising that final approval of materials was to be taken by the Planning and Building Control Applications Manager in consultation with the Chair.
- (7) It was further explained that the scheme had been designed such that individual panels could be replaced.
- (8) Councillor Robins referred to the fact that in addition to this scheme several others which were significant had been agreed for East Brighton. He asked whether measures were in place to encourage the applicants to co-ordinate deliveries etc., in order to minimise impact in the neighbouring area. It was confirmed that the management plans for each took account of this. The Development and Transport Assessment Manager, Steven Shaw, confirmed that the Traffic Management and Highway Authority would also be overseeing the process.

- (9) Councillor Gilbey referred to the pedestrian walkway which was adjacent to the car park, asking whether it would be clearly demarcated. It was explained that it was understood that it would have a raised surface which would set it apart from the roadway.

Debate and Decision Making Process

- (10) Councillor Miller welcomed the scheme including the proposed access improvements, especially those for pedestrians.
- (11) Councillor Janio also welcomed the scheme stating that he hoped work would commence very soon.
- (12) Councillor Morris supported the scheme which he was aware would bring to fruition proposals which had been developed over a period of time.
- (13) Councillor Mac Cafferty expressed his full support for what he considered to be an exciting scheme which he understood could start imminently.
- (14) A vote was taken and members voted unanimously that minded to grant planning permission be granted.

94.3 **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 that it is **MINDED TO GRANT** planning permission subject to agreement on the details of the CEMP and the Conditions and Informatives set out in section 11.

An additional informative to be added:

The decision on the details to be submitted in accordance with condition 6 shall be taken by to the Planning and Building Control Applications Manager in Consultation with the Chair of Planning Committee.

Condition 9 to be amended as follows:
Delete the first 6 lines

MINOR APPLICATIONS

D BH2014/03996, 4a Blatchington Road, Hove - Full Planning

Change of use from retail (A1) to hot food take away (A5) and installation of extract duct.

- (1) The Planning Manager, Applications, Nicola Hurley, introduced the application by reference to site plans, photographs and elevational drawings. It was noted that the consideration of the application had been deferred at the meeting of the Committee held on 5 August 2015 in order to enable further research to take place following comments made by the objector regarding the accuracy of the acoustic report. A

response had now been received from Environmental Health stating that the slightly different measurement position should not affect the accuracy of the results provided to any significant degree.

- (2) The main considerations in the determination of 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 neighbouring properties and the impact on parking and the highway network in the locality. It was not considered that the proposed change of use would 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 or the wider street scene. 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. Planning permission was therefore recommended.

Debate and Decision Making Process

- (3) Councillor Mac Cafferty stated that he considered the proposal was acceptable but that it was important however, to ensure that the type of different uses within an area was monitored to ensure that there was not an over concentration of any particular use. Councillor Janio also concurred in that view.
- (4) A vote was taken, and the 11 Members present when the vote was taken voted 10 to 1 that planning permission be granted.

- 94.4 **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 Bennett was absent from the meeting during consideration of and voting on the above application.

E BH2015/00914,17 Marmion Road, Hove - Full Planning

Demolition of existing building and erection of 5 three/four bedroom dwelling-houses.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Jason Hawkes, introduced the report by reference to site plans, photographs elevational drawings and floor plans. Planning permission was sought for the demolition of the existing YMCA building and the construction of five dwelling-houses which would form a terrace of three-storey houses of modern design with a part brick and part rendered finish. Each dwelling would include three/four bedrooms, a front and rear garden and sedum roof. Amendments received during the course of the application were also detailed as were further representations received which were set out in the "Late Representations List". The determining issues in respect of this application were whether the proposal justified the loss of the existing community use,

whether the proposal was of an appropriate design in the context of the surrounding area, whether the proposal would have a detrimental impact on neighbouring amenity, the standard of accommodation, highway considerations and sustainability.

- (3) It was considered that the loss of the existing community use had been justified given the evidence put forward by the YMCA. This included the relocation of the main use of the building for educational purposes, the cost of maintaining the building and the lack of interest in continuing the community use by an outside user. The development was also considered to be 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, approval was therefore recommended.

Public Speakers and Questions

- (4) Councillor Nemeth spoke in his capacity as a Local Ward Councillor setting out his observations in respect of the scheme. Whilst not objecting per-se, he considered that information provided initially by the applicants in respect of the scheme had been poor. At the subsequent public meeting residents had expressed concern regarding loss of community facilities, e.g., after school clubs, which would occur as a result of demolition of the existing building, he considered that this should be revisited. He considered that the figures quoted as being required to repair and maintain the existing building were high and had not been tested.
- (5) Mr Wilson spoke on behalf of the applicants in support of their application. He explained that the existing building dating from the 1900's and was no longer fit for purpose. Due to reductions in grant funding received and with continuing financial constraints the YMCA had needed to re-evaluate how its core provision to vulnerable young people in the city could be most effectively provided. The proposed scheme would secure the organisations on-going work with its core services being provided from its existing facilities in Blatchington Road, Hove and East Street in Brighton.

Questions for Officers

- (6) Councillor Morris asked whether it would be possible for any community use to be re-provided at the site and it was confirmed that it would not.
- (7) Councillor Robins sought clarification regarding the nature of existing provision on site, whether and to what extent the gym club and other uses were community based. Councillor Gilbey enquired whether the community uses referred to were being provided currently and whether they were being provided by the YMCA itself or other providers. Mr Wilson explained that the after school club and other facilities referred to were being provided by the YMCA's paid staff. It had been explained to those users that the services they had used could no longer be provided because the organisation had to target its provision to those in need of their core services. It was considered that those requiring these able to access them elsewhere.
- (8) Councillor Mac Cafferty enquired as to the distance between the proposed development and the nearest residential property.

- (9) Councillor Gilbey also referred to the distance between the proposed development and neighbouring dwellings enquiring as to the height of any boundary treatment in order to avoid any potential overlooking. It was explained that the boundary fencing would be of some 2.5m in height and that there would be limited/oblique overlooking.
- (10) In answer to further questions, the Planning and Building Control Applications Manager, Jeanette Walsh stated that the existing building was not designated as an Asset of Community Value.

Debate and Decision Making Process

- (11) Councillor Wares stated that as he understood it, the financial drivers behind the application were irrelevant, the issue was whether or not sufficiently compelling case for departure from policy HO20 had been made.
- (12) Councillor Mac Cafferty concurred in that view considering that the scheme was acceptable. He was in agreement that the proposed part brick part render appearance of the buildings would be sympathetic to the neighbouring street scene where there was a mixture of building styles.
- (13) Councillor Morris welcomed the housing to be provided by the scheme. Whilst regretting that a community use could not be provided he understood that this would not be possible.
- (14) Councillor Littman considered that whilst it was unfortunate that the community use would be lost, that was outside the Committee's remit and regrettably no interest had been shown by any outside user. He therefore supported the scheme
- (15) Councillor Janio stated that whilst he did not generally support car free developments in this instance he considered the scheme to be a good one, he was willing to support the officer recommendation.
- (16) Councillor Inkipin-Leissner stated that he considered the scheme was acceptable but was concerned to ensure that a good quality render finish was used. If unsuitable finishes were used they did not weather well and could detract from the appearance of a building. He noted that reference had been made to other residential buildings of a modern design in the area, in Stoneham Road and the former Gala Bingo Hall site which fronted onto Portland Road.
- (17) Councillor Miller stated that he liked the design of the development which he considered represented a good modern design and agreed that it was important for an appropriate render treatment to be used.
- (18) The Chair, Councillor Cattell concurred with the points made in relation to use of a rendered finish, stating that use of a sand and cement painted render treatment appeared to weather well and, requested that an informative to that effect be added to any planning permission granted. The Committee concurred in that view.

(19) A vote was taken and members voted unanimously that planning permission be granted to include the informative set out below.

94.5 **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.

Add Informative:

Details to be submitted in accordance with condition 8 shall include agreement of render to be constituted of painted sand and cement.

F BH2014/02331, 59 Hill Drive, Hove - Full Planning

Erection of detached single storey residential dwelling to rear incorporating landscaping and access.

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

(2) The Planning Manager, Applications, Nicola Hurley, introduced the report by reference to site plans, photographs and elevation drawings. Planning permission was sought for the erection of a detached single-storey two bedroom dwelling house within the rear garden of no. 59. The building would comprise reclaimed face brickwork and heat treated timber cladding to the external elevations with the flat roof form accommodating a sedum roof with photovoltaic solar panels. A new pedestrian access to the dwelling house had also been incorporated with a pathway sited along the northern boundary of the site (adjacent with no. 61 Hill Drive). There would be no vehicular access to the proposed dwelling-house and no alterations were proposed to the existing frontage building. It was explained that a number of amendments had been made to the originally submitted scheme and the differences between the two were highlighted.

(3) The main considerations in determining this application related to the suitability of the site to accommodate an additional dwelling house and the subsequent impact on visual amenity, neighbouring amenity, standard of accommodation and transport and sustainability issues. It was considered that development would provide an additional residential unit and make efficient and effective use of land within the built up area boundary without significant detriment to the prevailing character and appearance of the site and wider surrounding area. The development would provide a good standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway safety. It was therefore recommended that planning permission be granted.

Public Speakers and Questions

(4) Mr Stevenson spoke as a neighbouring objector setting out his objections to the proposed scheme. Mr Stevenson explained that he had two major issues and concerns relating to the potential for increased noise and vehicular activity arising from the proposal. If parking there was parking overspill from the dedicated area in front of the existing property it could create additional pressure on parking in Hill Drive. Mr

Stevenson also had concerns about the impact of the pedestrian access way which would be located 2m away from his habitable rooms.

- (5) Councillor Bennett spoke in her capacity as a Local Ward Councillor. In her view this application was essentially the same as the previous one save that there was now no vehicular access. Hill Drive was narrow and very steep and the application site was located on a bend and could result in vehicles being parked on a dangerous bend. The site was not suitable for subdivision and unlike recent development in the vicinity this scheme would not be in keeping with the prevailing street scene.
- (6) Mr Parsons spoke on behalf of the applicants in support of their application. This scheme had been devised following consideration of a number of options and would provide accommodation for use by family members which was self contained within the scheme which had a larger garden plot than others in Hill Drive. An earlier scheme had been withdrawn and this scheme had been amended in order to address objections and concerns of neighbours and would be well screened to avoid overlooking.

Questions of Officers

- (7) Councillor Robins sought confirmation regarding the 2006 scheme which had been referred to. It was explained that had been for a two storey building with a larger footprint.
- (8) Councillor Inkpin-Leissner enquired whether parking for both properties could be accommodated on site and it was confirmed that four vehicles could be accommodated on the driveway in front of the existing building.
- (9) Councillor Ware asked whether if once subdivided ownership of the rear property were to change in the future the application would need to come back to Committee and it was confirmed that it would not.
- (10) Councillor Janio expressed concern that if the rear property was sold in future the ability to park in front of the existing building at the front of the site could be lost. Councillor Miller expressed the same concerns as did Councillor Morris.
- (11) The Legal Adviser to the Committee, Hilary Woodward, explained that if planning permission was granted there would be two separate units on site, either or both of which could be sold separately. This was not a planning consideration and notwithstanding that parking would be provided on site, the occupants of either property could park on-street as could the occupants of any properties in Hill Drive.

Debate and Decision Making Process

- (12) Councillor Mac Cafferty stated that the issue of whether or not family members would occupy the rear property was not a planning consideration, he considered that the principle of the development was acceptable.
- (13) Councillor Littman considered that the quality of amenity for future occupiers and the proximity of the pedestrian walkway to the neighbouring property needed to be borne in mind.

- (14) Councillor Gilbey sought details of the treatment of the pedestrian access. In answer to questions by the Chair, Councillor Cattell, asked for details of the proposed boundary treatments and was informed these had yet to be finalised. Councillor Inkipin-Leissner asked whether a condition could be added to ensure that any fencing or other treatment between the two properties could be of sufficient height (2m) to protect the amenity of both properties.
 - (15) Councillor Inkipin-Leissner had some concerns that the property could be used as a “party” house, but it was confirmed that there were no indications that would be the case.
 - (16) Councillor Miller had concerns regarding the impact that the proposals would have on the amenity of both properties
 - (17) Councillor Wares stated that he was in agreement with Councillor Mac Cafferty that it was the principle of the development which needed to be determined. The scheme needed to be considered acceptable as an independent unit irrespective of its future use by family members or otherwise of those occupying the existing property. He did not consider the scheme was acceptable considering that the two properties would be in too close proximity to each other and would have a detrimental impact on each other.
 - (18) A vote was taken and the 11 members present at that meeting voted by 7 to 1 with 3 abstentions that planning permission be granted.
- 94.6 **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.

The following words to be added into condition 9b:

“to a height of 2m.”

Note: Having declared an interest in the above application once she had spoken in her capacity as a Local Ward Councillor, Councillor Bennett withdrew from the meeting and took no part in the discussion or voting thereon.

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

95.1 There were none.

96 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

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

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

98 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

99 INFORMATION ON HEARINGS/PUBLIC INQUIRIES

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

100 APPEAL DECISIONS

- 100.1 Councillor Wares noted that the decisions taken by officers under delegated powers had been upheld by the Planning Inspectorate in 11 out of 13 cases. Officers were to be congratulated on their “good” planning decision making and he requested that could be conveyed back to them.
- 100.2 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 6.00pm

Signed

Chair

Dated this

day of

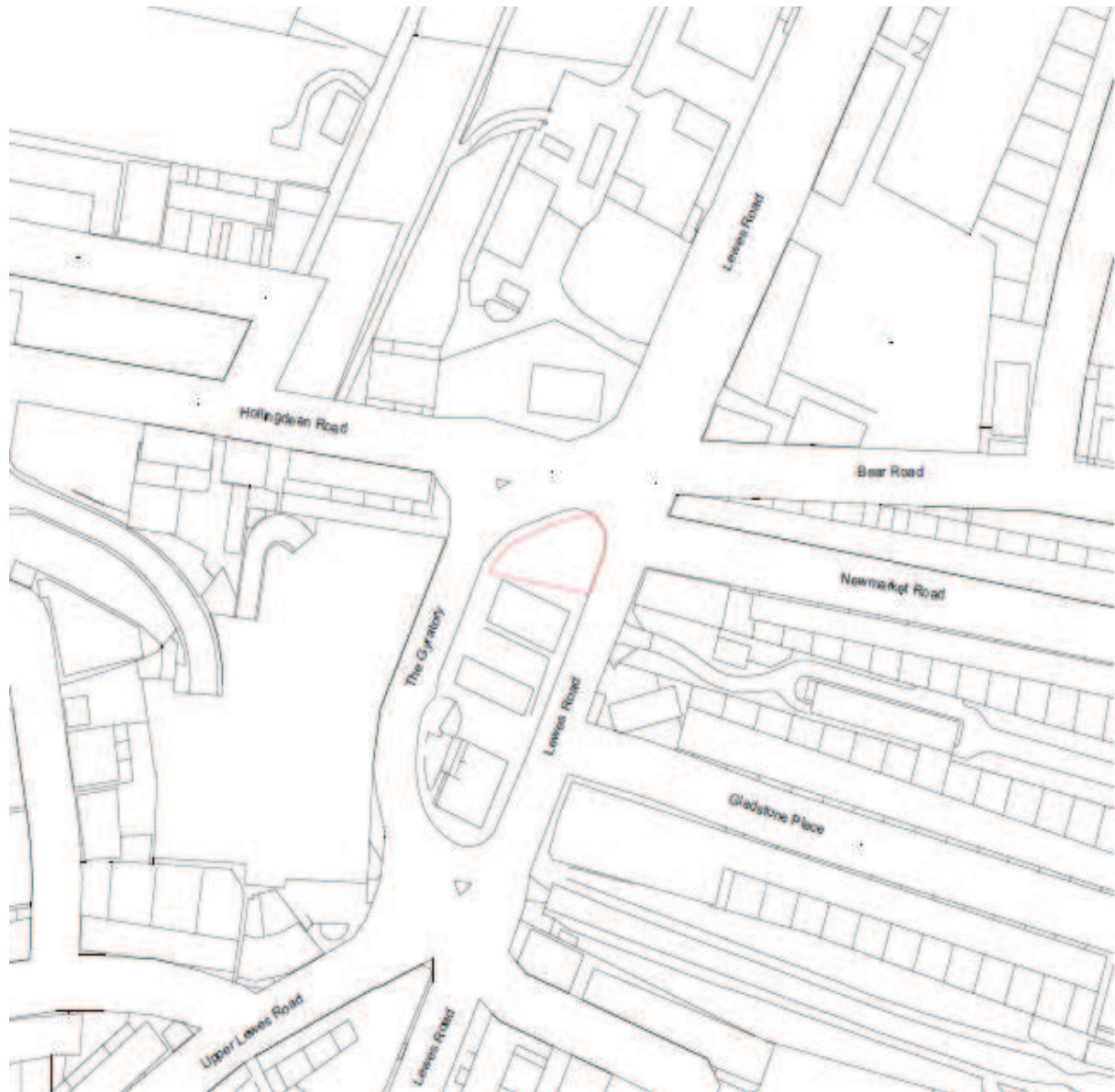
ITEM A

106 Lewes Road, Brighton BN2 3QA

BH2015/01783
Full planning

18 November 2015

BH2015/01783 106 Lewes Road, Brighton



<u>No:</u>	BH2015/01783	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Full Planning		
<u>Address:</u>	106 Lewes Road Brighton		
<u>Proposal:</u>	Demolition of existing public house (A4) (retrospective) and construction of a new part 5no part 3no storey student accommodation building (sui generis), comprising 44no rooms, plant room, communal areas, cycle parking, refuse facilities, landscaping and other associated works.		
<u>Officer:</u>	Mick Anson Tel 292354	<u>Valid Date:</u>	12/06/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11 September 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Pegasus Group, 23 Hanover Square London W1S 1JB		
<u>Applicant:</u>	McLaren (106 Lewes Road) Ltd, C/O Pegasus Group 23 Hanover Square London W1S 1JB		

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 area of the site is 463 sq. m and was last occupied by a two storey public house known as 'The White Crow' however this building has been demolished without authorisation and the site is currently surrounded by a 2 metre high plain site hoarding. The site has been used temporarily as a site compound for a development of student units opposite at 112-113 Lewes Road which is now complete.
- 2.2 The site is roughly triangular in shape and is sited on a large traffic island known as The Vogue Gyrotory. To the south of the site is a petrol filling station which includes a shop. To the south of the filling station is a 3 storey terrace of housing above shop units. To the west of the site across the gyrotory is a large supermarket, the equivalent of 6 storeys in height whilst on the east side across the Lewes Road is a recently built 4 storey block of student units (Nos. 112-113 Lewes Road), the entrance to Woodvale Crematorium, a car wash site and forecourt 119 Lewes Road and a car repairs and exhaust centre. The Planning Committee were Minded to Grant consent for a 4 storey block of 51 student units earlier this year at no. 119, Lewes Road subject to a S106 agreement.

- 2.3 The site falls within the Lewes Road District Shopping Centre as defined in the adopted Local Plan under policy SR6 but is outside the prime retail frontage of the centre. It has no other site specific policy designation.

3 RELEVANT HISTORY

- 3.1 **BH2015/00391** Demolition of public house (A4) and change of use to construction compound for temporary period of 24 months and erection of associated temporary structures (Part retrospective). Refused 20th May 2015

4 THE APPLICATION

- 4.1 Planning permission is sought for the redevelopment of the site to provide 44 studio units of student accommodation in a part 3 and part 5 storey building, the equivalent of a maximum 6 storey building due to the proposed double height ground floor.
- 4.2 The ground floor would comprise a reception, communal area, laundrette, plant room, toilets and external refuse and cycle parking areas for 36 bikes. No car parking is proposed on site. The studios would be located from the 1st floor to the 5th floor and would be entirely self-contained with no shared communal areas. The roof would have a green roof of chalk grassland. The floor area of each unit would generally be approximately 16 sq. metres ranging from the two smallest at 15.7 sq. metres up to the two largest (disabled) units each 25.1 sq. metres. The main entrance would be on the north side of the building with the storage areas on the south side.
- 4.3 The floor plans show a one way vehicular access for refuse collection and other deliveries by forming an undercroft below the accommodation. Ingress would be from the west side of the gyratory opposite the large supermarket and abutting the petrol station building to the south and egress would be on the east side into the southbound lanes of the Lewes Road.
- 4.4 The elevations of the building would comprise a white brick with a lime mortar wash. Above the windows would be vertical white brick slips. The windows comprise deep reveals featuring sloping window cills in a mix of either bronze coloured zinc or vertical white brick to match the walls. The south facing window shutters would also be in bronze coloured aluminium. The ground floor elevations to the reception area would feature floor to ceiling height glazing. The north elevation of the building would be a rounded bow shape where the entrance and reception would be prominent.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Five (5) letters of representation have been received from **11 Newmarket Road; 64 Ewhurst Road; Flat 4, 95 Lewes Road; 46 Mafeking Road (2 letters)**; objecting to the application for the following reasons: Overconcentration of students in this area; student accommodation should be located near the Universities. Concern about the safety of occupants crossing the Gyratory. Proposals would create challenging problems for public services. The site is inappropriate for this scale of development and is considered to be an overdevelopment of the site. CP21 (para 4.226) states that the Council will

promote appropriate development in suitable areas but this is not defined. The proposal is in a ward which is one of the 5 most concentrated with student developments. These areas are over concentrated with student accommodation and there is no more capacity. Runs counter to the policy to control small HMO's in the same areas. Proposal would have a harmful impact on amenity of the area. Student population needs to be spread around the City. Already suffer the most antisocial behaviour as referred to in Student Housing Technical Paper. Statement of Community Engagement should be clearer about numbers engaged.

- 5.2 **East Sussex County Archaeologist:** Although this application is situated in the Archaeological Notification Area, does not believe that any significant archaeological remains are likely to be affected by these proposals.
- 5.3 **East Sussex Fire and Rescue Service:** The access and facilities required for the ESF service appear to be satisfactory.
- 5.4 **Environment Agency:** Should only be granted subject to conditions related to restrictions of piling methods during construction and discovery of contamination during construction.
- 5.5 **Sussex Police:** Welcome that the Design and Access statement refers to crime prevention measures. Layout and design has produced a secure, controlled environment with the reception desk to provide clear views of the main entrance, stairwells, lifts and communal lounge. Would be preferable if the bike and bin stores could be accessible from within the building. Gates for vehicular access should be electronically controlled and bike racks should enable wheel and frame to be padlocked.

Internal:

- 5.6 **Design Review (Internal) Support** Improvements to pre-app scheme are welcomed, with progress made regarding building height, design, elevations and appearance which are, as a result, considered to be acceptable. Other welcomed improvements include materials, pavement widening and tree planting and main student access.
- 5.7 **Ecology: Comment**
In summary, provided the recommended mitigation measures are implemented, 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 biodiversity enhancements that will help the Council address its duties and responsibilities under the Natural Environment and Rural Communities Act 2006 and NPPF.
- 5.8 **Environmental Health: Initial Comment**
Noise - Insufficient information in relation to early morning deliveries to the adjacent shop unit and plant noise. Mitigation measures may be required to windows in the proposed development. More information will be required about cladding materials to achieve satisfactory sound attenuation. Full assessment of

plant and deliveries is required. Plant noise in the proposed development will need to achieve an acceptable rating below background noise levels. A more thorough assessment of construction noise will be required when details are known and a S61 application under the 1974 Control of Pollution Act is required.

Air Quality A ventilation strategy is required to mitigate pollution exposure to future residents especially bedrooms adjacent to the exterior wall on the first floor fronting the northern part of the Vogue Gyrotory roundabout. Hermetically sealed windows should be installed on the ground floor. Cleaner air needs to be drawn from the roof of the building to supply the first floor rooms.

Revised comments

Recommend approval with conditions

5.9 **Flood Risk Manager:** Initial Comment

Object - Insufficient information on volumes of surface water; management of flood events and details of surface water arrangements.

Revised comment

The Lead Local Flood Authority has no objection to the proposed development provided the sustainable urban drainage scheme for this site has been completed in accordance with the submitted details. The sustainable urban drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan detailed in Drainage Strategy Statement v2.0 (ref P14-252) dated September 2015.

5.10 **Planning Policy:** Initial Comment

Submission City Plan Policy CP21 part (i)/A/6 (as modified) requires new purpose built student accommodation to have a formal agreement with one of the city's two universities or other existing educational establishment within Brighton & Hove. No information has been provided to demonstrate compliance with this part of the policy. The loss of the public house is considered acceptable as an exception to Local Plan Policy HO20, however, in line with the policy, consideration should be given to providing an alternative community facility within the new development.

Revised comment

The applicant has indicated that space will be made available for local community groups to use for meetings and other events. It is therefore considered that a facility available for community use is retained on the site and the requirements of Local Plan Policy HO20 are satisfied.

5.11 **Sustainability:** Support

The applicant has submitted a BREEAM Multi Residential pre assessment report which demonstrates that the required standard 'excellent' is being targeted, and a pathway to achieving this standard is set out. In addition to this the proposals include some positive measures which address sustainability policy. These include the following: The energy strategy proposes passive design, and energy efficient approaches that include: energy efficient facades, design enabling adequate levels of daylight penetration into each regularly

occupied space; external shading devices, low energy lighting; and heat recovery ventilation.

5.12 Sustainable Transport: No objections

The Highway Authority has no in principle objections to the proposed scheme subject to the necessary changes that must be made prior to determination. The following changes must be made prior to determination:

- Cycle Parking – the applicant should provide details of the exact nature of the proposed on-site cycle parking and look to provide additional cycle parking adjacent to the sites internal access route.
- Vehicular Access – the applicant must make the necessary changes to the sites vehicular access arrangements:
 - The gates/bollards on the access (western elevation) should be set back within the site so that the largest anticipated vehicle accessing the site can sit clear of both the carriageway and footway while the gates are shut and waiting to be opened.
 - Suitable signage should be placed on the building adjacent to the western elevation access stating, “Private Access No Through Route” or something similar to prevent the likelihood of other road users trying to access the site.
 - No Entry signs should be placed on the building adjacent to the site exit (eastern elevation).
 - Both of the site’s vehicular access points should be designed in a similar manner to the access points of Sainsburys with a raised footway rather than a radii kerb and dropped kerbs. This is both to give pedestrians greater protection and priority but also to make the access look less inviting to other road users not associated with the site.
- Highway Works – the applicant should confirm whether the building line is being set back to provide a wider footway and if so whether this area of land is to remain private or be offered up for adoption by the Highway Authority.

Should the applicant address the above issues the Highway Authority are likely to recommend the inclusion of the necessary conditions and S106 requirements detailed in the recommendation section of these comments.

The Travel Plan is acceptable for the purposes of the current stage in the planning process. Were the proposed development to be granted planning consent, then it is recommended that a condition be attached to ensure that the applicant updates the Travel Plan following the results of initial monitoring within three months of occupancy and implements all of the measures outlined in full. It is also recommended that potential introductory bus tickets referred to in the Travel Plan are formally agreed through a S106 agreement.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD27	Protection of Amenity
HO3	Dwelling type and size

HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO13	Accessible housing and lifetime homes

Supplementary Planning Guidance:

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

Interim Guidance on Developer Contributions

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD08	Sustainable Building Design
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 HMO
CP13	Public Streets and Spaces

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the development of a student residential development on this site and in this location, the scale, height and design of the development. In addition the transport implications including safe access and pedestrian movement around the site and potential impact on car parking in the wider area are a material consideration, as well as sustainable design and amenity issues for the future occupiers.

Planning Policy:

- 8.2 The principle of the use is governed by policies CP21 (Student Accommodation) and development area DA3 of the City Plan. The Development Area (Lewes Road) has been identified as being suitable for some student accommodation for attendees of the Universities including on specific sites. Whilst this is not an allocated site for student accommodation, it is also not a site identified in the Strategic Housing Land Availability Assessment (SHLAA). It therefore meets criteria 7) of policy CP21.
- 8.3 The area has also been identified as an area where development which supports the expansion of the Universities in this area is supported and which provides suitable student accommodation. The proposed modifications to the City Plan require that a written agreement between the developer and a Further Education (FE) establishment to ensure that accommodation does support students attending the City's FE institutions. The agreement must be entered

into before the commencement of development to be secured in a S106 agreement.

- 8.4 An application to retrospectively apply for the demolition of the public house was refused on 20th May 2015 for reasons that the proposed use of the site as a construction compound for a period of 24 months could not be justified in the absence of an approved development on a neighbouring site. The current use of the site comprising modular buildings up to two storeys in height and the site hoarding cause visual harm to the visual amenity of the site, the street scene and the surroundings. It was considered to be unacceptable and contrary to policies QD5 and QD9 of the adopted Brighton & Hove Local Plan.
- 8.5 The applicants have submitted some marketing information for the previous use of the site as a public house prior to its demolition. It was marketed for 8 months in 2012/2013 (apparently whilst still trading) by Savills who have written to the applicants on 16th October 2015 confirming that the only interest shown in the site was for potential residential re-development. There was no interest from the community for its continued use as a public house and had always appeared to struggle. The vicinity of the site is well served by public houses. No interest as an alternative community use is reported however the applicants have offered to make the ground floor communal area available for hire to community groups and therefore the Policy Team consider that policy HO20 criteria d) would be satisfied.

Design:

- 8.6 The building would be part 3 and part 5 storeys. The height of the proposed building would however be 18m. The proposals were the subject of formal pre-application submissions and a Members pre-application presentation which proposed a part 9 part 5 storey block of 71 student units. The applicants have responded positively to the feedback provided by Members and officers and reduced the height of the building significantly. The proposals have also been subject of two internal design reviews made up of planning officers, architects and transport project officers from across the Council. The building design, elevations and layout and relationship with the public realm and pedestrian movement around the site are now supported and would make a positive impact on the appearance of this locality.
- 8.7 The proposed building would be defined as a Tall Building under SPG15 being 18m in height on its north and west side and 19.4m maximum on the east side where the land falls. The application is accompanied by a full Townscape, Heritage and Visual Impact Assessment as well as a Design and Access Statement and Tall Building Assessment. Verified viewpoints from both upper slopes of the valley and along the main vistas leading to the site are provided. The Design and Access statement has fully assessed the prevailing architectural character of the area as well as studying the historic form of the location including old buildings and the railway viaduct which were demolished to make way for the Gyrotory.

- 8.8 In the context of this site, most of the existing urban form and any recently built developments are not classified as Tall buildings and are generally 4 storeys in height with some rare exceptions. The proposed building would stand in relative isolation in the middle of the gyratory and would not directly relate to any adjacent building. The building would be visible in certain vistas but the quality of the design and materials are considered to justify the prominence of the building which would raise the prevailing standard of design in this location and would have a positive impact by enhancing the character and appearance of the Lewes Road corridor is welcomed. The building as reduced in height would result in a lesser impact in viewpoints provided across the valley and retaining views of the ridge at the Racehill for example. In views from the East for example, the new building would help to obscure the Hughes Industrial Estate and an unsophisticated residential scheme known as Diamond Court (allowed on appeal) which currently have a harmful impact on this long view. Due to the higher quality design proposed, the development would therefore have a positive impact by enhancing this viewpoint. In some views the building would no longer be visible following the reduction in its height and there would be no change to the view. Views to and from the Roundhill Conservation Area have been tested in the Landscape Value Impact Assessment (LVIA) and it has been demonstrated that there would either be no adverse impact or no impact at all. The proposal would therefore comply with policy QD4 of the Brighton & Hove Local Plan in respect of strategic views.
- 8.9 As it is considered that the proposed elevations and design are of a high standard the result would be a building that is more distinctive than the prevailing built form along the Lewes Road corridor. The curved corner facing north up the Lewes Road provides finesse to the structure and a focal point in the south facing vista.
- 8.10 The building entrance was relocated from the south side at the request of officers to provide greater legibility to the building and the street scene. The entrance on the north flank would also be more sheltered from the prevailing wind. The previously ungainly stepping down of the elevations at pre-application stage have been replaced by a step down which is framed by the structure and which also provides an opportunity for visual amenity space in the street scene that would be landscaped as well as providing practical amenity space at third floor level for all of the occupants.
- 8.11 The white brick cladding is welcome as are the chamfered window reveals and other openings. The building would stand in isolation to a degree so it is not considered necessary to match some of the adjoining buildings in colour. Nevertheless, in the context of the site and in a number of viewpoints the building would be seen against a background or in a context of white rendered buildings such as in views from Gladstone Place and Newmarket Road looking west and equally with those streets in the background looking east. The white brickwork has a slight discolouration in it so that from close up any deposits on the elevations would be less noticeable. In longer views though, the building would be seen as predominantly white coloured. This is illustrated by the buildings immediately to the south of the petrol station forecourt which are painted in a jade green colour but appear white on the skyline.

8.12 The alternative materials for the window reveals would provide visual interest and depth to the elevations and are welcomed. These reveals would provide a richer character to the elevations and avoid the monotonous pattern and rhythm of windows normally associated with student development. The proposals are considered to conform to design policies QD1; QD2 and in terms of density, QD3 of the adopted plan and therefore CP21 (2) and CP12 of the emerging City Plan. In medium distance views it is considered that the height of the building would now respect the setting of the Roundhill Conservation Area to the west and the valley ridges to the West and East from the Lewes Road valley which provides an important and much appreciated natural landscaped backdrop. The proposals would therefore conform to policies QD4 and HE6 of the adopted Local Plan.

Landscaping:

8.13 Developments in the DA3 policy area are required to enhance the townscape and street scene. The applicants are proposing planting at higher level for the amenity space as well as around the perimeter of the site on the east side on the proposed public footway to help enhance this location and the public realm. The planting would be subject to a planning condition and further investigations to identify existing underground services. It is considered that the proposals would enhance the Lewes Road street scene which currently appears as a hard urban corridor with little landscaping to soften its appearance.

Impact on Amenity:

8.14 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. A final noise report following a more extensive noise monitoring period and details of noise mitigation has been submitted. The main issue identified was deliveries to the petrol station shop unit early in the morning which would require attenuation in the form of additional glazing thickness to limit noise levels to a recommended maximum level for residential accommodation. Conditions are proposed to ensure that noise attenuation is limited and that a verification report to ensure that the mitigation measures have been implemented. Conditions are also proposed to ensure that sufficient soundproofing between floors and walls are implemented. Standard soundproofing of plant noise shall also be conditioned to maintain levels below background noise levels.

8.15 Each room would have a mechanical ventilated heat recovery (MVHR) unit installed above the mini kitchen. Air is drawn in from a vent above one window and then passed through a NOx filter. Air is expelled from the bathroom through the other window in the room via a vent. The air drawn into the room can be heated in winter. The system is not wholly in accordance with the Air Quality officer who requested the air intake to be from the ceiling for first floor north windows. Further details shall be required by condition.

- 8.16 The applicants have submitted a Daylight/Sunlight assessment which has demonstrated that a handful of incidences of a loss of daylight including to recently built student developments would be acceptable and would fall within Building Research Establishment guidance and are therefore acceptable and comply with policy QD27. There are very few Class C3 dwellings in close proximity of the site as the site is surrounded in the main by commercial buildings.
- 8.17 Some residents have raised concerns about the appropriateness of the location in an area that is characterised by a significant student population. The area has been identified in the City Plan under policy DA3 as being suitable for well managed purpose built student development whilst policy CP21 now seeks to control the spread of small and medium size HMO's where amenity noise and disturbance can be create harmful impacts for residents. The specific location in the middle of the heavily trafficked Gyratory would mitigate concerns about noise and it is notable that fewer residents have objected to this scheme than the student development for 51 units at 119 Lewes Road that Members were Minded to Grant recently. The applicants have submitted an 'Estate Management Plan' which includes details of security arrangements, deliveries and management of external amenity space etc. A Student Accommodation and Estate Management Plan would be a requirement of a S106 agreement if planning consent is granted.

Sustainable Transport:

- 8.18 The applicant is proposing a new vehicular access to the western elevation to create an access route through the site to the south of the building. The new vehicular access will be an entrance only and the existing eastern access an exit. The previous use of the site as a pub was likely to have been serviced by vehicles parking on-street at the eastern side of the site. The proposed servicing arrangement would provide an internal one-way access road where deliveries will take place off-street. The access will operate one-way and provide a means for delivery vehicles (including term time drop off etc) to access the site and safely stop off the carriageway to load and un-load.
- 8.19 Revised plans in response to the Highway Authority comments now indicate that there would be space at the west entrance to the delivery access for vehicles to safely leave the carriageway. A raised bollard would prevent exit except by security. The refuse stores have been relocated to the east end for pick up by refuse vehicles to avoid potential conflicts with access to the bike stores which has been moved to the western end of the access. At the east exit, gates would prevent unauthorised vehicle entry the wrong way as well as providing security and preventing the access from being used as a pedestrian thoroughfare. Signage would be required to clarify the access and exit arrangements for vehicles.
- 8.20 The Highway Authority therefore has no objections to the proposed delivery arrangements and considers them to be an improvement on those associated with the previous land use. The Highway Authority would require the applicant

to provide full management details of the proposed servicing arrangements within the 'Estate Management Plan' which should also include a commitment to undertake delivery and servicing movements outside traditional network peak hours.

- 8.21 The only pedestrian access into the building is located to the northern side of the building. The entrance is adjacent to an existing pedestrian crossing facility on the Vogue Gyratory. This entrance location would ensure that the attractiveness of using the pedestrian crossing facilities are maximised; especially for pedestrian trips to the north (University) and the west (Sainsburys). The existing pedestrian crossing facilities are also suitably located to provide a direct walking route from the development to both north and south bound bus stops on Lewes Road.
- 8.22 Whilst the Vogue Gyratory is an extremely busy part of the road network, due to the recent highway works, there have been improvements to both pedestrian and cycle access through and around this junction. In the immediate vicinity of the site there are considered to be adequate pedestrian facilities to cater for the pedestrian movements associated with the proposed development. The pedestrian footway would be widened on the east side of the site and landscaped.
- 8.23 The applicants state 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 former Sawmills site (112-113 Lewes Road). This site has just become occupied for its first intake of students without any apparent moving in issues. Within the 'Estate Management Plan' the applicant sets out the measures to successfully manage the moving in and out of students which would include:
- Residents would be allocated a specific date and time on which they are permitted to move in or out of their accommodation.
 - Provision of a secure room at ground floor level to speed up the move in move out process.
 - An information pack would be provided to all students detailing the move in and out process and would also include the location of nearby car parks so that parents/students can park prior to and after loading their belongings into the building.
- 8.24 These measures if correctly implemented and managed would help to mitigate any potential negative impacts of the moving in and out of students. These measures would be secured through the S106 agreement and included within a Student Accommodation and Estate Management Plan. In addition to these measures the Highway Authority would seek a commitment from the applicant to ensure that the allocated move in move out times do not take place at network peak hours to reduce the impact this will have on the surrounding road network. This would be included within the final approved Estates Management Plan.
- 8.25 SPGBH4 does not provide specific cycle parking standards for purpose built student residential developments. It does however provide standards for

Houses in Multiple Occupancy (HMO). The minimum standard for HMOs is 1 cycle parking space per 3 bed sits.

- 8.26 Using this standard for this development of 44 student residential units the minimum cycle parking standard is 15 cycle parking spaces in total. Following revisions to the ground floor layout, the applicants have been able to propose 36 cycle spaces on site with indicative additional visitor spaces on the footway to the east. Details of the type of cycle stands would be provided by condition noting the Council's preference for Sheffield Stands and that provision should accord with the 'Manual for Streets Guidance'.
- 8.27 SPG04 does not provide specific maximum car parking standards for purpose built student residential accommodation. However, the maximum car parking standard for HMOs is 1 space per 2 bed sits. The applicant is not proposing any on-site car parking spaces but the applicant proposes that the site will operate a 'no car' policy for students and this will be included as part of the residents tenancy agreement. The applicant therefore concludes that the only vehicle movements associated with the residents would be pick up/drop movements at the start and end of term. While the applicant states that they will enforce the no car policy it is difficult to ensure that no residents bring their cars to the city. The applicant has not provided any assessment of the impact of potential overspill car parking from the development.
- 8.28 Based upon the proposed occupancy rate and car ownership levels within the wards affected by this development, it is estimated that the development could generate a demand for 3-4 on street parking spaces. It is considered therefore that any impact on current on street levels of parking would be negligible and therefore could not support a reason for refusal on those grounds. The proposals would therefore be compliant with policy TR1 taking account of the sustainable transport measures that the applicants would contribute towards.

Sustainability:

- 8.29 Local Plan Policy SU2 states that planning permission will be granted for proposals which demonstrate a high standard of efficiency in the use of energy, water and materials. City Plan Policy CP8 seeks that development incorporates sustainable design features to avoid expansion of the city's ecological footprint, helps to deliver the principles of the One Planet approach, achieves radical reductions in greenhouse gas emissions and mitigates against and adapts to climate change. Under supplementary planning document SPD08 major new built development is expected to achieve BREEAM 'excellent' and 60% in energy and water sections.
- 8.30 In addition to this the proposals include some positive measures which address sustainability policy. The energy strategy proposes passive design, and energy efficient approaches, energy efficient facades, a design which enables adequate levels of daylight penetration into each regularly occupied space, external shading devices, low energy lighting; and heat recovery ventilation. Whilst no renewable technologies are proposed, a gas fired 40kWth Combined Heat and Power plant (CHP) is proposed. This will supply the majority of

domestic hot water heat whilst also efficiently producing low carbon electricity. The Sustainability adviser has recommended that a condition be attached which requires the CHP plant to be capable of future connection to a potential district heating network.

- 8.31 The use of sustainable materials: cross laminated Timber (CLT); a high degree of off-site prefabrication and use of environmentally friendly construction materials are also welcomed. Measures to address internal air quality include the inclusion of NOx filtration within the main ventilation system. The development includes biodiversity enhancements such as green roofs and water efficiency measures. The proposals therefore would comply with the Council's policies on sustainability and are acceptable in this respect.

Ecology/Nature Conservation:

- 8.32 The nature of the development means that there are unlikely to be any effects on the Woodvale and Downs Cemeteries Site of Nature Conservation Importance to the east across the Lewes Road. The site itself is of low ecological value with only some buddleia scrub evident. The site is unlikely to support any protected species. There would be opportunities to enhance the wildlife value of the site by provision of bird, bat and insect boxes. Four species of tree are proposed for planting of which the hornbeam and lime trees are appropriate. The County Ecologist has advised that the Norwegian Maple and the Gum tree are non-native and should be replaced. The final species choice and planting details can be agreed by condition. The proposed enhancements would be welcomed and would comply with Policy QD17 of the adopted Local Plan and SPD11. The applicants are also proposing further space for ecology with the chalk grassland rooftop and bird and bat boxes with details to be conditioned.

Waste Management:

- 8.33 The application has not provided any information on waste management so the Planning policy adviser has requested that a Site Waste Management Plan should be required by condition. However the Construction and Environmental Management Plan condition will require an audit of waste generated by the development.

Other Considerations:

- 8.34 The development would generate a demand for amenity space, public open space and recreation provision and in the absence of on-site provision; contributions will be sought in accordance with Policies HO5 and HO6 of the Local Plan; City Plan Policy CP17 and Supplementary Planning Guidance BH9. The contribution generated by this development would be £52,955.

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 high standard of design with good quality materials and would enhance the character of the area which has suffered from poor quality development in the past.

10 EQUALITIES

10.1 The main considerations raised by the development would be access to the buildings and within it as well as around the public realm. The two rooms provided are suitable for wheelchair occupants which have been demonstrated on plan and is an acceptable provision. Accessibility around the site would be enhanced by the wider public footway to be provided.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- 14 days' notice of commencement of construction
- Open space and recreation contribution £52,955
- Sustainable Transport Contribution £26,400 and introductory free bus tickets
- S.278 Agreement and funding of Traffic Regulation Orders
- Student Accommodation and Estate Management Plan
- Occupancy restriction to students studying at a Higher Education Establishment in the City.
- Community Use Agreement
- Construction Training and Employment Scheme

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	WTA-1-504-01-0101-A		12.06.15
Block Plan	WTA-1-504-01-0102-A		12.06.15
Topographic Site Survey	WTA-1-504-01-0103-A		12.06.15
Existing Site Section	WTA-1-504-01-0104		08.06.15
Existing Site Section	WTA-1-504-01-0105		08.06.15
Ground Floor Plan	WTA-1-504-00-1001-B		22.10.15
1 st Floor Plan	WTA-1-504-00-1002		08.06.15

2 nd Floor Plan	WTA-1-504-00-1003		08.06.15
3 rd Floor Plan	WTA-1-504-00-1004		08.06.15
4 th Floor Plan	WTA-1-504-00-1005		08.06.15
Roof Plan	WTA-1-504-00-1006-A		22.10.15
Landscape Plan	WTA-1-504-00-1007-A		22.10.15
Wheelchair Tracking Diagrams	WTA-1-504-00-1008		22.10.15
Proposed East and West Elevations	WTA-1-504-00-2001-A		22.10.15
Proposed North and South Elevations	WTA-1-504-00-2002-A		22.10.15
Section A-A	WTA-1-504-00-3001		08.06.15
Section B-B	WTA-1-504-00-3002		08.06.15
Typical Ground floor Bay	WTA-1-504-00-5001		08.06.15
Slot Window	WTA-1-504-00-5002		08.06.15
Square Window	WTA-1-504-00-5003		08.06.15
Square Window with shutter	WTA-1-504-00-5004		08.06.15
Special Window			08.06.15
Terrace Detail	WTA-1-504-00-5006-A		22.10.15

3. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.

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

4. 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: The site is located in a Source Protection Zone 1 for the supply of potable water. Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

5. 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.

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

Reason: To ensure that an acceptable standard of accommodation is provided in terms of noise impacts to the occupiers of the rooms hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

7. Glazing with a noise attenuation of 45dB(A) $R_w + C_{tr}$ shall be installed along the southern façade of the development as per Fig 3 of the report by F.R. Marks and Associates dated October 2015 hereby approved.

Reason: To ensure that an acceptable standard of accommodation is provided in terms of noise impacts to the occupiers of the rooms hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

8. Glazing with a noise attenuation of 40dB(A) $R_w + C_{tr}$ shall be installed along the Northern, Western and Eastern façades of the development as per Fig 3 of the report by F.R. Marks and Associates dated October 2015 hereby approved.

Reason: To ensure that an acceptable standard of accommodation is provided in terms of noise impacts to the occupiers of the rooms hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

9. The development hereby permitted shall not be occupied or brought into use until there has been submitted to the local planning authority a written verification report by a competent acoustician that the noise mitigation recommendations outlined in conditions 7 and 8 above and agreed with the Local Planning Authority have been implemented fully in accordance with the approved details.

Reason: To ensure that an acceptable standard of accommodation is provided in terms of noise impacts to the occupiers of the rooms hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

10. No open storage shall take place within the curtilage of the site without the prior written approval of the Local Planning Authority.

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

11.3 Pre-Commencement Conditions:

11. Notwithstanding the details submitted with the application, a detailed ventilation strategy shall be submitted to and approved in writing by the Local Planning Authority for approval prior to works commencing. The ventilation scheme shall ensure that the internal noise conditions achieved due to the glazing specifications outlined in conditions 7 and 8 together with acceptable air

quality intake shall be provided and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: As this matter is fundamental to ensure that an acceptable standard of accommodation is provided in terms of air quality, ventilation and noise attenuation to the occupiers of the rooms hereby approved and to comply with policies SU9; SU10 and QD27 of the Brighton & Hove Local Plan.

12. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes
- (viii) An audit of all waste generated during construction works

The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU2, SU9, SU10, SU13 and TR7 of the Brighton & Hove Local Plan and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

11.4 Pre-Ground Floor Slab Level Conditions:

13. a) Prior to development of the ground floor slab level, a scheme shall be submitted to and approved in writing by the Local Planning Authority showing that the shared Party Ceiling/Floor between the ground floor and the residential units above, will achieve an airborne sound insulation value of 5dB or more better than that specified in Approved Document E of the Building Regulations.

b) Prior to occupation, a verification report shall be submitted to and approved in writing by the Local Planning Authority providing the results of tests showing that the standard required in part a) has been achieved,. The written report shall contain details of what if any additional mitigation measures are necessary to achieve the required standard in part a).

Reason: To ensure that an acceptable standard of accommodation is provided in terms of noise impacts to the occupiers of the rooms hereby approved and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

14. 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.

15. 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 36 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.

11.5 Pre-Above Ground Floor Slab Level Conditions:

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 & QD14 of the Brighton & Hove Local Plan.

17. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of any cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues to be fixed to any elevation facing a highway shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

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.

18. No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme in accordance with the Drainage Strategy Statement Version 2 dated September 2015. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter.

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

19. No development above ground floor slab level of any part of the development hereby permitted shall take place until 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.

20. No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme to enhance the nature conservation interest of the site details including the type, number, location and timescale for implementation of the compensatory bird / bat boxes shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall accord with the standards described in Annex 6 of SPD 11 and shall be implemented in full prior to the first occupation of the development hereby approved.

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.

21. 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.

22. 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.

11.6 Pre-Occupation Conditions:

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

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

24. Unless otherwise agreed in writing by the Local Planning Authority, the multi-residential development hereby approved shall not be occupied until a BREEAM Building Research Establishment issued Post Construction Review Certificate confirming that the development built has achieved a minimum BREEAM rating of 'Excellent' has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Submission City Plan Part One.

25. Prior to first occupation of the development hereby permitted, a contaminated land verification report by a competent person scheme shall be submitted to, and approved in writing by the local planning authority. The verification report shall include evidence that remediation/mitigation methods to protect public health have been installed as outlined in the Combined Phase I/II Environmental Assessment by Delta-Simons, ref P14-252/14-0694.01, dated January 2015. The report should include:

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

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

26. 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.

27. Prior to first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. This shall include a commitment to providing one complimentary weekly bus pass for all new arrivals. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

11.7 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 are compatible with the existing townscape, are of a high standard of design with good quality materials and would enhance the character of the area which has suffered from poor quality development in the past.
3. The applicant is advised that details of the BREEAM assessment tools and a list of approved assessors can be obtained from the BREEAM websites (www.breeam.org). Details about BREEAM can also be found in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
 4. The applicant is advised that the proposed highways works should be carried out in accordance with the Council's current standards and specifications and under licence from the Streetworks team. The applicant should contact the Streetworks Team (01273 293366).
 5. 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).
 6. 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.
 7. 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.
 8. 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 website: www.brighton-hove.gov.uk).

9. The site is known to be or suspected to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. The local planning authority has determined the application on the basis of the information made available to it. It is strongly recommended that in submitting details in accordance with the above/below conditions that the applicant has reference to CLR 11, Model Procedures for the management of land contamination. This is available online as a pdf document on the Environment Agency website.
10. The details submitted pursuant to condition 16 shall be delegated to the Planning and Building Control Manager in consultation with the Chair, Deputy Chair of Planning Committee and the Opposition Spokesperson.

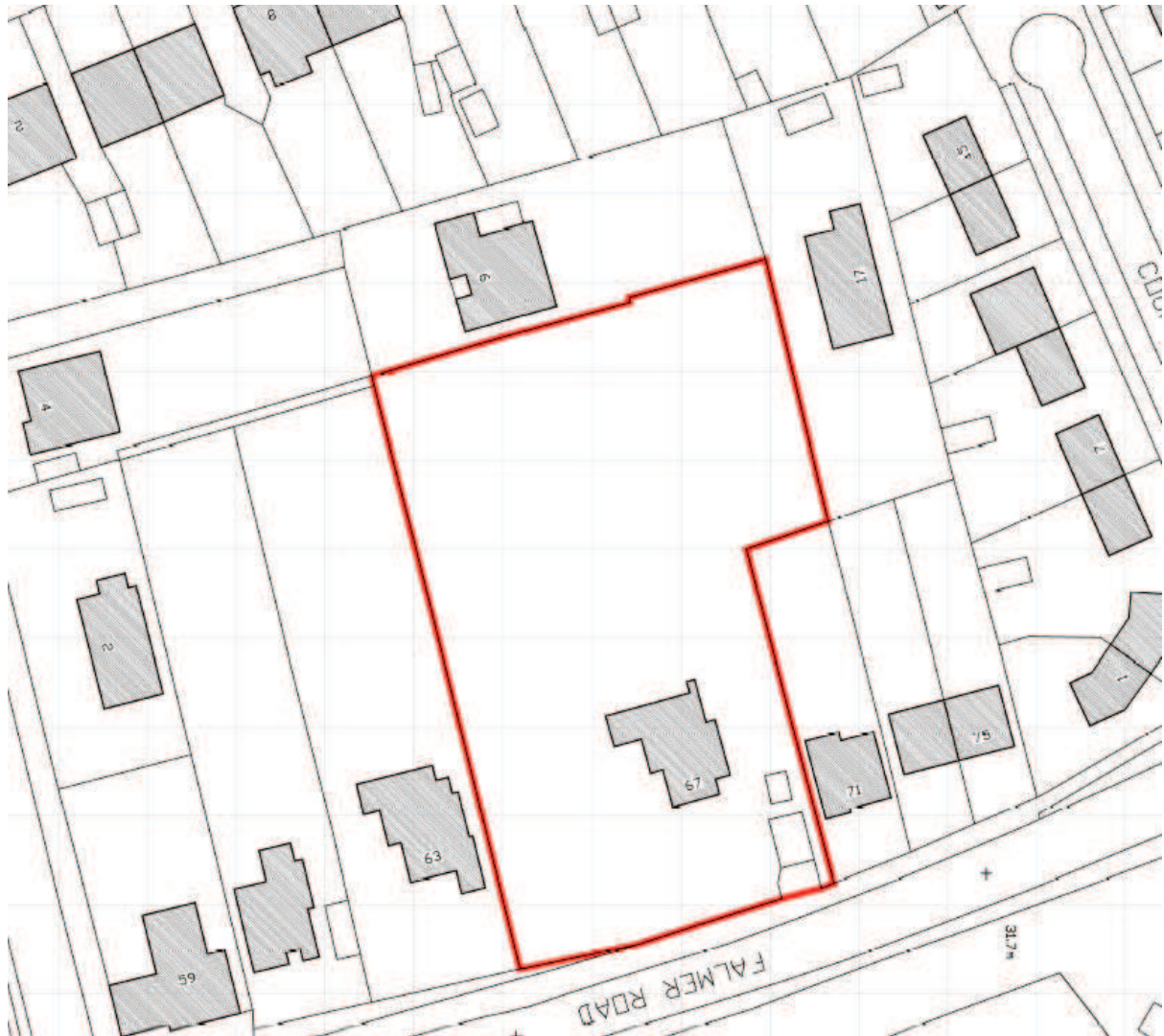
ITEM B

67 Falmer Road, Brighton BN2 7FJ

BH2015/02049
Full planning

18 November 2015

BH2015/02049 67 Falmer Road, Brighton BN2 7FJ



<u>No:</u>	BH2015/02049	<u>Ward:</u>	ROTTINGDEAN COASTAL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	67 Falmer Road Rottingdean Brighton		
<u>Proposal:</u>	Demolition of existing house and garage and erection of 9 no. four bedroom houses.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	21/07/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 September 2015
<u>Listed Building Grade:</u> N/A			
<u>Agent:</u>	Turner Associates, 19a Wilbury Avenue Hove BN3 6HS		
<u>Applicant:</u>	Denton Homes Ltd, Mr Craig Lee Denton Group Commercial House 52 Perrymount Road Haywards Heath RH16 3DT		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a property located on the western side of Falmer Road, between the junctions with Court Ord Road and Court Farm Road.
- 2.2 The existing 2 storey pitched roofed (part brick part rendered) dwelling, which comprises a large L-shaped garden, is set back from Falmer road by approximately 15m. A detached garage is located to the north-east of the dwellinghouse.
- 2.3 A boundary of the South Downs National Park is located on the eastern side of Falmer Road, approximately 8.6m from the front boundary of the application site.

3 RELEVANT HISTORY

- BH2001/02258/FP** - Replacement conservatory and alterations to porch to side and rear of the property. Approved 30/10/2001.
- BH2000/00327/FP** - Erection of single storey addition and first floor extension with balcony. Approved 14/03/2000.

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of the existing house and garage and the erection of 9 no. four bedroom dwellinghouses, with associated parking areas. The proposed dwellings would comprise of two storeys plus roofspace accommodation.
- 4.2 The proposal would comprise 2 pairs of semi-detached properties located on the eastern side of the site, fronting Falmer Road and two pairs of semi-detached properties and a detached dwelling located on the western side of the site. The existing access to the single garage would be extended along the northern side of the site in order to serve a central parking court.
- 4.3 Since submission of the application the proposal has been amended including the lowering of plots 5 to 9 into the site lower than existing ground levels, the re-positioning of the proposed bin and recycling storage facilities, the inclusion of an acoustic fence alongside no. 71 Falmer Road, the re-positioning of plots 3 and 4 and the incorporation of half-hipped roofs to each pair of semi-detached properties and the detached dwelling.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Fifty Eight (58)** letters of representation have been received from **23 Bazehill Road, 2 Byre Cottages, 22 Chailey Avenue, 12, 17 Court Farm Road, 4, 6, 17, 19, 21, 25, 27 Court Ord Road, 14, 18, 21, 29 Eley Crescent, 4, 8, 10, 12, 14 (x2), 16, 24, 34, 46 Eley Drive, Unknown, 45, 55, 63 Elvin Crescent, 63, 71, 75, 1 Winton Cottages (x2) Falmer Road, 3 (x2), 7 Longhill Close, Ovingdean, 3, 8 Court Ord Cottages, 14, 41 Meadow Close, Basement Flat 3 Montpelier Terrace, 16 Newlands Road, The Nook, Ovingdean Road, 1, 20, 33 Rowan Way, 2 The Ridings, 15 The Vale, 9 Wanderdown Close, 8 Wanderdown Drive, 48, 57 Wanderdown Road, 7, 8 Wanderdown Way, Ovingdean and unknown objecting** to the application for the following reasons:

- Road safety grounds, safety concerns will be exacerbated by increase parking pressure in area,
- Proposal will result in no. 71 being surrounded by road on three of four sides leading to loss of privacy and increased noise and pollution, especially if access onto Falmer Road is congested and vehicles leaving development site are queuing alongside no. 71,
- Increased traffic and congestion. Assumption that Rottingdean Village can simply absorb increased traffic is an unsustainable policy, given the present transport infrastructure,
- Lack of parking and additional parking conjunction. Future residents likely to use a car rather than sustainable modes of transport due to location, especially due to limited public transport and lack of cycle routes in area. Houses built recently at the entrance to Court Ord Road are already having an impact on road safety as it is now effectively a single track road to the junction. Would be dangerous for more cars to enter and exit the site,

- Proximity of proposed properties to existing dwellings,
- Lack of electric vehicle charging points, below SPD13 standards,
- Provision of solar panels would add height and bulk above the already excessive roof-line of the proposed houses,
- Would not comply with Lifetime Homes standards,
- Has been no pre-application consultation with neighbours,
- Development is contrary to policies of the Brighton & Hove Local Plan,
- Negative impacts of the proposed development far out-weigh any potential contributions to the area,
- Loss of views to the South Downs National Park. Would appear unduly prominent in strategic views into and from the South Downs National Park and Beacon Hill Nature Reserve,
- An existing lamp post falls in the proposed access-way,
- Development does not allow generous gaps, spacings or good sized gardens, they are much less typical in the area,
- Inaccuracies in plans and misleading comments in application documents,
- Application quotes Winton Cottages as a precedent however neighbouring terrace of houses that were built to be in keeping with the terrace known as Court Ord Cottages. Winton Cottages have a public highway on both sides so were not built to fit in between existing houses and as such should not be used as a precedent,
- Development goes against the Council's aims for new buildings 'to make a positive contribution to the visual quality of the environment',
- Height, scale, architectural detailing, bulk, layout, density and design out of character with the area. Proposal does not integrate well into its context and the development would fail to emphasise and enhance the positive qualities and particular characteristics of the area and would set a precedent for garden in-fill and upward development of properties. 9 houses proposed are all nearly identical in style. The few two and three storey houses that do exist in area have been erected after the war years in generous plots.
- Will devalue neighbouring properties in area whilst 'making someone rich at the expense of the community',
- To build houses on the garden would be an unneighbourly act,
- Site comprises an unusually large quantity and variety of trees for a garden providing a significant amenity to the area. Fauna and flora is valued in area. Trees have already been removed from the site in February/March and further trees are to be removed to accommodate proposed development. Loss of trees will totally change the landscape and skyline and will affect the wildlife and their habitat including existing pond in site and neighbouring garden. Area is frequented by foxes and badgers which live on the nearby nature reserve,

- Over-development. Development is too dense for the area, the local plan for this area indicates the need for smaller properties. Additional homes are not in line with local housing needs identified in the emerging Rottingdean Neighbourhood Plan and the supporting 2015 Housing Needs Survey, in terms of the size and potential affordability of the proposed units being sold on the open market. Development will not help with housing target as new homes already built in the area are unsold,
- Would serve as a precedent for even further development in a small village,
- Lack of drainage, increased flood risk and effect on water run-off. The site was route of two heavy floods in the late 1980s which had a serious impact on the surrounding area and adjoin roads, concerned that any recurrence if this could be exacerbated as there would be considerable loss of natural drainage as a result of the development. More than 60% of the plot would be covered by housing, roads, paving, patios and terraces and may well be added by future owners,
- The proposed waste storage and collection point would be very close to the kitchen/diner and back door of no. 71 Falmer Road, resulting in excess noise, loss of privacy, hygiene concerns and an unpleasant outlook,
- Absence of a viable plan to dispose of foul sewage is a risk to the proposal,
- Related part of Rottingdean was once a very quiet an visually pleasant area has now already become very built up, soon will have to change from a village to a town if all the undesirable applications in the area are granted,
- Problems in area were ignored in the granting of a row of terraced houses at the top of Court Ord Road/Falmer Road,
- Increased pressure on local amenities and infrastructure. Area has one small overused doctors surgery and 3 oversubscribed schools, need better infrastructure to support new residential development. Council should consult local doctors, dentists and schools before granting planning permission,
- Seems to be a determination to build in Rottingdean. Rottingdean has its own geographical constraints coupled with conservation issues making it very difficult to build in, development should be restricted to brownfield sites only,
- 9 properties crammed into such a space is environmentally unsound,
- Access for emergency services is too restricted for the number of properties proposed,
- Impact on neighbours in terms of noise, loss of views, loss of privacy, overlooking, over-shadowing, loss of light/direct sunlight due to size of proposed dwellings and change to outlook,

- Pollution levels in Rottingdean Village High Street already exceed the acceptable levels required by EU regulations and are a serious health risk to residents in the village. Allowing development would knowingly be acting ultra-vires by encouraging even greater non-compliance with statutory EU legislation and increased poor air quality,
- Development would breach the natural boundary between two villages, destroying their individual status and creating an excessive urban sprawl,
- Dwellings are substantially larger than the properties they would overlook on Court Ord Road and Eley Drive, which are single storey dwellings mostly with roof extensions. Also properties would be built on higher ground increasing their dominating effect on the nearby residents and change for good the surrounding skyline,
- Visually a sloping site which slopes 'every which way' means that some houses would inevitably end up higher than others which would be detrimental to the streetview and look very odd, and
- Will not have a positive effect on the local Rottingdean community or environment.

5.2 Following re-consultation of the revised plans and documents, further representations to the revised proposal have been received from **71 Falmer Road and 4 and 17 Court Ord Road** objecting to the application for the following reasons:

- Negative impacts of access road and parking on no. 71 Falmer Road including with regards to noise and pollution,
- 6ft acoustic fence will result in loss of light to kitchen, diner and downstairs toilet windows and front garden area of no. 71 Falmer Road and loss of view of Falmer Road when exiting existing driveway of no. 71 creating safety implications,
- Security impacts for no. 71 Falmer Road and associated garden,
- No. 71 is obliged to retain the existing hedges along the borders of the garden and provide legal boundary with neighbouring gardens,
- Loss of light to no. 71 Falmer Road from the two and a half storey properties on plots 5 to 9, which will be exacerbated by no. 9 being taller than no. 71,
- Loss/alteration of views onto South Downs National Park,
- Loss of privacy and overlooking,
- Existing levels of traffic and congestion too high,
- Negative impact upon character of Rottingdean. There are no other developments within Rottingdean area consisting of multiple 2.5 storey houses sited behind single and 2 storey houses. No current precedent for such development,

- Will set a precedent for the area, which will have a negative impact on the future character of Rottingdean,
- Trees shown on plans reduce the impact of the size and bulk of the buildings but differ in height to the trees in the Arboriculturist Report,
- View from front of development will be negatively impacted upon having general waste and recycling bins situated at front of the development and clearly visible from road. There is no precedent for such positioning and not in keeping with character of houses in area. Concerned about potential odour from such facilities especially in hot weather,
- Dwellings do not provide a mix of accommodation to suit the needs of the community,
- Flood risk, whilst the measures following the 1987 flood seem to have dealt with run-off from new Barn Farm, there is no mention of the 993 flood,
- Inaccuracies in plans,
- Buildings are still out of keeping in height, scale, bulk and design with the surrounding buildings,
- Contrary to local plan policies.

5.3 **Councillor Mears:** (12th July 2015) has written to object. The letter is attached to this report in full as an appendix.

5.4 **Rottingdean Parish Council:** Object. Nine 4 bedroom houses is too large a development for the plot. If allowed this oversized infill development may lead to other properties being seen as opportunity for infill. Traffic volumes are already excessive and have led to air pollution in the High Street above EU limits. There is no mention of the infrastructure needs, schools are already at capacity, GP services are stretched, dentists similarly. The roof line is above the adjacent property at no. 63 Falmer Road. The properties will be 'open market housing' and the Rottingdean emerging Neighbourhood Plan and supporting 2015 Housing Needs Survey identifies that local housing 'needs' are potentially better met by smaller units and not by 4 bedrooms houses.

5.5 **County Ecologist:**
(Comments 31/07/2015) Comment. If there is a pond on site and one at no. 4 Court Ord Road that should have triggered the need for a biodiversity survey. Have checked the site against biodiversity records, there are local records of reptiles, bats and hedgehogs and there is a Local Nature Reserve 204m to the west. From aerial photos the site appears to have extensive trees and shrubs with reasonable connectivity to the surrounding area. There also appears to be a wooded/scrubby area on the opposite side of Falmer Road. The application form states that the building to be demolished is part tile hung. Best practice guidelines states that bat surveys should be requested for buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water.

- 5.6 In light of the above, would recommend that a biodiversity report should be submitted with the application. The assessment of nature conservation and ecology and the likely impacts of the proposed development should comply with Bishopstone 42020:2013 Biodiversity – Code of Practice for Planning and Development and CIEEM Technical Guidance.
- 5.7 (Comments 6/10/2015 following submission of further information and amendments) Provided the recommended mitigation measures are implemented, the proposed development is unlikely to have any negative impacts on biodiversity and can be supported from an ecological perspective. The site offers opportunities for enhancement that will help the Council address its duties and responsibilities under the NPPF and the NERC Act.
- 5.8 **East Sussex Fire and Rescue Service:**
Comment. Please ensure that access and facilities for the Fire and Rescue Service are provided in accordance with B5 of the Approved Document B Vol. 1 to the Building Regulations, Section 11: Vehicle Access, whereby there should be vehicle access for pump appliance to within 45m of all points within each dwellinghouse.
- 5.9 **South Downs National Park**
Comment. Does not object to the principle of the proposed development of 9 dwellings, although would recommend that if the existing trees along the frontage were not able to be retained, suitable replacement trees in a similar location were planted in order to maintain the semi-rural character of the urban edge, which forms the boundary with the South Downs National Park.
- 5.10 **Internal:**
Access Officer:
Comment. Lifetime Homes - The site plan overlay (TA864 /P12) appears to show mainly existing road and site levels. Need a detailed plan showing proposed levels and gradients of access routes from the public highway and from the car parking locations to the individual houses served because there seem to be areas where gradients may be unacceptable.
- 5.11 Suitable access should be provided to the houses, preferably from the public highway but alternatively from the parking area. Although there is now yellow line in that area, Falmer Road is clearly not a suitable location to park a car for any length of time so access to plots 1, 2, 3 & 4 will have to be from the car parking area. Unfortunately, the gradient from that area to the access paths to the houses seems likely to be unacceptable.
- 5.12 Need confirmation of level thresholds to all entrances including rear doors.
- 5.13 There should be an accessible WC at entrance level in plot 9 (min 1.4m wide required to provide adequate side transfer space. Also 1100mm clear between WC and basin.)
- 5.14 1100mm clear space required in front of 1st floor WC in plot 9.

- 5.15 Space should be identified for a future vertical lift in each unit.
- 5.16 300mm clear space required at the leading edge of the door from the garage in unit 9. (and possibly in plot 8, which also has a garage, if a connecting door is proposed there too).
- 5.17 **Arboriculturist:**
(Comments 27th July 2015 and 22nd September 2015 following receipt of amendments) Comment. Loss of trees and shrubs that are not worthy of Tree Preservation Order. Overall, no objection subject to a suitable condition being attached to any planning consent granted.
- 5.18 (Comments 20/10/2015 following receipt of further amendments) Pleased that the applicants have addressed concerns and have amended the plans accordingly. Have no objection subject to the usual conditions regarding tree protection / landscaping etc. being attached to any planning consent granted.
- 5.19 **Environmental Health:** Whilst drawings show a new acoustic fence which separates the access to the properties from 71 Falmer Road, it is not clear how long or how high this particular fence would be.
- 5.20 An acoustic fence works on the principle of being long, thin and rigid, with no breaks (or gaps) and additionally breaking the line of sight. If line of sight is compromised, there will only ever be approximately a 5dB loss, regardless of how the fence is built (i.e. brick, timber etc.).
- 5.21 Therefore, with the lack of detail, would support that a condition is necessary to have further details. What is also unclear is the extent of the fence line and whether this surrounds the whole development or not. A condition could also include or rather incorporate that any scheme is also to the satisfaction of the transport team. This may assist in achieving the compromise in terms of heights and visibilities in what locations.
- 5.22 Air Quality - Recommend approval. This is a small development of 9 houses, the impact on air quality will be negligible.
- 5.23 **Flood Risk Management Officer:**
(Comment 20th July 2015) Comment. The site is identified to be at low risk of surface water flooding. The development will increase impermeable area. The Lead Local Flood Authority recommends that further sustainable drainage measures are considered and implemented.
- 5.24 (Comments 8/10/2015 following receipt of amendments and further information) No objection subject to a condition regarding detailed design surface water drainage.
- 5.25 **Sustainable Transport:**
(Comments 11/08/ 2015) Comment. The Highway Authority would not wish to restrict grant of consent of this planning application subject to the inclusion of conditions relating to disabled parking, cycle parking scheme, amended

crossover, landscaping and planting scheme, highway layout details and given the uplift in trip generation and impact on the highway, a sustainable transport contribution of £12,000 is sought in accordance with the council's standard contributions methodology.

- 5.26 (Comments 28/09/2015 following receipt of amendments) The comments made are largely the same as those issued 11/08/2015. Information has been submitted alongside the revised plans to indicate that a visibility splay in excess of the minimum recommended in Manual for Streets (2.4m x 43m) can be achieved at the proposed site access. Would not wish to restrict grant of consent of this planning application subject to the inclusion of conditions relating to disabled parking, cycle parking scheme, amended crossover, landscaping and planting scheme, highway layout details and given the uplift in trip generation and impact on the highway, a sustainable transport contribution of £12,000 is sought in accordance with the council's standard contributions methodology.

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
TR3	Development in areas of low public transport accessibility
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU4	Surface water run-off and flood risk
SU5	Surface water and foul sewage disposal infrastructure
SU9	Pollution and nuisance control
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD5	Design – street frontages
QD14	Extensions and alterations
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
QD28	Planning obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO6	Provision of outdoor recreation space in housing schemes
HO9	Residential conversions and the retention of smaller dwellings
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas.
NC8	Setting of the South Downs Area of Outstanding Natural Beauty

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
SA5	The South Downs

CP1	Housing Delivery
CP7	Infrastructure and Developer Contributions
CP8	Sustainable Buildings
CP9	Sustainable Transport
CP10	Biodiversity
CP11	Flood Risk
CP14	Housing Density

8 CONSIDERATIONS & ASSESSMENT

8.1 Matters relating to the loss of a view or loss of value of neighbouring properties are not a material planning consideration. The main considerations in the determination of this application relate to the principle of the proposed development, the impacts of the proposed development upon the visual amenities of the area including the setting of the South Downs National Park, the living conditions for future occupiers and the impact upon the amenities of the neighbouring properties. Sustainability and transport are also relevant.

8.2 Principle of Development:

At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.

8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. There is no objection to the principle of residential development on this site.

8.4 Visual Amenities:

Local Plan policies QD1, QD2 and QD3 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of height, scale, bulk and design. The NPPF states that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings.

8.5 The site currently contains a two storey dwelling setback approximately 16m from Falmer Road. An existing detached garage is located to the north-west of the dwelling. Both the existing house and garage would be demolished in order to accommodate the proposal.

- 8.6 The site lies on the edge of an existing residential area which provides a mix of terraced development, semi-detached and detached properties set in a range of plot sizes. The L-shaped plot currently related to no. 67 Falmer Road is the largest plot within the area. It would appear that nos. 2, 4 and 6 Court Ord Road and no. 17 Court Farm Road have been created in the past from the subdivision of other plots possibly including no 67. A recently completed development of 6 terraced two storey dwellings, known as Winton Cottages, is located to the southern of the site, on the southern side of the junction with Court Ord Road. This development, which was allowed on appeal of application BH2008/02307, includes roofspace accommodation and an east facing dormer window for each terraced property in addition to comprising comprises of plot sizes smaller than the prevailing plot size character. Overall there is no objection to the principle of demolishing the existing detached dwelling, which is of little architectural importance, and the redevelopment of the site.
- 8.7 The existing L-shaped plot measures between approximately 36m and 46m on a north to south basis and between approximately 30m and 69m on a west to east basis. The proposal would result in the subdivision of the site on both an east to west and north to south basis to provide plots with a north to south width measuring between approximately 5.5m 14.5m and a depth of between approximately 24m and 32.5m. The proposed plot size for each of the 9 new dwellings is comparable in character with the size of surrounding plots.
- 8.8 Two pairs of semi-detached properties would front onto Falmer Road. The eastern building line of these properties would be staggered between the two pairs. The northern sited pair would be set back from Falmer Road by approximately 10m whilst the southern sited pair would be located approximately 12m from Falmer Road. The section of Falmer Road between Court Farm Road and Court Ord Road does not have a common building line. The front elevation of the northern sited proposed dwellings would be located in alignment with that of no. 63 whilst the front building line of the southern sited houses would be located in between that of the northern pair and no. 71.
- 8.9 The two pairs of semi-detached properties located on the western side of the site would be positioned between approximately 20.5m (southern pair) and 22.5m (northern pair) from the western most elevation of the eastern sited semi-detached properties whilst the proposed detached dwelling would be located approximately 27m from the rear elevation of no 71 Falmer Road. It is considered that the proposed dwellings would be well sited and would retain adequate separate distance between the immediate neighbouring properties.
- 8.10 In terms of detailed design the proposed dwellings would feature;
- Barn end hipped roofs,
 - East facing dormer windows except to house 9)
 - A south facing half dormer window to house 9,
 - A central flat roof section, with PV panels,
 - West facing rooflights,
 - A ground floor front projecting square bay windows,
 - A suspended mono-pitched roof entrance canopy, and

- A rear mono-pitched roof projecting ground floor section.
- 8.11 Plots P8 and P9 would comprise a side pitched roofed garage. Notwithstanding the provision of a garage for plots 8 the design of each pair of semi-detached properties would be mirrored and therefore symmetrical.
- 8.12 The site comprises a slight gradient and as a result the proposed dwellings in the western section of the site would be slightly dug into the site to provide a level ground floor.
- 8.13 The proposed dwellings where they front Falmer Road have a proposed height of 8.8m; this is approximately 0.8m higher than the immediate neighbouring properties at nos. 63 and 71. It is noted however that the pair of semi-detached properties at 73-75 Falmer Road, which are of a similar form to the proposed scheme are approximately the same height. Objections have been received to the proposed heights. Contextually the heights proposed are considered to be acceptable
- 8.14 It is acknowledged that the proposed access road into the parking court, located between the front and rear sets of dwellings, and gaps between the two front pairs of semi-detached properties would allow views towards the rear sited dwellings when viewed from parts of Falmer Road. However such views would be glimpsed views and as such would not have a detrimental impact upon the Falmer Road streetscene.
- 8.14 A brick wall and associated vegetation (new and existing) in keeping with the style and design of properties to the north of the site would be constructed along the eastern boundary of the site.
- 8.15 The proposed flat roofed dormer windows would be sited evenly within the front roof slopes and their design, size and positioning is considered acceptable. Given the varied design of properties within the vicinity of the site, including the new development known as Winton Cottages, it is considered that the inclusion of front dormer windows would not have an adverse impact upon the visual amenities of the Falmer Road streetscene.
- 8.16 Each of the proposed dwellings would comprise two rooflights in the rear roof slope. With respect of the proposed semi-detached pair of properties the proposed rooflights would be located in alignment with the centre of the associated rear first floor window. The northern rooflight related to plot 9, the detached property, would not
- 8.17 Plots 1 to 4 would comprise face brickwork at ground floor level on the front elevations, full face brickwork rear and side elevations, rendered first floor front elevations and plain tiled roofs. Plots 5 to 9 would comprise face brickwork ground floor elevation and tile hanging at first floor on the front, rear and side elevations with plain tiled roofs. The roof of the rear ground floor protruding section would be metal. It is considered that such finish materials would reflect the style and materials of properties located within the surrounding area.

- 8.18 It is considered that a sufficient gap would be retained between the proposed dwellings and the southern and northern immediate neighbouring properties in addition to visual gaps being located between each pair of proposed semi-detached properties and the proposed detached dwelling.
- 8.19 Overall it is considered that the proposal, which would not dominant the street scene due to the two storey design and siting of the proposed dwellings in respect of the building lines of nos. 63 and 71 Famer Road, would provide interest to the Falmer Road streetscene, making an effective use of the existing large single dwelling plot and making a positive contribution to the character and appearance.
- 8.20 It is not considered that the proposed development, despite the additional mass and bulk that would be created from the provision of 8 additional dwellings on the site, would be of detriment to the visual amenities of the Falmer Road streetscene or the wider area. The proposed dwellings would be viewed in context with the existing built form in the area. In addition due to the existing built form of Falmer Road in the immediate vicinity of the site, it is not considered that the proposed dwellings would undermine the setting of the South Downs National Park, a boundary of which is located on the eastern side of Falmer Road, opposite the development site.
- 8.21 For the reasons outlined the proposed height, bulk and massing of the proposal, given the design, finish materials, scale and height of the neighbouring properties located along Falmer Road and within the vicinity of the site, is considered appropriate to the surrounding context and as such would not compromise the quality of the local environment including the setting of the South Downs National Park.
- 8.22 **Impact Upon Amenity:**
Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.23 Future occupiers
Local Plan policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. Each of the proposed new dwellings would have access to a rear garden of a size which is considered appropriate for the scale and nature of the development proposed. Further details of boundary treatments between each unit can be sought via a condition to ensure that the garden areas are private.
- 8.24 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within

the national Optional Technical Standards. Step-free access to the dwelling is achievable therefore in the event permission is granted conditions can be attached to ensure the development complies with Requirement M4(2) of the optional requirements in Part M of the Building Regulations.

- 8.25 Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government's recent Technical Housing Standards – National Described Space Standards March 2015 document sets out recommended space standards for new dwellings. The proposed four bedroom semi-detached dwellings would have a floor area of approximately 148m² whilst the detached dwelling would have a floor space of approximately 174m², sizes that are in accordance with the Government Space Standards.
- 8.26 It is considered that adequate accommodation would be provided throughout the proposed dwellings. The positioning of windows within the semi-detached and detached dwellings would not result in overlooking for the future occupiers of the proposed development.
- 8.27 Neighbouring Amenities
As previously stated the loss of a view, in this case towards the South Downs National Park located to the east of the site, is not a material planning consideration in the determination of the application.
- 8.28 Due to the shape and size of the plot, the site shares boundaries with no. 63 and 71 Falmer Road, 4 and 6 Court Ord Road and no. 17 Court Farm Road.
- 8.29 Due to the siting of the proposed houses plots 5 to 9 and the fact that there are no windows relating to habitable rooms are located within the northern elevation of no. 63 Falmer Road (which faces towards plot 1) it is not considered that the proposal would have a significant adverse impact upon the amenities of this southern neighbouring property with regards to loss of outlook, light or sunlight. A significant gap between the front and rear sited houses at 67 would be provided and therefore it is not considered that the proposal would have an overbearing impact when viewed from the garden area of no. 63 or have a significant adverse impact upon the neighbouring rear garden area.
- 8.30 Whilst objections have been received from the occupiers of 4 Court Ord Road it is not considered that the proposal would have a significant adverse impact upon the amenities of this neighbouring property given the distance located between the southern boundary of the site and the built form of no. 4, approximately 29m. Whilst part of the large L-shaped garden related to no. 4 adjoins the southern boundary of the site it is not considered that the proposal would have a significant adverse impact upon this neighbouring external amenity area.
- 8.31 The existing high hedge and trees located along the western boundary of the site would be retained as part of the proposal. The existing windows in the eastern elevation of no. 6 Court Ord Road are secondary window that face onto the existing boundary high hedge. It is noted that an eastern facing

rooflight provides the only light to an attic bedroom within no. 6. A distance of approximately 13m would be located between the eastern elevation of no. 6 and the main rear elevation of the proposed rear sited dwellings (the two storey section). As a result of the distance that would be located between the rear of plots 5 to 9, the nature and positioning of windows in no. 6, the retention of the vegetation along the western boundary, which provides screening between the site and western neighbouring property, overall it is not considered that the proposal would have a significant adverse impact upon no. 6 including with regards to loss of light, sunlight, outlook or having an overbearing impact.

- 8.32 The built form of no. 17 Court Farm Road, which is of a bungalow form, is located to the north-west of plot 9, the main rear elevation of plot 9 would align with the rear elevation of no. 17. The house at plot 9 would be located approximately 10m from the northern boundary of the site, adjacent to no. 17. Whilst windows and a conservatory are located along the southern elevation of no. 17, these already look out onto the high hedge located along the northern boundary of the site. Overall it is not considered that the proposal would have a significant adverse impact upon no. 17 including with regards to loss of light, sunlight, outlook or having an overbearing impact.
- 8.33 The proposed dwellings would be located to the south, west and south-west of the built form of no. 71 Falmer Road. Windows are located at both ground and first floor levels in the southern elevation of no. 71. A distance of approximately 9m would be located between the southern boundary alongside no. 71 and the northern elevation of plot 2 whilst a distance of approximately 27.5m would be located between the western elevation of no. 71 and the eastern main elevation of the dwelling at plot 9. Due to the positioning of the proposed dwellings in relation to no. 71 it is not considered that the proposal would have a significant adverse impact upon the amenities of this northern neighbour property, with regards to loss of light, sunlight and outlook, including with regards to the garden area.
- 8.34 Since submission of the application the proposal has been amended to include an acoustic fence along part of the northern boundary of the site to mitigate the impact the impacts of noise from the proposed access road on the amenities of no. 71. The ground level of this northern neighbouring property is located slightly higher than that of the site. The concerns raised by this neighbouring property, with regards to adverse impacts of the proposed acoustic fence on loss of light are noted. However a garage is already located in close proximity to the southern elevation of this neighbouring property and the ground floor windows appear either to relate to non-habitable rooms (i.e. a WC) or are secondary windows. Full details of the proposed acoustic fence, including its height, could be obtained via a condition attached to an approval.
- 8.35 As set out above a distance of approximately 27.5m would be located between the main eastern building line of plot 9 and the rear building line of no. 71 Falmer Road. A distance of approximately 8m would be located between the front elevation of house 9 and the western boundary of no. 71. Whilst the east facing first floor windows in house 9 would provide elevated views towards the

rear elevation of no. 71 and the associated garden area it is not considered that the proposal would have a significant adverse impact upon the amenities of this neighbouring property given the distances stated and the presence of an established hedge along the western boundary of no. 71.

8.36 Overall, subject to the compliance with recommended conditions, it is not considered that the proposed development would have a significant adverse impact upon the amenities of neighbouring properties.

8.37 Sustainable Transport

Policy TR1 of the Brighton & Hove Local Plan requires developments to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires development to accord with the Council's maximum car parking standards, as set out in SPG04.

8.38 The proposal would result in a net increase of eight dwellings on the site which would lead to a sizeable uplift in trip generation compared to the existing situation. Given the location and relative access to sustainable modes, it is considered that many of these would be undertaken by private car. The site is served by a direct bus service (route 2) which operates at a daytime frequency of three per hour. Bus stops are located within a short distance of the site; however, access to the southbound stop in particular is limited.

8.39 Given the potential impact of the proposed development on the surrounding highway, a sustainable transport contribution of £12,000 is to be allocated towards;

- Parking restrictions between and including the junctions of Court Ord Road/ Falmer Road and Court Farm Road/ Falmer Road, and/or,
- Footway improvements on Falmer Road in the vicinity of the site, including, but not limited to, the junctions with New Barn Road and Court Farm Road and/or bus stop accessibility improvements at stops to the south of the development site.

8.40 The Council's Sustainable Transport Officer also requests that a Travel Plan is submitted in order to provide further mitigation for the impact of the development on the highway and encourage the use of sustainable modes,

8.41 SPG04 requires a maximum of 13 spaces to be provided. It is noted that there is some inconsistency in the number of spaces cited within the application documents and plans, with reference to 15 spaces. A garage would be provided for plots 8 and 9 in addition to an external parking space shown. However as these and one of the external spaces for plot 5 would not be independently accessible (in that another space will need to be vacated in order for them to be accessed), the proposed level of provision, a total of 13 spaces, is considered to be policy compliant.

- 8.42 Whilst it is considered that the likelihood of parking overspill would be reduced as a result of the proposed on-site parking levels, there is a current road safety concern relating to car parking at the junctions of Court Ord/ Falmer Road and Court Farm Road/ Falmer Road and potential risk of parking on Falmer Road itself in the vicinity of the development site. In order to ensure that the proposed development does not exacerbate current issues, it is recommended that parking restrictions be placed on Falmer Road and in the vicinity of these junctions at the applicant's expense.
- 8.43 Two disabled spaces are shown on the submitted plan which is compliant with the current adopted minimum, although it is unclear how these will be allocated between the proposed dwellings. These are also not marked out in accordance with the standard applied by the council, namely Transport Note 5/95 'Parking for Disabled People'. This states that each space should have a 1.2m buffer either side which can be shared between adjacent bays. However it is considered that this issue can be addressed via the attachment of a condition to an approval.
- 8.44 One electric vehicle charging point is also provided which is in excess of what is required by the current adopted standard SPG04 and therefore welcomed.
- 8.45 Cycle parking is shown to the rear of the proposed dwellings with three spaces proposed for each. Such provision is in excess of the current minimum standard; however, no details on the proposed design have been provided however further details can be sought via a condition.
- 8.46 The submitted Transport Technical Note states that a 2.4m x 64m visibility splay is achievable to the south of the site if the existing hedge is removed as is proposed. This would be in excess of the 43m required for streets where traffic speeds are 30mph according to Manual for Streets guidance. In practice, it is understood that greater speeds can be achieved in this location and as such in the interests of road safety it is considered that assessment of a wider visibility splay is warranted. Nevertheless, a 59m visibility splay, cited in Manual for Streets as applicable where the 85th percentile traffic speed is 37mph, would also be within the achievable range. The site plan submitted by the applicant indicates that proposed boundary treatments would not sit within this. It is also noted that the development has been designed to allow vehicles to turn onsite and therefore be able to enter and exit the site in forward gear. Therefore, it is considered that the proposals adequately cater for the intensification in use of the current access. It is noted however that the front boundary treatments will include new and existing vegetation and this should be maintained at all times to ensure that visibility is not impeded.
- 8.47 The proposal includes for the provision of an acoustic fence on the northern boundary alongside number 71 Falmer Road. This is closer to the boundary than the existing hedge meaning that visibility of the footway when exiting the access for number 71 has the potential to be affected. However it is not considered by the Council's Sustainable Transport Officer that the proposed visibility from the access of no. 71 would be significantly different to the existing

visibility situation on site. It is noted that the Transport Officer states that it would be of benefit if the acoustic fencing height is dropped to no higher than 600mm at the boundary with Falmer Road, which would improve the existing situation when considering the access for number 71. Such amendment would also improve inter-visibility between pedestrians and drivers exiting the development site.

8.48 The Council's Environmental Health Officer has assessed the proposal with regards to the proposed acoustic fence and has stated that an acoustic fence works on the principle of being long, thin and rigid, with no breaks (or gaps) and additionally breaking the line of sight. If line of sight is compromised, there will only ever be approximately a 5dB loss, regardless of how the fence is built (i.e. brick, timber etc.). Despite the lack of details submitted as part of the application with regards to the proposed acoustic fence it is considered that some form of acoustic fence could be provided that would mitigate the impacts of the proposed access road for no. 71 whilst not adversely affecting visibility for users of the new access road onto Falmer Road. Overall it is considered that full detail of the proposed acoustic fence, including exact location and height could be sought via a condition.

8.49 **Sustainability**

Proposals are required to demonstrate that issues such as the use of materials and methods to minimise overall energy use have been incorporated into siting, layout and design.

8.50 A bin/recycling storage area would be located to the front of the proposed development (to the east of the front garden of units P3 and P4), screened from view within Falmer Road by a brick boundary wall. A condition can be attached to an approval to ensure the provision of such facilities.

8.51 In order to comply with policy CP8 of the further modified City Plan (June 2015) the proposed development is required to comply with energy and water efficiency standards, which can be secured by conditions.

8.52 Policy SU13 of the Brighton & Hove Local Plan requires developments of the nature and scale proposed to be accompanied by a Waste Minimisation Statement to address the removal of any construction and demolition waste which will be produced as a result of the development. As part of the application a Site Waste Management Statement has been submitted in which it is stated that measures such as the salvaging of materials for re-use elsewhere, use of demolition for aggregate, recycling of soil and waste management would be undertaken.

8.53 **Landscaping/Ecology**

As part of the application an Arboricultural report has been submitted, which is considered by the Council's Arboriculturist to be comprehensive and is in agreement with a majority of the findings.

8.54 In order to accommodate the proposal four trees, two groups of trees, and part of another group of trees, would be removed.

- 8.55 There are also numerous newly planted trees and shrubberies on the site that would be lost should development be granted consent, however, their immaturity or lack of stature means the Arboricultural Section would not object to their loss.
- 8.56 Two trees to be removed are Elm trees. They are considered to have very little public amenity value being towards the middle of the site and therefore they are not worthy of Preservation Order. They are young/semi-mature trees. The Arboricultural Section has spoken to the applicant to see if the trees could be retained within the current development site, however, this would not appear to be possible.
- 8.57 A Monterey Cypress and Cherry tree would also need to be removed, however, the Monterey Cypress tree has suffered severe storm damage and is completely windblown with root plate exposed whilst the Cherry Tree has weak stem unions with minor deadwood in the crown and as such their removal is not objected to.
- 8.58 Two groups of trees would also need to be removed along with partial removal of a further group. All trees (such as apple, cherry, plum, Whitebeam, laburnum, a recently planted elm, hawthorn) are young / semi-mature and are not worthy of Preservation Order.
- 8.59 There is a further group, Group 3 that contains two fine Silver Birch trees that it is proposed to be removed (towards the western boundary of the site). It would appear that these two trees within this group (which appear to be fine specimens) are able to be retained during the course of the development and the current proposed hedge protection fencing could be moved and encompass these trees without any need to amend the proposed development plans. The remainder of the group (apple, laburnum, plum) can then be removed as proposed.
- 8.60 None of the above trees that are indicated to be removed to accommodate the proposal are worthy of Preservation Order and therefore the Arboricultural Section does not object to their loss.
- 8.61 Should the proposal be approved a condition regarding tree protection plan would be sought.
- 8.62 It is noted that third party objections refer to the recent removal of trees from the site and there is evidence on site that mature trees may have been recently felled. There are no Tree Preservation Orders on the site and the site is not within a Conservation Area, therefore as far as the Council's Arboricultural Section is aware no illegal activity has occurred and no action can be taken with regard to the removal of these trees.
- 8.63 Overall the Council's Arboricultural Section has no objection to the proposals in this application subject to stringent conditions including the protection of the trees that are to remain on site, replacement planting for those that are to be lost and construction method statements.

- 8.64 As the site and a neighbouring site contain existing ponds an Ecological report has been submitted. The site also comprises buildings, amenity grassland, species poor hedgerows, tall ruderal vegetation, scattered scrub, scattered trees, and introduced shrubs. These and the ponds are considered by the County ecologist to be of relatively low ecological value.
- 8.65 Given the location, nature and scale of the proposed development the County Ecologist considers that there are unlikely to be any significant effects on any sites designated for their nature conservation value.
- 8.66 The existing house supports a summer non-breeding roost for low numbers of common pipistrelle bats. All species of bats are fully protected under the Wildlife and Countryside Act 1981. As such, a European Protected Species mitigation licence will be required for demolition of the house. The proposed mitigation and compensation measures summarised in the applicant's ecology report are considered appropriate and acceptable.
- 8.67 The site has the potential to support breeding birds. Conditions should be attached to an approval to avoid disturbance to nesting birds and the demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season
- 8.68 Bird boxes should be provided in suitable locations on site to compensate for the loss of breeding habitat.
- 8.69 The site offers opportunities for biodiversity enhancements, which can be secured by a condition if overall the proposal was acceptable.
- 8.70 **Other Issues**
Since submission of the application a Flood Risk Assessment has been submitted. The Council's Flood Risk Management Officer has confirmed that the site is identified to be at low risk of surface water flooding and that the site is near to the New Barn Valley Flood Defence, which is a series of bunds and a soakaway that reduces the risk, but does not eliminate the risk, of surface water flooding from New Barn Valley.
- 8.71 Whilst the development would increase the impermeable areas across the site no objection to the proposal are raised regarding increased flooding subject to sustainable drainage being incorporated into the development, which can be ensured by condition.
- 8.72 An Air Quality Management Area (AQMA), in the centre of Rottingdean, was declared in 2013 in relation to nitrogen dioxide levels. Cars are the main contributor to elevated nitrogen dioxide levels.
- 8.73 Having regard to the size and scale of the development proposed the Council's Air Quality Officer considers that the contribution of vehicles associated with the proposed development would be very small compared to existing traffic on the

Falmer Road. Therefore the impact on the AQMA in Rottingdean would be negligible.

9 CONCLUSION

- 9.1 In conclusion it is considered that the proposed development would make an efficient and effective use of the site. The height, scale, design and bulk of the proposed properties would not compromise the quality of the local environment, including the setting of the South Downs National Park. The standard of accommodation proposed is considered acceptable and adequate private usable amenity space would be provided. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, cycle storage and refuse and recycling storage. In addition, subject to the compliance with conditions, it is considered that the new residential properties would not have a significant adverse impact upon the amenities of neighbouring properties. The proposal accords with policies of the Brighton & Hove Local Plan and the Brighton & Hove Submission City Plan Part One, approval is therefore recommended.

10 EQUALITIES

- 10.1 The development is required to comply with Part M of the Building Regulations and conditions are proposed which will ensure compliance with lifetime homes standards.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 S106 Heads of Terms

- A sustainable transport contribution of £12,000. This will be allocated towards:
 - Parking restrictions between and including the junctions of Court Ord Road/ Falmer Road and Court Farm Road/ Falmer Road; and/or
 - Footway improvements on Falmer Road in the vicinity of the site, including, but not limited to, the junctions with New Barn Road and Court Farm Road and/or bus stop accessibility improvements at stops to the south of the development site.
- Travel Plan measures to promote sustainable transport to and from the site. The scheme should include but not be limited to, the following measures:
 - The provision of a welcome pack for new residents providing details of sustainable transport facilities within the vicinity of the site, including cycle and bus routes and timetable brochures;
 - The provision of 2no one month bus saver tickets per household.
 - The provision of a welcome pack for new residents providing details of sustainable transport facilities within the vicinity of the site, including cycle and bus routes and timetable brochures;
 - The provision of 2 no. one month bus saver tickets per household.

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
Existing Block Plan	TA 864/P01	-	4 th June 2015
Existing ZARA Site Survey Plan	TA 864/P02	Rev. A	29 th September 2015
Existing ZARA Street Elevations	TA 864/P03	-	4 th June 2015
Proposed Block Plan	TA 864/P10	Rev. F	14 th October 2015
Proposed Site Plan	TA 864/P11	Rev. F	14 th October 2015
Proposed Site Plan Overlay	TA 864/P12	Rev. D	14 th October 2015
Street Elevations	TA 864/P13	Rev. B	29 th September 2015
Typical Floor Plans: Plots 1-8	TA 864/P14	Rev. B	29 th September 2015
Proposed Plans: Plot 9	TA 864/P15	Rev. B	29 th September 2015
Typical Elevations Plots 1-4	TA 864/P16	Rev. B	4 th September 2015
Typical Elevations Plots 5-8	TA 864/P17	Rev. A	4 th September 2015
Proposed Elevations: Plot 9	TA 864/P18	Rev. B	29 th September 2015
Proposed Sections 1	TA 864/P19	Rev. B	4 th September 2015
Proposed Sections 2	TA 864/P20	Rev. C	29 th September 2015
Proposed Side Elevations	TA 864/P21	Rev. C	29 th September 2015
Proposed Site/Sections	TA 864/P22	Rev. A	29 th September 2015

- 3) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse(s) as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 4) No hedgerow, tree or shrub shall be removed from the site between 1st March and 31st August inclusive without the prior submission of a report to the Local Planning Authority which sets out the results of a survey to assess the nesting bird activity on the site and describes a method of working to protect any nesting bird interest. The report must first be agreed in writing by the Local Planning Authority and shall then be carried out in strict accordance with the approved details.
Reason: To ensure that wild birds building or using their nests are protected, in accordance with QD18 of the Brighton & Hove Local Plan.
- 5) The development shall be carried out in accordance with the mitigation measures as set out in the Ecology Report, by Applied Ecology Ltd, received on the 4th September 2015.
Reason: To ensure the protection of any protected species and to comply with policy QD18 of the Brighton & Hove Local Plan.
- 6) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.
- 7) The dwellings hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
Reason: To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- 8) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.
- 9) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.
Reason: To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

11.3 Pre-Commencement Conditions:

- 10) 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 & QD14 of the Brighton & Hove Local Plan.

- 11) No development or other operations shall commence on site until a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme. No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme. Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

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.

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

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton & Hove Local Plan.

- 13) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has

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

Reason: 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.

- 14) No development shall take place until detailed drawings of the access road and footway within the site to include junction treatment, dropped kerbs and tactile paving and street lighting has been submitted to and approved in writing by the Local Planning Authority. The works shall be designed to as near adoptable standards as is possible and be implemented in accordance with the details approved prior to the first occupation of the development and retained as such thereafter.

Reason: In the interests of highway safety and for the benefit of the public and to comply with policy TR7 of the Brighton & Hove Local Plan

11.4 Pre-Occupation Conditions:

- 15) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

- 16) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

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

Reason: To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policy TR18 and SPG4.

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

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

- 19) The amended crossover and access shall be constructed prior to the first occupation of the development hereby permitted.

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

- 20) 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 (including any fence post construction or hardstandings within root protection zones of trees or hedges);;
 - b. planting plans,
 - c. written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment),
 - d. schedules of plants noting species, plant sizes and proposed numbers / densities and an implementation programme.
 - e. extensive replacement tree planting to be included within the planting scheme.

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.

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

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

- 22) Prior to first occupation of the development hereby permitted a plan detailing the positions, height, design, materials and type of all existing and proposed boundary treatments shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be provided in accordance with the approved details prior to first occupation of the development and shall thereafter be retained at all times.

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

- 23) Prior to first occupation of the development hereby permitted full details of the acoustic fence, to be located along the boundary of the access road and no. 71 Falmer Road, shall be submitted to and agreed in writing by the Local Planning Authority. The fence as approved shall be constructed prior to the first occupation of the home.
Reason: In order to safeguard the residential amenity of nearby occupiers, in the interests of highway safety and to comply with policies QD27 and TR7 of the Brighton & Hove Local Plan.
- 24) Prior to first occupation of the development hereby permitted details showing the type, number, location and timescale for implementation of the compensatory bat boxes shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be carried out in strict accordance with the approved details.
Reason: To safeguard these protected species from the impact of the development and ensure appropriate integration of new nature conservation and enhancement features in accordance with policy QD17 and QD18 of the Brighton & Hove Local Plan.
- 25) 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 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 development would make an efficient and effective use of the site. The height, scale, design and bulk of the proposed properties would not compromise the quality of the local environment, including the setting of the South Downs National Park.

The standard of accommodation proposed is considered acceptable and adequate private usable amenity space would be provided.

Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, cycle storage and refuse and recycling storage. In addition, subject to the compliance with conditions, it is considered that the new residential properties would not have a significant adverse impact upon the amenities of neighbouring properties.

3. 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 1st March – 30th September. The developer should take appropriate steps to ensure nesting birds, their nests and eggs are not disturbed and are protected until such time as they have left the nest.
4. The applicant is advised of the possible presence of bats on the development site. All species of bat are protected by law. It is a criminal offence to kill bats, to intentionally or recklessly disturb bats, damage or destroy a bat roosting place and intentionally or recklessly obstruct access to a bat roost. If bats are seen during construction, work should stop immediately and Natural England should be contacted on 0300 060 0300.
5. The applicant is advised that accredited energy assessors are those licensed under accreditation schemes approved by the Secretary of State (see Gov.uk website); two bodies currently operate in England: National Energy Services Ltd; and Northgate Public Services. The production of this information is a requirement under Part L1A 2013, paragraph 2.13.
6. The water efficiency standard required under condition 16 is the 'optional requirement' detailed in Building Regulations Part G Approved Document (AD) Building Regulations (2015), at Appendix A paragraph A1. The applicant is advised this standard can be achieved through either: (a) using the 'fittings approach' where water fittings are installed as per the table at 2.2, page 7, with a maximum specification of 4/2.6 litre dual flush WC; 8L/min shower, 17L bath, 5L/min basin taps, 6L/min sink taps, 1.25L/place setting dishwasher, 8.17 L/kg washing machine; or (b) using the water efficiency calculation methodology detailed in the AD Part G Appendix A.
7. 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).
8. The planning permission granted includes a vehicle crossover which requires alterations and amendments to areas of the public highway. All necessary costs including any necessary amendments to a Traffic Regulation Order (TRO), the appropriate license and application fees for the crossing and any costs associated with the movement of any existing street furniture will have to be funded by the applicant. Although these works are approved in principle by the Highway Authority, no permission is hereby granted to carry out these works until all necessary and appropriate design details have been submitted and agreed. The crossover is required

to be constructed under licence from the Head of Asset and Network Management. The applicant must contact the Streetworks Team (01273 293 366) prior to any works commencing on the public highway.



ITEM C

**Land to Rear of 101 Roundhill Crescent,
Brighton BN2 3GP**

**BH2015/02786
Full Planning**

18 November 2015

BH2015/02786 Land to Rear of 101 Roundhill Crescent



No:	BH2015/02786	Ward:	ST. PETER'S & NORTH LAINE
App Type:	Full Planning		
Address:	Land to Rear of 101 Roundhill Crescent Brighton		
Proposal:	Erection of two storey, three bedroom dwelling (C3).		
Officer:	Liz Arnold Tel 291709	Valid Date:	13/08/2015
Con Area:	Round Hill	Expiry Date:	08 October 2015
Listed Building Grade:	Grade II		
Agent:	ZSTA, 3 Dorset Place Brighton BN2 1ST		
Applicant:	Ms Wendy Jamieson, 101 Roundhill Crescent Brighton BN2 3GP		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to land at the rear of 101 Roundhill Crescent, which is located on the northern side of Roundhill Crescent, on the junction with D'Aubigny Road. 101 Roundhill Crescent, which the development site currently provides a garden area for, has three storeys over a basement level and is currently divided into 3 flats (101A, 101B and 101C). The applicant resides in the flat located across the ground and basement floor levels. The property and related land is located within the Round Hill Conservation Area whilst 101 Roundhill Crescent is a Grade II Listed Building. Nos. 103 to 113 Roundhill Crescent are also Listed.
- 2.2 Round Hill Conservation Area is largely in residential use, with larger houses on Roundhill Crescent and Richmond Road, mostly now flats, and predominantly smaller individual family houses in the other roads. The area is notable for its hilly siting with distant views towards the sea, downland and surrounding leafy areas framed by housing. Its hilly sitting also means there are views towards the area from other parts of Brighton, where it is characterized by houses stepping up the hill and separated by ribbons of green (the gardens to the houses).

3 RELEVANT HISTORY

BH2015/02796 - Alterations to boundary wall. Concurrent Listed Building Consent Application.

BH2015/00322 - Land to Rear of 101 Roundhill Crescent - Erection of two storey building comprising of 5no one bedroom flats. Refused 07/04/2015.

This previous application was refused on 8 grounds including the erosion of the existing visual open character of the site having a harmful impact on the overall

layout and design of the area, a development that fails to reflect the immediate character of the D'Aubigny Road and Roundhill Crescent street scenes and the wider area including the surrounding Round Hill Conservation Area, the development appearing out of scale and overly prominent, the harm to the existing historic boundary walls, the development representing an unneighbourly form of development, failure to comply with Lifetime Homes Standards and the provision of inadequate and poor standard of accommodation.

BH2011/02420 – 101 Roundhill Crescent - Erection of shed and decked area to land to rear of 101 Roundhill Crescent. (Retrospective). Approved 20/10/2011.

BH2011/02259 - 101B Roundhill Crescent - Listed Building Consent for erection of first floor side extension. Refused 12/10/2011.

BH2011/02257 - 101B Roundhill Crescent - Erection of first floor side extension. Refused 12/10/2011.

4 THE APPLICATION

- 4.1 Planning permission is sought for the erection of a two storey, three bedroom dwellinghouse (C3).

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Eleven (11) letters of representation have been received from **1, 3, 4 and 8(x2) D'Aubigny Road, Top/1st Floor flat 103, 105, 105a and Flat 4 107 Roundhill Crescent, 51 Upper Lewes Road and 55 Princes Road** objecting to the application for the following reasons:

- Development would result in the inappropriate and unacceptable overdevelopment of an already high density area,
- Increase in noise disturbance, especially if the development should become student accommodation,
- Development would impact negatively on the setting of a Grade II Listed Building (101) by significantly reducing the space behind it. Existing gap is due to the Grade II Listed Buildings having managed to keep gardens that are proportionate in length to their height. Do not see it as congruent to use the smallness of other gaps as justification for reducing the current amount of open space and light in a densely populated and built-up area which has not public green spaces of its own,
- Would alter character of D'Aubigny Road which derives its charm partly from the fact that it has different types of houses in different sections of the street which directly reflect the different historical origins/uses of these houses. There may be mirrored 'twin' houses further up the street but the lower end of D'Aubigny Road is characterised by houses that were not part of a uniform Victorian terraces development, but had specific different uses or origins. Proposal would impose an inauthentic unity which misrepresents the historical character of the street and area,
- Loss of a clear view/public view through the existing gap into D'Aubigny Road toward rear of listed buildings and through to Woodvale, Tenantry Down and the race hill, vistas which are of significant public benefit and

which links the green spaces visible in gaps within the Conservation Area. Gap provides visual relief and green space in an otherwise enclosed urban space both into and out of area. This is essential to the character and visual appeal of the Conservation Area and mitigates against the claustrophobic effects of a population density in the Roundhill area. Precedent set in 2014 by refusal of an application for Richmond House on similar basis. The Planning Inspector made very clear their views on the importance of maintaining the integrity of the long view over Roundhill and not plugging the vital green gaps with inappropriate development. Proposal would significantly reduce the existing gap and have a serious detrimental impact on the sightline in and out of the Conservation Area,

- Reasons for refusal of previous application have not been resolved.
- Applicant offering to redecorate/repair 101 as a sort of 'pay-off' for getting permission, they should be doing this anyway, should also have repaired the bungeroosh wall. Whilst applicant is now willing to consider renovating 101 and retained amenity area for 101 there is no mention of the fact that the proposed development would take away forever the possibility of choice for future generations of other flat occupants to have some garden/amenity space of their own. Improvements at 101 are made at the expense of neighbouring gardens,
- Over-shadowing of neighbouring properties and gardens
- Damage to neighbouring property, neighbour would not give permission for scaffolding to be erected in neighbouring garden to facilitate development. Applicant has not consulted with neighbours. No building of the nature proposed could go ahead without the permission of no. 4 D'Aubigny Road, it is not a situation where the developer could hope or assume to rely upon the Party wall Act being used to further the chances of attaching an entire house, without permission to another property,
- Light pollution,
- Impact on Victorian sewage system, increased risk of water run-off, flooding and pollution to ground water,
- Loss of part of historic wall and proposal risks irreversible damage to retained parts of original flint bungarouch boundary wall with the proposed lowering in front of the house itself and break for the entrance. Retained part of wall would be worthless as a heritage feature,
- Lack of light to proposed habitable rooms,
- Lack of proposed external amenity space for new dwelling and that retained for 101,
- Although a very poor lit garden, it had for decades been a well-cared for garden. The half of the garden on which the proposal is to be built, has always been lawn,
- Trees on the site were removed before the first application to build on the plot was submitted. One was a 60 to 70 year old pear tree that had continued to produce every spring and abundance of blossom visible 2m above the eastern wall,

- Height of proposed dwelling, is approximately 1m greater than previously refused property and the area of the frontage is reduced by a mere 30%,
- Would have an overbearing and claustrophobic effect, exaggerated for all by the way in which each successive garden steps down where the land slopes away behind D'Aubigny Road and the proposed building site,
- Loss of space, light and sky from the perspective of being behind and below such a block, remains an oppressive prospect,
- Design. There are no pairs amongst the variety of houses along the lower part of the street. Contrivance to decide to represent the end of terrace house on whose gable wall the developer's entire scheme depends. Proposed dwelling does not mirror no. 4 and its front elevation appears to be wider, it has only one gate post clearly narrower than those of no. 4, its front wall is fabricated from an awkward cutting up of the existing flint/bungeroosh boundary wall and on the east side of the street the only dwelling with steps up to the front door is 6A, a conversion which the Heritage Statement finds unsympathetic,
- The block plan shows up an awkwardness of relationship between the rear of the proposed building and the existing historic eastern boundary wall of the garden that continues to suggest cramming. See no evidence of this kind of situation anywhere else in the vicinity,
- Loss of peace and privacy to no. 4 as a result of positioning of accommodation directly against wall of no. 4,
- Loss of privacy and overlooking, exaggerated by difference in ground levels,
- Additional comings and goings of vehicles and increased parking pressure, and
- Consider that CAG have strayed outside their terms of reference, the addition of a new 3 bedroom house attached to no. in no way enhances the character or appearance of the Round Hill Conservation Area. It is within the garden of a Grade II Listed Building. Development will remove part of an original bungarouch wall which will irreversibly damage the setting of the Grade II Listed Building and associated wall. It will upset the visual continuity of the existing terrace in D'Aubigny Road. Long view in and out of Round Hill over the garden of 10 will be reduced (the retention of long views out of and into Round Hill were one of the reasons the Planning Inspector have for rejecting the Richmond House appeal).

5.2 **Eight (8)** letters of representation have been received from 94, 94A, 101(x2), 101a, 101b, 101c(x2) Roundhill Crescent supporting the application for the following reasons. **Two** representations have been received from the applicants home address;

- There are only a few family homes in the area. Area suffers from multiple occupancy houses where the student population is transient and do not positively add to the community in and around Roundhill Crescent in the same way as single dwelling families. A new family house with a garden in this area is much needed and will positively add to the community. The gardens will be maintained as occupiers will have longer term interest which means that the nature will also benefit,

- In comparison to the previous application the proposed design is of a more appropriate size and scale for the plot and a more suitable design for the area. The loss of privacy and overlooking has improved,
- Will have less or no impact on the parking in the area as there are always spare spaces on D'Aubigny Road. A single dwelling means less chance of more cars so it is greener approach than flats as well as a chance to positively contribute to the area,
- The proposed improvements to the side and back of 101 will improve the aesthetics whilst maintaining a historical building,
- Only views seen from the roads is of the back of Sainsbury's or an old wall that is an eyesore,
- Ancient walls in this case means old and in need for repair. Although of some importance has been given to the walls to the rear of 101 they were in fact only ever 'rear garden walls; and did not have any architectural importance, they were constructed very cheaply with shutter boarding and rubble (bungeroosh) and are in very poor repair and an eyesore. They could only benefit from refurbishment and the loss of part of the wall to gain entry to the new building will look in keeping to the area,
- Should be more concerned with the unsightly offices and car park at the top of D'Aubigny Road which has been almost derelict and a site for fly tipping,
- Application trying to bring a sense of community back into Brighton so that the City still maintain the small town feel,
- Proposed house mirrors the adjacent house and is of a similar size; plans are in keeping with the area and will give balance and symmetry to the adjoining building. Proposed design would appear appropriate to the scale of the surrounding buildings whilst retaining an outside garden space,
- Will benefit the aesthetics of D'Aubigny Road by continuing the symmetry of the road,
- The current arrangement of the 'garden' to the rear of 101 is mostly unused,
- The arrangement of houses on D'Aubigny Road, Roundhill Crescent and the surrounding roads are mostly continuous, unbroken terraces and have always felt that the gap at the bottom of D'Aubigny Road is somewhat jarring to the overall flow of the buildings,
- Access to 101c and 101b will be improved,
- As applicant lives in 101 reasonably expected that have a good chance of the noise and disruption being effectively managed,
- Will increase privacy and reduce sense of being overlooked for the flats in 101 Roundhill Crescent as the rear windows are naturally overlooked from the road due to the curve and incline of the road,
- Proposal does not have any windows facing onto 101 other than the bathroom window and does not cause overlooking, and
- The applicant has committed to fully renovate and redecorate the exterior of 101 Roundhill Crescent, which is desperately needed, but only if the application is approved.

5.3 **CAG: Comment.** Group recommended approval of the application subject to the following detailed comments;

- There should be a pillar on both sides of the front garden gate and the proportions of the building entrance should be identical with the existing house
 - The roof should be slate, and
 - The fake chimney stack on the new house to abut the existing stack.
- 5.4 **Round Hill Society:** Objects on the grounds that the previous reasons of refusal have not been resolved. One major concern was (and is) the loss of open space between no. 4 D'Aubigny Road and the rear of 101 Roundhill Crescent, this has not been adequately addressed. The height of the current proposal is approximately 1m greater than the rejected scheme and the area of the frontage is reduced by a mere 30%, thus the problem of mass and scale remains. Almost half the 14m bungarouch wall would be removed and the long public view through Woodvale and Tenantry Down to the ridge of Race Hill would be for the most part obscured, losses to all users of D'Aubigny Road. Loss of privacy. Proposal will adjoin no. 4 D'Aubigny Road, there is no information how the existing house will be 'sustained', the application is without structural and construction method or impact statements. The Design and Access Statement is incomplete and fail to see how approval can be granted on incomplete information. Main rooms would be net to those of no. 4 D'Aubigny Road so the likelihood of noise nuisance through the party wall is highly likely.
- 5.5 Consider that CAG have strayed outside their terms of reference, the addition of a new 3 bedroom house attached to no. in no way enhances the character or appearance of the Round Hill Conservation Area. It is within the garden of a Grade II Listed Building. It will remove part of an original bungarouch wall which will irreversibly damage the setting of the Grade II Listed Building and associated wall. It will upset the visual continuity of the existing terrace in D'Aubigny Road. Long view in and out of Round Hill over the garden of 10 will be reduced (the retention of long views out of and into Round Hill were one of the reasons the Planning Inspector have for rejecting the Richmond House appeal). Concerned CAG may have been misled by the confusion of 2 application and summary descriptions that apply to this application.
- 5.6 Object to the applicant's long list of 'sweeteners' that "could" be offered if planning permission is granted (repairing the bungarouch wall and works to rear of 101). The applicant has neglected the wall and building for many years, Should permission be granted then these repairs and reinstatement must be subject to a condition to go part way to make up for the destruction of the context of a historic building, removal of a mature tree, loss of valued long views and reduction on the quality of life for residents of no. 4 D'Aubigny Road and flats in 101 and 103 Roundhill Crescent.
- 5.7 **Ecologist:** Comment. The proposed development is unlikely to have an adverse impact on biodiversity and can be supported from an ecological perspective. The site offers opportunities for biodiversity enhancements that will help the Council address its duties and responsibilities under the NERC Act and NPPF.

5.8 **Internal:**

Access Officer: Comment. Approach to all entrances should be level of gently sloping, weather canopy required over main entrance, 300mm clear space needed at the leading edge of the door of the entrance level WC and there should be an accessible bathroom on the first floor. If not the bathroom at second floor level needs to be made accessible and a route for vertical lift from entrance level to second floor must be identified.

5.9 **Arboriculturist:** Comment. No vegetation is present that will be affected by the proposed development and therefore has no objection to the proposal.

5.10 **Heritage:** Requests amendments/further information including;

- a photomontage/contextual view of the proposed development in oblique views,
- the works of repair, reinstatement and improvement to the main building and walls should be added to the application drawings, and
- the detailing of the proposal should be amended.

5.11 **Sustainable Transport Officer:** Comment. The Highway Authority would not wish to restrict grant of consent of the application subject to the inclusion of conditions regarding access and cycle parking and a S106 contribution of £1,500 allocated towards pedestrian crossing improvements to include dropped kerbs and tactile paving at the junction of Roundhill Crescent and D'Aubigny Road.

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
TR8	Pedestrian routes
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD2	Design – key principles for neighbourhoods
QD3	Design – efficient and effective use of sites
QD4	Design – strategic impact
QD15	Landscape design
QD16	Trees and hedgerows
QD17	Protection and integration of nature conservation features
QD18	Species protection
QD27	Protection of Amenity
QD28	Planning Obligations
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE1	Listed Buildings
HE3	Development affecting the setting of a Listed Building
HE4	Reinstatement of original features on Listed Buildings
HE6	Development within or affecting the setting of conservation areas
HE8	Demolition in Conservation Areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD06	Trees & Development Sites
SPD08	Sustainable Building Design
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP8 Sustainable Buildings

Roundhill Conservation Area Character Statement

8 CONSIDERATIONS & ASSESSMENT

8.1 Issues regarding permission to construct the proposed development adjacent to a neighbouring elevation, the location of scaffolding during construction and issues regarding potential damage to neighbouring properties are not material planning considerations. The main considerations in the determination of this application relate to the impacts of the proposed development upon the visual amenities of the site, the Roundhill Crescent and D'Aubigny Road street scenes and the wider area including the surrounding Round Hill Conservation Area and the setting of Listed Buildings within the vicinity of the site, including no. 101 Roundhill Crescent. The living conditions for future occupiers, the impact upon the amenities of the neighbouring properties, sustainability and transport issues must also be assessed.

8.2 Principle of Development:

The proposed dwelling would be constructed in the garden area currently related to 101 Roundhill Crescent, which is a Grade II Listed Building, in addition to requiring works to a listed boundary wall.

8.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority shall have special regard to the desirability of preserving a Listed Building or its setting when considering an application for Planning Permission. 'Preserving' means doing no harm. There is therefore a statutory presumption, and a strong one, against granting permission for any development which would cause harm to a Listed Building or its setting. This presumption can be outweighed by material considerations powerful enough to do so. Where the identified harm is limited or less than substantial, the Local Planning Authority must nevertheless give considerable importance and weight to the preservation of the Listed Building and its setting.

8.4 It is noted that applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development, such as harm to a Listed Building or its setting, would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

8.5 In this instance, for the reasons set out below, it is considered that the benefits of the proposed additional housing unit would not be outweighed by the harm that the proposal would have upon the setting of the Listed Building and as such the principle of the development is not supported.

8.6 Visual Amenity

Local Plan policies QD1, QD2 and QD3 set out the design criteria for applications of this nature. These policies require proposals to make an efficient

and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhoods in terms of height, scale, bulk and design. The NPPF states that good design is a key aspect of sustainable development and that development should function well and add to the overall quality of the area, respond to local character and reflect the identity of the local surroundings.

- 8.7 Policy QD4 relates to strategic impact and states that, in order to preserve or enhance strategic views, important vistas, the skyline and the setting of landmark buildings, all new development should display a high quality of design. Development that has a detrimental impact on any of these factors and impairs a view, even briefly, due to its appearance, by wholly obscuring it or being out of a context with it, will not be permitted. View across, to and from the downs, views across valleys, views into and from within Conservation Areas and the setting of Listed Buildings and locally well-known landmark buildings of townscape merit are considered to be of strategic importance.
- 8.8 As set out, the above the property is located within the Round Hill Conservation Area. Policy HE6 states that proposals, within or affecting the setting of a Conservation Area, should preserve or enhance the character or appearance of the area. Proposals that are likely to have an adverse impact on the character or appearance of a conservation area will not be permitted.
- 8.9 No. 101 Round Hill Crescent is a Grade II Listed Building, an early Victorian townhouse forming part of a terrace of Listed Buildings, nos. 103 to 113, built in 1865. Policy HE3 relates to development affecting the setting of listed Buildings. This policy states that development will not be permitted where it would have an adverse impact on the setting of a Listed Building, through factors such as its siting, height, bulk, scale, materials, layout, design or use.
- 8.10 Following refusal of application BH2015/00322, which sought permission for the construction of a two storey building to provide 5 flats, permission is now sought for the construction of a new two storey, three bedroom, dwellinghouse within the northern part of the existing garden related to no. 101 Roundhill Crescent. The proposed property would be constructed adjacent to the southern elevation of no. 4 D'Aubigny Road.
- 8.11 The proposed dwelling would have an irregular shape with a wider frontage measuring approximately 6.1m compared to the rear which would measure approximately 5.3m. The proposed dwelling would comprise a canted western facing bay window at ground and first floor and as a result would have a depth of between approximately 7.9m (excluding bay window) and 8.65m (including depth of canted bay window). The ridge height of the proposed pitched roof of the property would be located level with that of no. 4 D'Aubigny Road, at approximately 9.2m above ground level on the northern side and approximately 9.8m on the southern side (the site comprises a north to south gradient). The proposed storey cantered bay window, comprising sliding sash windows would be located on to the north of the proposed entrance door and associated fanlight.

Materials proposed are:

- white painted timber sash windows and casement doors,
- painted four panelled entrance door,
- natural slate tiling,
- painted stucco render, and
- cast stone copings.

- 8.12 Round Hill Conservation Area is largely in residential use, with larger houses on Round Hill Crescent and Richmond Road (mostly now flats) and predominantly smaller individual family houses in the other roads. The area is notable for its hilly nature with distant views towards the sea, downland and surrounding leafy areas framed by housing. Its hilly siting also means there are views towards the area from other parts of Brighton, where it is characterized by houses stepping up the hill and separated by ribbons of green (the gardens to the houses). The green ribbons are indicative of the former use of this area for laundries. There are no public green spaces in the area; glimpsed views of private green spaces and views to downland further afield provide relief to the dense urban form. The break between the end-of-terraces at road junctions also provides a break in urban form and thus contribute to this relief.
- 8.13 The existing garden area retains the original plot size to the listed 101 Roundhill Crescent and forms the primary curtilage of this building and an important part of its setting. It is considered that its plot size provides an appropriate amount of space around the existing building which complements the scale of the building and reflects its status. Historically the site has always been open. Although application BH2011/02420 granted planning permission for the erection of a shed in the garden area there is no precedent for a building of the nature and scale now proposed. If overall a new building on the site is considered acceptable it would need to be appropriately subservient to the historic buildings in the area and not draw undue attention. The proposed loss of the open space would cause some harm to the setting of 101 Roundhill Crescent.
- 8.14 The break in building line, visible private open space of the gardens to 101-113 Roundhill Crescent and distant views to open land (allotments up to Warren Road) on the distant skyline are visible from D'Aubigny Road, which provide relief to the dense urban form and a visual public amenity. Such visual public amenities are considered important to the character of the Conservation Area, as described in the Roundhill Conservation Area Character Statement. The existing open space therefore contributes to the character of the Conservation Area. It is acknowledged that the built form of the development now proposed is reduced in width when compared to the previous scheme (by approximately 3.7m) and as such allows for retention of a significant gap between the proposed new dwelling and the built form of 101 Roundhill Crescent. It is considered that the proposed gap would allow much of the view to still be appreciated within the street scene, although in a narrower gap.
- 8.15 In oblique views from Roundhill Crescent the existing open space allows for a break in the roofline/building line which also relieves the built form.

- 8.16 In the recent appeal decision relating to a refused application at Richmond House (BH2013/02838), which is located at the northern end of D'Aubigny Road, the Inspector noted that within the Round Hill Conservation Area appraisal the "special interest of the area lies in its hilly siting with long terraces of houses framing distant views of the sea to the south and of the Downs to the east. Richmond Road and D'Aubigny Road are typical of this pattern with housing stepping down the hill and framing the view to the Downs beyond". The Inspector acknowledged that "views of the densely developed streets are a recognised and positive part of the character of Round Hill so that their loss is particularly serious", an issue which is considered relevant in this application.
- 8.17 The Council's Heritage Officer considers that the proposed dwelling is detailed to be generally in keeping with the architectural style of the neighbouring Victorian housing. It is designed to form a pair with the neighbouring number 4 D'Aubigny Road. However it is particularly important to ensure the building is well-detailed such that this approach is effective.
- 8.18 The proposal includes the demolition of a section of wall approximately 2m wide in order to create a new opening, the lowering in height of approximately 4m of the northern section of the existing wall and alterations to provide a new pier with associated capping on the northern side of the proposed new opening. As such the proposal includes the demolition of a substantial section of the existing wall and thus causes harm to its special interest.
- 8.19 The Heritage team have revealed a need for additional information which is required to make the submission complete:
- Photo montage or similar contextual information to show the proposal in oblique views from Roundhill Crescent, in order to determine the impact on the roofline/building line, no such image has been submitted.
 - Further details of the proposed steps and boundary treatment to both the front and side elevation,
 - Details of the proposed side gate,
 - Details of the proposed bike store; the store should not rise above the height of the wall, and
 - A section through the building, particularly to show the junction of the roof in relation to the neighbouring building.
- 8.20 Notwithstanding the required additional information requested above it is considered that the following elements are unacceptable;
- Western building line - The proposed dwelling steps forward of the established building line to the east side of D'Aubigny Road. It is acknowledged that this part of the road bends significantly, and that the buildings to the opposite side of the road do step backwards in this location, however, the building line to the east is very strong. A step forward in the building line would erode this character and draw undue attention to the proposed new dwelling. It would also diminish the effectiveness of the pairing with 4 D'Aubigny Road, as the two buildings would be on differing

building lines and as such the proposed dwelling should be set on the same building line as the neighbouring buildings,

- Dwelling height - The ground begins to slope more significantly along this section of the road (compared to that further to the north). To reflect the topography, it is considered that the proposed dwelling should not be of the same height as no. 4 and should appear subservient to the main Listed Building (101) and the street scene.
- The provision of only one to the side of the main entrance.
- The width of the proposed opening, which does not match the width of other entrances along D'Aubigny Road,
- The main entrance door not being recessed slightly into the doorway,
- The untraditional design of the proposed French doors to the side elevation,
- The rustication of the side elevation,
- The style of the proposed side and rear windows would appropriately be well-proportioned timber hung sash windows,
- The design of the proposed entrance pier,
- The lack of a chimney stack, and
- The broad building detailing not exactly matching that of no. 4 D'Aubigny Road, such as the eaves detailing and the lack of vertical glazing bars to the central sashes of the bay window.

8.21 The applicant has been given the opportunity to submit the information required but has requested that the application is determined based on the proposal currently shown in the plans submitted and as such the further details and amendments set out above have not been provided to the Local Planning Authority.

8.22 The Local Planning Authority has a statutory duty to preserve Listed Buildings and their settings, and to preserve and enhance the character or appearance of Conservation Areas (Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 and 72). It is considered that the proposal would cause some harm to the setting of the Listed Building and the character/appearance of the Round Hill Conservation Area. The level of harm would be further determined following the submission of contextual information requested previously.

8.23 In terms of the NPPF, the proposal is considered likely to cause less than substantial harm to the Conservation Area and Listed Building. Paragraph 132 of the NPPF nevertheless requires great weight to be given to the conservation of heritage assets.

8.24 Where a development would lead to less than substantial harm, paragraph 134 of the NPPF allows the public benefits of the proposal to be weighed against the harm. Policy HE4 of the Local Plan is complementary to such an approach.

8.25 The application sets out a number of proposed improvements to the main listed building (including walls), 101 Roundhill Crescent. Some of these constitute repairs to the building; however the owner has a general

responsibility to maintain their Listed Building in good condition and thus the 'public benefit' of such work can only be considered to a limited extent against the harm of the proposal. A number of works proposed involve the reinstatement and improvement to the 101; the public benefit of these works can be considered against the harm of the proposal to a greater extent.

- 8.26 It is stated with the submitted Design and Access Statement that the following works to 101 Roundhill Crescent proposed in support of the revised scheme are;
- The painting of the flank wall and rear wall. These should match the colour of the front elevation,
 - The removal of corrugated plastic canopy (this is likely unauthorized)
 - The rationalised pipework, replacement in cast iron and copper and painted to match the walls. The rationalized arrangement needs to be approved,
 - The reinstatement of the cast iron window guards,
 - The reinstatement of missing areas of red clay pavers to the basement lightwell,
 - The replacement ground floor door,
 - The removal of the small shed painted dark green and imitation turf,
 - The removal of decking and summerhouse,
 - An improved planting scheme,
 - Inner side gate straightened and painting to gate and adjacent walls improved, and
 - The improved design to the rear basement lightwell railings
- 8.27 Whilst such works, listed with the Design and Access Statement, are considered to be improvements to 101 such works are not included within the plans submitted as part of the application. Such works are required to be shown in the application drawings in order to ensure that they are carried out as part of the proposal and in order to ensure that the detailing is appropriate. Furthermore the red edge (as shown in the submitted location plan) does not extend around the building of 101 Roundhill Crescent.
- 8.28 In addition to the proposed improvements set out above the Local Planning Authority would require the following;
- Clarification as to whether the door and staircase at the rear of 101 could be removed in order to reinstate the rear elevation. If full removal is not achievable, improvements should be made to the door design, the fanlight and door hood could appropriately be removed, and the staircase/door painted to match the rear elevation,
 - The existing side extensions at 101 are harmful to the Listed Building; improvements to these and the front entrance should be investigated as part of the application, including a more traditional roof material and detailing. The roof to the main Listed Building could appropriately be recovered in natural slate. The front door to the basement flat could also be amended to a more appropriate design,
 - Missing mouldings and details such as the urns should be reinstated to 101, and

- Upvc windows and doors appear to have been installed to the ground floor rear elevation of 101; it is unlikely these obtained consent and enforcement action could likely be taken against these. Timber hung sash windows to match the originals and a sympathetic timber door should be reinstated.

8.29 Overall whilst it is recognised that the Local Planning Authority does not currently have an agreed 5 year housing land supply, the benefits of the additional housing unit proposed are outweighed by the harm resulting from the proposed development as set out above. Furthermore it is considered that the proposal comprises insufficient public benefits to outweigh the harm to the setting of the Listed Building and Conservation Area caused by the proposal, namely the partial loss of the existing open space between no. 4 D'Aubigny Road and 101 Roundhill Crescent, the general design of the proposed dwelling and the loss of parts of the historic boundary walls, due to the failure of the applicant to include proposed works to 101 Roundhill Crescent as part of the application.

8.30 Impact Upon 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.

8.31 Future occupiers

The proposal would provide a new 3 bedroom dwelling, with the third bedroom located within the roofspace of the property. The plans submitted show the provision of a double bedspace in each room.

8.32 Whilst the Local Planning Authority does not have adopted space standards for comparative purposes the Government's recent Technical Housing Standards – National Described Space Standards March 2015 document lists a minimum area of 108m² for a 3 storey (the proposal includes the provision of accommodation in the roofspace) 3 bedroom dwelling for up to 6 people. The proposed accommodation would have a floor space measuring approximately 96.67m² and as such the amount of accommodation proposed is below the required standard.

8.33 The Government Standards state that any area with a head height less than 1.5m is not counted within the Gross Internal Area unless used solely for storage and therefore the amount of useable floorspace provided by the proposed dwelling is actually less than 96.67m² due to the provision of the third bedroom within the roofspace and the head height provided. Only the centre part of the proposed third bedroom would have a head height above 1.8m (an area 1.5m wide below the roof apex) an area which includes the door opening. Furthermore this proposed bedroom would only be lit and ventilated by a rooflight in the eastern facing roofslope. Due to the size and positioning of this proposed rooflight it is not considered that it would provide sufficient outlook for the future occupiers of the third bedroom. As such it is considered that this

proposed bedroom would provide a very poor standard of accommodation with a cramped form, limited circulation space and limited outlook.

- 8.34 Local Plan policy HO5 requires new residential development to provide adequate private and usable amenity space for occupiers, appropriate to the scale and character of the development. An external amenity space would be provided to the side of the new dwelling for sole use by future occupiers. Whilst at the side of the proposed dwelling it is considered that the size of the proposed external amenity space for the new dwelling is comparable to that associated with other dwellings in D'Aubigny Road.
- 8.35 The plans submitted show the provision of a new boundary wall, of approximately 1.8m, between the proposed external amenity space for the new dwelling and the retained garden area for 101 Roundhill Crescent.
- 8.36 Policy HO13 requires all new residential dwellings to be built to Lifetime Homes standards whereby they can be adapted to meet people with disabilities without major structural alterations. The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards.
- 8.37 It is noted that the Council's Access Officer has commented that the approach to all entrances should be level or gently sloping (currently steps are proposed to both the main and side entrance of the property), a weather canopy is required over the main entrance, a 300mm clear space is needed at the leading edge of the door to the entrance level WC and there should be an accessible bathroom on the first floor or the bathroom at second floor level needs to be made accessible and a route for a vertical lift from entrance level to second floor must be identified.
- 8.38 Within the submitted Design and Access Statement it is stated that the applicant has been advised by a Heritage Consultant with regards to Lifetime Home Standards that are considered appropriate/possible for the particular proposal. It is stated that 6 steps are included at the front of the property as the dwelling has been designed to mirror the height and floor levels of no. 4 D'Aubigny Road and that no weather resisting canopy has been provided in order to maintain consistency with other properties. As set out above the height of the building to match that of 4 D'Aubigny Road is not considered appropriate by the Council's Heritage Officer.
- 8.39 It is considered that the alterations needed to ensure that the proposal complies with the accessibility and wheelchair housing standards would require significant alterations to the external appearance of the property in addition to significant internal alterations, which may adversely affect the standard of accommodation provided. It is considered that step-free access to the proposed dwelling could be reasonably achieved to the side for the property, without being of harm to the visual amenities of the development, the associated street scene and the wider area including the surrounding Conservation Area if level access could not be achieved to the main entrance

with a reduction in height of the dwelling. As a result of the aforementioned it is considered that the applicant has failed to demonstrate that the proposal accords with policy HO13.

8.40 Impact upon Neighbouring Amenities

The proposal would result in the subdivision of the existing garden area related to no. 101 Round Hill Crescent. Although larger than the retained garden area set out in the previously refused application, it is still considered that the proposed amount of private usable amenity space retained for no. 101 would be out of character with the adjacent properties on Roundhill Crescent, to the east of the site and as such would be harmful to the amenities of the occupiers of no. 101. Therefore despite an increase in size for the retained garden area for 101 the previous reason for refusal has not been addressed.

8.41 The proposed south facing elevation of the development would comprise a pair of full height glazed out-ward opening doors at ground floor level and window at first floor level, located towards the eastern side of the southern elevation. A minimum distance of approximately 11.7m would be located between the proposed southern elevation of the new building and the existing northern elevation of no. 101 Roundhill Crescent. A large number of window openings are located within the northern elevation of no. 101, relating to the various flats within this neighbouring building. It is considered that the views from the proposed south facing ground floor glazed doors in the proposed dwelling would not be obscured by the proposed 1.8m high boundary between the proposed garden area of the new dwelling and 101 as the proposed doors would be at an elevated position. Whilst obscured glazing could be inserted at first floor (assuming the unannotated room is to be the bathroom) given the limited distance between the proposal and the southern neighbouring property it is considered that elevated views towards the rear elevation of 101 would be achievable from the proposed southern facing full height glazed doors, resulting in actual and perceived overlooking and loss of privacy to the occupiers of the lower floor level accommodation within 101 Roundhill Crescent.

8.42 Views east from the proposed development would be across the garden areas of nos. 103 to 113 Roundhill Crescent. Only a first floor window relating to bedroom 2 and a rooflight would be located in the eastern elevation/roofslope of the proposal. It is considered that overlooking of these neighbouring garden areas from the proposed development would not be worse than the existing situation between neighbouring properties on D'Aubigny Road and Roundhill Crescent in this dense urban area.

8.43 A distance of approximately 12m would be located between the front boundary of the proposed dwelling and the front boundary of the properties located opposite the site on the western side of D'Aubigny Road, a distance which is considered to be characteristic of that between the existing properties on either side of D'Aubigny Road. Despite windows being proposed within the western elevation of the new building it is not considered

that their inclusion would result in significant overlooking or loss of privacy to the western sited neighbouring properties

- 8.44 The eastern elevation of the proposed dwelling would be located between approximately 0.5m and 0.9m from the shared eastern boundary of the site. It is noted that the development would be set further back from the eastern boundary compared to the building within refused application BH2015/00322. However it is still considered that, due to this limited separation distance and the scale, bulk and massing of the proposed building, the proposal would result in an unneighbourly form of development, creating a sense of enclosure to the garden area of no. 3 and a development which would appear overbearing and oppressive when viewed from the garden areas of neighbouring properties located to the east of the site, some of which appear to be split into sections for use by the individual occupiers of the various flats within these neighbouring properties.
- 8.45 The proposed dwelling would be located to the north/north-west of nos. 101 to 113 Roundhill Crescent, to the south of no. 4 D'Aubigny Road and to the east of nos. 1, 1a and 3 D'Aubigny Road. No windows are currently located in the southern elevation of no. 4 D'Aubigny Road. The proposed western building line of the proposed dwelling would be located slightly further to the west than that related to no. 4 whilst the eastern elevation would be flush with that of no. 4. The third party objections regarding loss of light/sunlight to neighbouring properties are noted. However despite the slight stepping forward of the western building line, given the siting of the site in respect of these neighbouring properties, the orientation of the sun and the distance between the site and the properties on the western side of D'Aubigny Road, approximately 12m, it is not considered that the proposal would have a significant adverse impact upon the amenities of neighbouring properties, including no. 101 Roundhill Crescent or the associated garden area, with regards to loss of light/sunlight to warrant refusal of the application.
- 8.46 As previously stated the built form of the proposed dwelling would be located further to the west than the main front elevation of 4 D'Aubigny Road, by approximately 0.5m. However it is not considered the proposal would have a significant adverse impact upon the amenities of no. 4 with regards to outlook due to the small step forward and the oblique views that would be achievable towards the proposed dwelling from the existing canted front bay window of no. 4.
- 8.47 **Sustainable Transport**
Policy TR1 of the Brighton & Hove Local Plan requires developments to address the demand for travel which the proposal will create and requires the design of the development to promote the use of sustainable modes of transport on and off site, so that public transport, walking and cycling are as attractive as use of a private car. Policy TR7 requires that new development does not increase the danger to users of adjacent pavements, cycle routes and roads. Policy TR14 requires development to accord with the Council's maximum car parking standards, as set out in SPG04.

8.48 The creation of an additional residential unit is likely to lead to a small uplift in trips to and from the site. In order to comply with policies of the Brighton & Hove Local Plan, if overall considered acceptable, a contribution of £1,500 would be sought towards pedestrian improvements which would include dropped kerbs and tactile paving at the junction of Roundhill Crescent and D'Aubigny Road. Such improvements would ensure safe and attractive walking routes are provided to and from the proposed development.

8.49 The plans submitted show the provision of covered and secure cycle storage, for two cycles, within the south-western section of the site. Such provision is considered consistent with the minimum standards as set out in SPG04 and in accordance with policy TR14. The provision of such facilities can be ensured via a condition if the application were to be approved.

8.50 No off-street parking provision is proposed as part of the development. The site is located in an area with good accessibility by sustainable modes and where overspill parking would be constrained by the presence of the existing Controlled Parking Zone.

8.51 Sustainability

In order to comply with policy CP8 of the further modified City Plan (June 2015) the proposed development is required to comply with energy and water efficiency standards, which can be ensured via conditions.

8.52 The plans submitted fail to show the provision of refuse and recycling facilities for the proposed unit however it is considered that there is adequate space on site for such provision, an issue which can be ensured via the attachment of a condition should the proposal overall be considered acceptable.

8.53 Whilst it is noted that the proposed roofspace bedroom would only have a rooflight all habitable rooms in the proposal would be provided with some form of natural light and ventilation

8.54 Landscaping

The submitted plans show the provision of a garden to the side of the proposed dwelling, separated from the retained garden area for 101 Roundhill Crescent. No details of any landscaping for this proposed external amenity area are shown on the plans submitted however it is considered that full landscaping details could be secured via a condition if overall the proposal is considered acceptable.

8.55 The Council's Arboriculturist has assessed the application and raised no objections; it is considered that the shrubs/tree located in neighbouring gardens should not be affected by the proposed development.

8.56 Ecology/Biodiversity

It is noted that a Site of Nature Conservation Importance (SNCI) lies approximately 140m to the east of the site (Woodvale, Extra-mural and Downs Cemeteries) however due to the location, scale and nature of the

proposal it is considered unlikely that the proposal would have any adverse impacts on this nearby SNCI and its nature conservation value.

8.57 The site currently comprises outbuildings, hardstandings, amenity grassland and flowerbeds, which are considered to be of low ecological value. As such the County Ecologist considers that the site is unlikely to support any protected species and therefore no mitigation measures are required.

8.58 It is considered that the proposal offers opportunities for ecological/biodiversity enhancements to be made at the site such as the use of species of known value to wildlife within a landscaping scheme and the provision of swift bricks. Should overall the proposal be considered acceptable a condition should be attached requiring details of such biodiversity enhancement measures.

9 CONCLUSION

9.1 In conclusion, whilst it is recognised that the Local Planning Authority does not currently have an agreed 5 year housing land supply, the benefits of the additional housing unit proposed are outweighed by the harm resulting from the proposed development as set out above. Furthermore it is considered that the proposal comprises insufficient public benefits to outweigh the harm to the setting of the Listed Building and Conservation Area caused by the proposal, namely the partial loss of the existing open space between no. 4 D'Aubigny Road and 101 Roundhill Crescent, the general design of the proposed dwelling and the loss of parts of the historic boundary walls, due to the failure of the applicant to include proposed works to 101 Roundhill Crescent as part of the application.

10 EQUALITIES

10.1 The requirement to meet Lifetime Homes has now been superseded by the accessibility and wheelchair housing standards within the national Optional Technical Standards. It is considered that the applicant has failed to demonstrate that the proposal could not comply with such standards.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed development by reason of siting, design, height, detailing and the required reduction in the plot size of 101 Roundhill Crescent would result in a development that would erode and fail to reflect the immediate character of the D'Aubigny Road and Roundhill Crescent street scenes and the wider area including the surrounding Round Hill Conservation Area, compromising the quality of the local environment. Furthermore the applicant has failed to demonstrate that the proposal would not have significant adverse impacts upon the break in the roofline/building line of the existing dense urban built form of the area. The proposal would represent an incongruous development. This identified harm would outweigh the benefit of additional housing and as such is contrary to policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.
2. The proposal includes insufficient public benefits to outweigh the harm to the setting of the Listed Building and Round Hill Conservation Area caused

by the proposal, namely the partial loss of the existing open space gap between no. 4 D'Aubigny Road and 101 Roundhill Crescent, the general design of the proposed dwelling and the loss of parts of the historic boundary walls, by virtue of the failure of the applicant to include the proposed works to 101 Roundhill Crescent, as set out in the Design and Access Statement within the plans submitted as part of the application. As such the proposal is contrary to policies QD1, QD2, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.

3. The proposed alterations to the existing historic western boundary wall, namely the provision of piers and cappings to match those at 4 D'Aubigny Road, would result in a boundary treatment out of keeping with the historic front boundaries in the D'Aubigny Road street scene and the surrounding Conservation Area. The proposal is therefore contrary to policies QD1, QD2, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
4. In the absence of an acceptable scheme for the development of the site, the demolition of parts of the historic wall would result in loss of historic fabric and form and a gap in the boundary of 101 Roundhill Crescent harmful to the character and appearance of the listed wall and the setting of 101 Roundhill Crescent and the surrounding Conservation Area. As such the proposal is considered contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.
5. The proposed dwelling would result in a roofspace bedroom providing unacceptable and poor standard of accommodation for future occupants due to limited headroom, circulation space and outlook. This would result in an. The development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
6. The proposed south facing window/glazed doors would represent an unneighbourly form of development by virtue of resulting in actual and perceived overlooking and loss of privacy to the occupiers of the flats located in 101 Roundhill Crescent. As such the proposal would have a harmful impact on neighbouring amenity contrary to policy QD27 of the Brighton & Hove Local Plan.
7. The proposal by virtue of its scale, bulk and massing close to the boundary with no. 3 Roundhill Crescent would represent an unneighbourly form of development which would appear overbearing and oppressive when viewed from the garden areas of neighbouring properties located to the east of the site and a development that results in a sense of enclosure to the garden area of no. 3 Roundhill Crescent. As such the proposal would have a harmful impact on neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.
8. The applicant has failed to demonstrate that the development would accord to the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) contrary to policy HO13 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 COMMITTEE LIST 18 November 2015

Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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

Plan Type	Reference	Version	Date Received
Block Plan	P/001	-	29 th July 2015
Location Plan	P/002	-	29 th July 2015
Existing Site Plan	E01	-	29 th July 2015
Existing Sections/Elevations	E02	-	13 th August 2015
Location Plan	P/002	-	29 th July 2015
Proposed Ground Floor Plan	P/110	-	29 th July 2015
Proposed First Floor & Roof Plans	P/111	-	29 th July 2015
Proposed Front Elevation	P/120	-	29 th July 2015
Proposed Rear and Side Elevations	P/121	-	29 th July 2015
Proposed Front Elevation Showing Wall	P/122	-	29 th July 2015
Proposed Rear Elevation Showing Wall	P/123	-	29 th July 2015

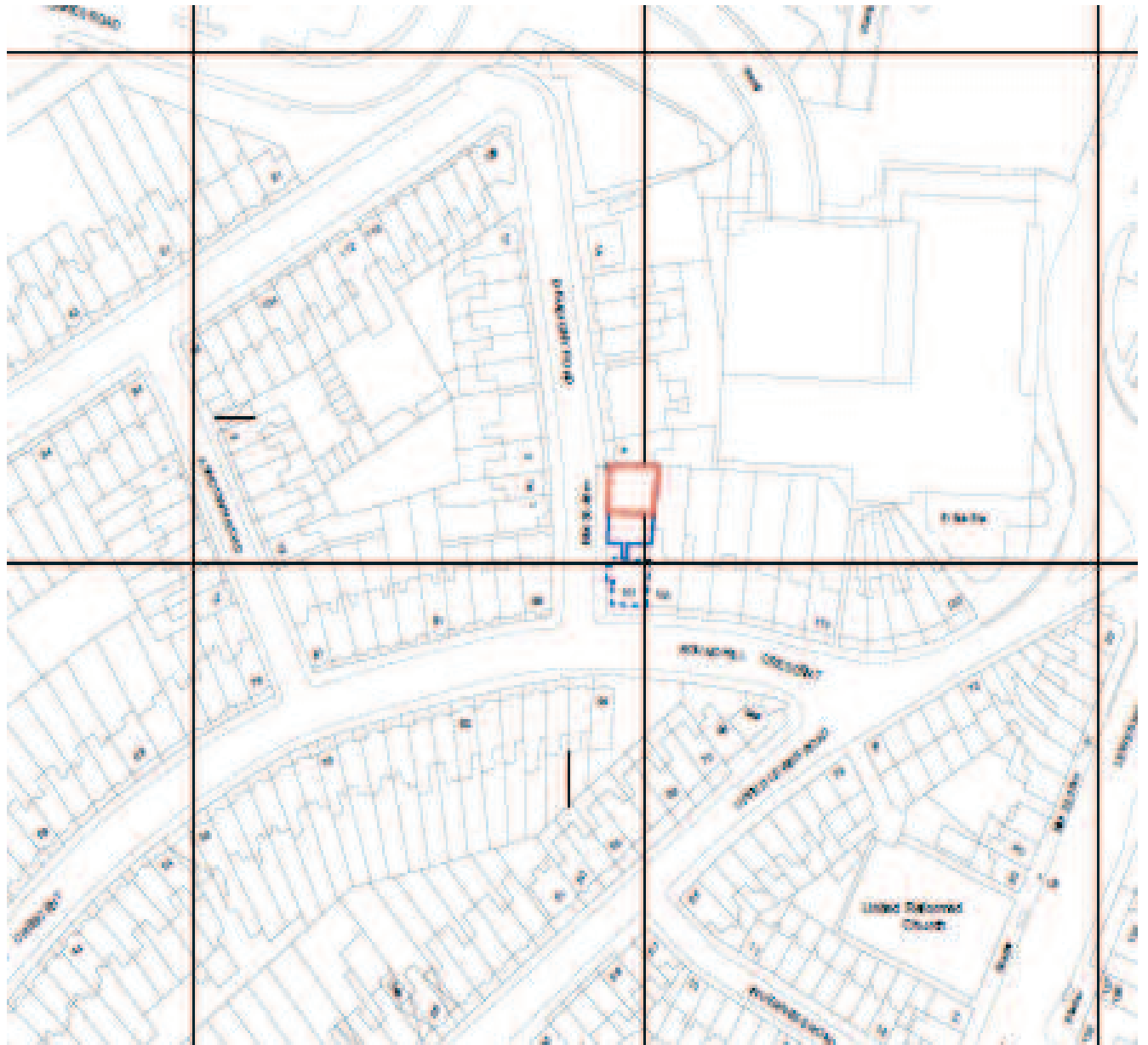
ITEM D

**Land to Rear of 101 Roundhill Crescent,
Brighton BN2 3GP**

**BH2015/02796
Listed Building**

18 November 2015

BH2015/02796 Land to Rear of 101 Roundhill Crescent



<u>No:</u>	BH2015/02796	<u>Ward:</u>	ST. PETER'S & NORTH LAINE
<u>App Type:</u>	Listed Building Consent		
<u>Address:</u>	Land to the rear of 101 Roundhill Crescent Brighton		
<u>Proposal:</u>	Alterations to boundary wall.		
<u>Officer:</u>	Liz Arnold Tel 291709	<u>Valid Date:</u>	13/08/2015
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	08 October 2015
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	ZSTA, 3 Dorset Place Brighton BN2 1ST		
<u>Applicant:</u>	Ms Wendy Jamieson, 101A Roundhill Crescent Brighton BN2 3GP		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to land at the rear of 101 Roundhill Crescent, which is located on the northern side of Roundhill Crescent, on the junction with D'Aubigny Road. 101 Roundhill Crescent, which the development site currently provides a garden area for, has three storeys over a basement level and is currently divided into 3 flats (101A, 101B and 101C). The applicant resides in the flat located across the ground and basement floor levels. The property and related land is located within the Round Hill Conservation Area whilst 101 Roundhill Crescent is a Grade II Listed Building. Nos. 103 to 113 Roundhill Crescent are also Listed.
- 2.2 Round Hill Conservation Area is largely in residential use, with larger houses on Roundhill Crescent and Richmond Road, mostly now flats, and predominantly smaller individual family houses in the other roads. The area is notable for its hilly siting with distant views towards the sea, downland and surrounding leafy areas framed by housing. Its hilly sitting also means there are views towards the area from other parts of Brighton, where it is characterized by houses stepping up the hill and separated by ribbons of green (the gardens to the houses).

3 RELEVANT HISTORY

BH2015/02786 - Erection of two storey, three bedroom dwelling (C3). Concurrent Full Planning Application.

BH2015/00322 - Land to Rear of 101 Roundhill Crescent - Erection of two storey building comprising of 5no one bedroom flats. Refused 07/04/2015.

This previous application was refused on 8 grounds including the erosion of the existing visual open character of the site having a harmful impact on the overall layout and design of the area, a development that fails to reflect the immediate character of the D'Aubigny Road and Roundhill Crescent street scenes and the wider area including the surrounding Round Hill Conservation Area, the development appearing out of scale and overly prominent, the harm to the existing historic boundary walls, the development representing an unneighbourly form of development, failure to comply with Lifetime Homes Standards and the provision of inadequate and poor standard of accommodation.

BH2011/02420 – 101 Roundhill Crescent - Erection of shed and decked area to land to rear of 101 Roundhill Crescent. (Retrospective). Approved 20/10/2011.

BH2011/02259 - 101B Roundhill Crescent - Listed Building Consent for erection of first floor side extension. Refused 12/10/2011.

BH2011/02257 - 101B Roundhill Crescent - Erection of first floor side extension. Refused 12/10/2011.

4 THE APPLICATION

- 4.1 Listed Building Consent is sought for alterations to the existing boundary wall, including the lowering in height or part of the wall, the demolition of a section of the wall and the construction of a new pier with associated capping.
- 4.2 Such alterations to the existing wall are required in association with the construction of a new two storey, three bedroom dwelling (C3), which is subject of the concurrent full planning application.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Two (2)** letters of representation have been received from occupier of BN2 3FT and 55 Princes Road objecting to the application for the following reasons:
 - Application proposes to demolish part of a historic bungeroosh wall built circa 1850 which makes up the boundary of a Grade II Listed building. The applicants have for many years neglected the wall. Failing to repair it and now wish to demolish part of it. The site is in a Conservation Area, surely is planning regulations, which are meant to safeguard the history of the City are to be taken seriously, this application must be refused,
 - Proposal involves the demolition of 1.52 cubic metres out of 5.67 cubic metres of the wall. In terms of what will be seen from D'Aubigny Road, a 6m stretch of a 14m long listed bungeroosh wall would disappear,
 - Application form states that the wall is also slightly lowered to the front of the proposal to match the height of the existing walls on the road, particularly the wall to the neighbouring property, no. 4 D'Aubigny Road. However looking at the proposed front elevation the loss is over half the height of the wall. Fabricating the front wall of a new single-fronted house from an awkward cutting-up of the flint in the existing bungeroosh wall will leave and incongruity, a low 6m stretch of wall (belittled further

by the building so close behind it) and to the east of it just the remaining 8m stretch of the full-sized 1980s bungeroosh wall robbed of long public view behind taking in the vista of listed gardens, Woodvale, Tenantry Down and the ridge and the ride of Race Hill. All that is likely to be noticed with the reduced gap is stairways leading to flats on the rear façade of 101-113 Roundhill Crescent (the listed Grade II Buildings). As the Heritage Statement clearly shows, much could be done to improve this vista and to maintain the bungeroosh wall property without approving application BH2015/02796 which if granted would rob residents of features which they continue to value, and

- Although the applicant proposes to reuse materials (from the demolished part of the bungeroosh wall) in the construction of a diving garden wall, this is not what will remain of a view from D'Aubigny Road.

5.2 **Three (3)** letters of representation have been received from 101(x2) and 101A Roundhill Crescent supporting the application for the following reasons:

5.3 **CAG: Comment.** Group recommended approval of the application subject to the following detailed comments;

- There should be a pillar on both sides of the front garden gate and the proportions of the building entrance should be identical with the existing house,
- The roof should be slate, and
- The fake chimney stack on the new house to abut the existing stack.
- The fake chimney stack on the new house to abut the existing stack.

5.4 **Round Hill Society: Objects** on the grounds that the previous reasons of refusal have not been resolved. One major concern was (and is) the loss of open space between no. 4 D'Aubigny Road and the rear of 101 Roundhill Crescent, this has not been adequately addressed. The height of the current proposal is approximately 1m greater than the rejected scheme and the area of the frontage is reduced by a mere 30%, thus the problem of mass and scale remains. Almost half the 14m bungarouch wall would be removed and the long public view through Woodvale and Tenantry Down to the ridge of Race Hill would be for the most part obscured, losses to all users of D'Aubigny Road. Loss of privacy. Proposal will adjoin no. 4 D'Aubigny Road, there is no information how the existing house will be 'sustained', the application is without structural and construction method or impact statements. The Design and Access Statement is incomplete and fails to see how approval can be granted on incomplete information. Main rooms would be net to those of no. 4 D'Aubigny Road so the likelihood of noise nuisance through the party wall is highly likely.

5.5 Consider that CAG have strayed outside their terms of reference, the addition of a new 3 bedroom house attached to no. in no way enhances the character or appearance of the Round Hill Conservation Area. It is within the garden of a Grade II Listed Building. It will remove part of an original bungarouch wall which will irreversibly damage the setting of the Grade II Listed Building and associated wall. It will upset the visual continuity of the existing terrace in D'Aubigny Road. Long view in and out of Round Hill over the garden of 10 will be reduced (the

retention of long views out of and into Round Hill were one of the reasons the Planning Inspector have for rejecting the Richmond House appeal). Concerned CAG may have been misled by the confusion of 2 application and summary descriptions that apply to this application.

- 5.6 Object to the applicant's long list of 'sweeteners' that "could" be offered if planning permission is granted (repairing the bungarouch wall and works to rear of 101). The applicant has neglected the wall and building for many years, Should permission be granted then these repairs and reinstatement must be subject to a condition to go part way to make up for the destruction of the context of a historic building, removal of a mature tree, loss of valued long views and reduction on the quality of life for residents of no. 4 D'Aubigny Road and flats in 101 and 103 Roundhill Crescent.

Internal:

5.7 **Heritage:**

(Comments 28/09/2015) Requests amendments/further information including;

- a photomontage/contextual view of the proposed development in oblique views,
- the works of repair, reinstatement and improvement to the main building and walls should be added to the application drawings, and
- the detailing of the proposal should be amended.

(Comments 21/10/2015 following discussion with Case Officer) The Listed Building Consent application relates to demolition of a section of wall which is listed as part of 101 Roundhill Crescent. The wall delimits the original extent of the property's garden space. This is significant in showing the size and thus relative status of the property. It also forms an important part of the urban grain of the area. The proposal includes the demolition/alteration of a substantial section of the wall, which thus causes harm to its special interest. Planning (Listed Buildings and Conservation Areas) Act 1990 (section 66) requires the special interest of a listed building to be preserved. The NPPF requires 'great weight' to be placed on the conservation of heritage assets such as listed buildings (Para 132). The works are required to provide access to a proposed new house (planning application BH2015/02786). This proposal is currently considered unacceptable in heritage terms, as set out in the heritage comments for the planning application. The works to the wall are considered unacceptable given the harm caused to the listed wall, where there is no acceptable associated proposal nor any identified public benefits.

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:

Supplementary Planning Documents:

HE1 Listed Building Consent

HE4 Reinstatement of original features on Listed Buildings

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development

CP15 Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to whether the proposed works would have a detrimental impact on the architectural setting and significance of the Grade II Listed wall.
- 8.2 Policy HE1 states that proposals involving the alterations, extension, or change of use of a listed building will only be permitted where:
- a) the proposal would not have any adverse effect on the architectural and historic character or appearance of the interior or exterior of the building or its setting; and
 - b) the proposal respects the scale, design, materials and finishes of the existing building(s), and preserves its historic fabric.
- 8.3 The applicant seeks Listed Building consent for the alteration and the demolition of a section of the existing bungeroosh boundary wall located on the western

side of the garden area related to 101 Roundhill Crescent, which is a Grade II Listed Building.

- 8.4 The existing bungarouch boundary wall delimits the original extent of the garden space of 101 Roundhill Crescent, which currently relates solely to the flat located across the basement and ground floor level of the property. The existing wall is considered significant in showing the size and thus relative status of the existing property, in addition to forming an important part of the urban grain of the area.
- 8.5 The proposal includes the demolition of a section of wall approximately 2m wide in order to create a new opening, the lowering in height of approximately 4m of the northern section of the existing wall and alterations to provide a new pier with associated capping on the northern side of the proposed new opening. As such the proposal includes the demolition of a substantial section of the existing wall and thus causes harm to its special interest.
- 8.6 Planning (Listed Buildings and Conservation Areas) Act 1990 (section 66) requires the special interest of a Listed Building to be preserved.
- 8.7 The NPPF requires 'great weight' to be placed on the conservation of heritage assets such as listed buildings (Para 132).
- 8.8 The proposed demolition and alterations to the existing bungarouch western boundary wall are required to provide access to a proposed new house, which is subject of concurrent full planning application BH2015/02786. This concurrent application is currently considered unacceptable in heritage terms, as set out in the heritage comments for the planning application. As a result of application BH2015/02786 not being acceptable the proposed works to the boundary wall are also considered unacceptable given the harm they would cause to the listed wall, where there is no acceptable associated proposal nor any identified public benefits.
- 8.9 The front boundary wall to 4 D'Aubigny Road is a later replacement. The remainder of the street (east side) retains the original design of piers. This design includes tall piers with pyramidal cappings. It would be appropriate for the design of the proposed altered boundary wall to match the original design rather than that at number 4. A section through the wall should be provided as part of the application to show the coping. Whilst relevant to this application with regards to the visual impacts of the proposal upon the visual amenities of the existing historic wall this issue is assessed in the concurrent full planning application as the proposal would result in a boundary treatment out of keeping with the historic front boundaries in the D'Aubigny Road street scene and the surrounding Conservation Area.

9 CONCLUSION

- 9.1 In the absence of an acceptable scheme for the development of the site, the demolition of parts of the historic wall would result in loss of historic fabric and form, and a gap in the boundary of 101 Roundhill Crescent harmful to the character and appearance of the listed wall and the setting of 101 Roundhill

Crescent. As such the proposal is contrary to policy HE1 of the Brighton & Hove Local Plan, refusal is therefore recommended.

10 EQUALITIES

None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. In the absence of an acceptable scheme for the development of the site, the demolition of parts of the historic wall would result in loss of historic fabric and form and a gap in the boundary of 101 Roundhill Crescent harmful to the character and appearance of the listed wall and the setting of 101 Roundhill Crescent. The scheme is considered contrary to policy HE1 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

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

Plan Type	Reference	Version	Date Received
Existing Site Plan	E01	-	13th August 2015
Existing Sections/Elevations	E02	-	13 th August 2015
Block Plan	P/130	-	13 th August 2015
Location Plan	P/131	-	13 th August 2015
Proposed Plan	P/133	-	13 th August 2015
Proposed Section Through Wall	P/134	-	13 th August 2015
Proposed Front Elevation	P/135	-	13 th August 2015

3. The agent/applicant is advised that it is usual to include the whole of a listed property within the red edge accompanying a listed building consent application.

ITEM E

**Kingsmere, London Road,
Brighton BN1 6UY**

**BH2015/02713
Full Planning**

18 November 2015

BH2015/02713 Kingsmere, London Road



<u>No:</u>	BH2015/02713	<u>Ward:</u>	WITHDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Kingsmere London Road Brighton		
<u>Proposal:</u>	Roof extension to Blocks E & F to provide 8no flats each with own private roof garden.		
<u>Officer:</u>	Jonathan Puplett Tel 292525	<u>Valid Date:</u>	14/08/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	09 October 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Strutt and Parker, 201 High Street Lewes BN7 2NR		
<u>Applicant:</u>	Anstone Properties Ltd, C/O Strutt and Parker 201 High Street Lewes BN7 2NR		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a site on the eastern side of London Road known as Kingsmere. It is a residential development of four purpose built four-storey blocks comprising 120 flats.
- 2.2 Blocks E and F are situated on the western side of the site facing out towards London Road with a landscaped area and trees between the built form and the road. Blocks E and F appear as one four storey building of modern appearance, with inset sections, forward projecting bays and a tile hanging clad top floor.
- 2.3 The surrounding area is predominantly flatted residential development within large sites with off-street surface parking. London Road is partly characterised by the presence of adjoining green space and established trees / vegetation. The site is bound to the south east and west by the Preston Park conservation area, although the site itself is outside of the Conservation Area.

3 RELEVANT HISTORY

BH2015/01454: Erection of additional storey to block D to create 2no one bedroom and 2no two bedroom flats (C3) with roof gardens. Approved 24/09/2015.

BH2012/03673 Erection of additional storey to Blocks A and B to create 8no flats with private roof gardens, with associated cycle storage. Approved after Section 106 signed. 04/09/2013.

BH2011/03432: Roof extension to Blocks E & F to provide 8no flats each with own private roof garden. Refused 21/03/2012. Allowed on appeal 05/10/2012. This permission expires on the 5th of October 2015.

BH2011/01101 Additional storey to form 4 no three bedroom flats with private roof gardens over Blocks A & B. Approved 07/07/2012.

BH2010/02056 Permission was granted for an additional storey of living accommodation to create 4no. three bedroom penthouse flats with private gardens over blocks E & F. Approved 03/09/2010.

BH2007/02691 Planning permission was refused in 2007 for 'roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store'. An appeal against this decision was dismissed (see Considerations in Section 7 below). Refused 05/09/2007 – Appeal Dismissed 03/04/2008.

BH2007/00709 Planning permission was refused in April 2007 for 'roof extensions to blocks A + B & E + F to provide 8 penthouse flats, provision of 23 additional car spaces & a new secure cycle store'. Refused 16/04/2007.

3/93/0501/OA Planning permission was refused in 1993 for an additional storey on the roof of each of the existing 6 blocks in the form of a mansard roof to provide an additional 16 flats and an increase in parking to provide an additional 24 spaces. Refused 31/08/1993.

73/325 Permission was granted in 1973 for the erection of 115 s/c flats in 3/4 storey blocks with service roads and car parking space for 120 cars. Granted.

The Priory London Road Brighton

BH2009/00058 Construction of additional storey to existing block of flats, to form 2 two-bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store. Refused 09/09. Appeal Allowed 09/04/2010.

4 THE APPLICATION

- 4.1 The application seeks consent for the erection of an additional storey atop the existing building. The new storey would contain 8 residential units; six two-bedroom flats and two one-bedroom flats. The scheme is identical to that which was allowed on appeal under application BH2011/03432, a permission which remained extant until the 5th of October 2015. The walls of the additional storey primarily comprise UPVC framed glazing with some small areas of solid wall, the facing material of which is not confirmed. An asphalt flat roof is proposed with a number of solar thermal panels. Roof terrace areas are proposed around the additional storey with what appears to be a glazed balustrade and railing. The proposed surfacing to the roof terrace areas is not confirmed.

5 PUBLICITY & CONSULTATIONS

External

5.1 **Neighbours: Eight (8)** letters of representation have been received from nos. **19, 20 (on behalf of Kingsmere Residents Association), 24, 42, 43, 81, 100 and 106 Kingsmere** objecting to the application for the following reasons:

- The proposed additional storey and roof terraces will result in additional overshadowing, overlooking and loss of privacy.
- The proposed development will result in increased vehicular movements in to and out of the site, and within the estate. The junction between the estate and the road is already dangerous.
- The proposed development will result in additional demand for parking.
- New parking spaces and cycle stores granted permission previously have not been implemented.
-
- It has not been demonstrated that the blocks can withstand the weight of an additional storey.
- The structural stability of the existing bay windows has not been proven.
- The proposed units would not meet disabled access standards.
- The proposed construction works would cause noise and disruption.
- There are already problems with storage and collection of refuse.
- The proposed development could result in proposals for more parking spaces on the state which could reduce the amount of green space and endanger trees.
- The proposed development could cause the loss of bird habitats as birds nest on the roof.
- The proposed cycle store only accommodates the demand for storage for occupiers of the new flats; there is a shortage of storage for existing residents.

Internal:

5.2 **Sustainable Transport:** Comment. The proposed cycle store is acceptable and its implementation should be secured by planning condition. No additional on-site parking is proposed in association with the proposed units, the site is however in an accessible location, and due to the parking restrictions in the immediate vicinity of the application site it is unlikely that overspill parking would have a significant impact on the surrounding highway. The proposed development would result in increased trip generation, however the site offers good accessibility by sustainable transport modes and therefore a contribution towards sustainable transport infrastructure is not necessary in this case.

5.3 **Environmental Health:** No comment.

5.4 **Access Officer:** No comment.

5.5 **Housing Strategy:** No comment.

5.6 **Private Sector Housing:** No comment.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe Development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU13	Minimisation and re-use of construction industry waste
QD1	Design - quality of development and design statements
QD2	Design - key principles for neighbourhoods
QD3	Design - efficient and effective use of sites
QD14	Extensions and alterations
QD27	Protection of amenity
QD28	Planning obligations
HO3	Dwelling type and size

HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO7	Car free housing
HO13	Accessible housing and lifetime homes
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

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

Brighton & Hove City Plan Part One (submission document)

SS1	Presumption in Favour of Sustainable Development
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8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main issues in the determination of this application are the planning history of the site, the impact of the proposal upon the character and appearance of the area, amenity issues, transport and highways issues, sustainability and living accommodation standards.
- 8.2 **Housing:**
At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to fall within the range 18,000 – 24,000 units) as the basis for the five year supply position.
- 8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.
- 8.4 **Planning history and principle of development:**
The Kingsmere estate was granted planning permission in January 1973 (ref 72/4136 & 73/325).
- 8.5 Planning permission (BH2007/02691) was refused in December 2007 for roof extensions to blocks A & B and E & F to provide 8 penthouse flats and provision of 22 additional car spaces and new secure cycle store. This application was refused on design grounds, harm to residential amenity and the unknown impact of the new parking facilities upon protected trees located on the site. The

- 8.6 decision was subsequently appealed and was dismissed by the Planning Inspector, who upheld the Council's reasons for refusal on design and arboricultural grounds.
- 8.7 A planning application (BH2010/02056) in 2010 with a differing design and scope to that of the 2007 proposal for an additional storey was approved by the Planning Committee in September of that year. That approval was for an additional storey upon blocks E & F. The design had been amended compared to the previous refusal, to present a predominantly glazed upper storey set back from the existing front, side and rear elevations rather than being flush. That proposal did not provide any further parking spaces to avoid having any adverse impact on trees around the previously proposed car park.
- 8.8 The previous decision to grant the additional storey were also taken in light of a case at The Priory located on London Road to the north of the application site, on the western side of the road opposite the junction with Carden Avenue (BH2009/00058). This application was similar to the previously approved scheme in respect that it sought an additional storey of accommodation with a comparable design. That case was refused in September 2009 and subsequently allowed on appeal in April 2010. The design of the original building, the appearance of the immediate locality and provision of parking differs between the two cases. However, the applications are sufficiently similar with respect to a number of issues raised that weight should be afforded to the Inspector's decision upon the Priory as a material consideration in determining this application.
- 8.9 Planning permission was allowed upon appeal after refusal by Planning Committee for a roof extension to Blocks E & F Kingsmere (BH2011/03432) to provide 8 no. flats each with own private roof garden. This is a relatively recent appeal decision and is therefore given significant weight. The current proposal is identical to this previously approved scheme.
- 8.10 **Visual Impact:**
At the time of application BH2011/03432, the report to committee set out that the visual impact of the proposed additional storey would be acceptable. Whilst the application was refused by the Local Planning Authority, visual impact was not raised as a reason for refusal and therefore the Inspector did not address the matter in detail in their appeal decision. Whilst national and local planning policies and guidance have evolved since the time of this decision there is no material change in circumstance which would warrant taking a contrary view in respect of design.
- 8.11 In principle, given the planning history of the site, subject to meeting the applicable policies of the Local Plan and other material considerations, the provision of an additional storey in this location is considered to be acceptable.
- 8.12 The additional storey by reason of its scale, height, materials, form, detailing and siting would remain acceptable and would provide a quality design in contrast to the existing building and would provide visual interest to the building.

8.13 Furthermore, an additional height with an acceptable design is a more efficient and effective use of the site without compromising the intensity of development appropriate to the surrounding area. The additional height would not affect the setting of the Preston Park Conservation Area given it lies outside of the designated area, would be seen in the context of the modern Kingsmere estate and remains satisfactorily designed in relation to its surroundings.

8.14 The additional height of the extensions would be approximately 3m taking the building to an approximate total height of 14.6m, with an additional 0.4m protrusion to accommodate the lift motor rooms. Full details of proposed materials have not been provided and therefore it is recommended that samples of materials be secured by planning conditions to ensure that a satisfactory finish to the development.

8.15 Neighbouring amenity:

At the time of application BH2011/03432 the Local Planning Authority raised concerns regarding the impact of the proposed development upon neighbouring occupiers, specifically in regard to noise disturbance. This matter was addressed in detail in the Inspector's Appeal Decision. The Inspector detailed that disturbance caused during construction works would be a matter for control through the Council's environmental health powers, concerns regarding future occupiers causing additional noise for those below would be dealt with through soundproofing measures and Building Regulations, and that whilst use of the terrace areas could cause some additional noise, this would not cause harm of a magnitude which would warrant the refusal of planning permission.

8.16 The Inspectors rationale in respect of noise disturbance is noted and there is no reason to take a contrary view at this time. It is considered unlikely that the proposed development, once constructed and occupied, would cause significant noise nuisance for occupiers of the blocks below and of neighbouring properties. The terraces would provide views towards neighbouring properties, these views would however be similar to those the existing windows of the block would provide. Whilst a user of a terrace can have a more intrusive impact upon neighbouring privacy, the block is set away from the other blocks in the Estate by a minimum of 17 metres to the north and 33 metres to the east. Furthermore, many of the terraces would not face directly towards the blocks to the north and east; the terraces to the western side of the building for example would face on to the trees and landscaping in front of the building and the road beyond.

8.17 Standard of accommodation:

At the time of application BH2011/03432 the Local Planning Authority raised concerns regarding the standard of accommodation which the development would provide. This matter was addressed in detail in the Inspector's Appeal Decision. The Inspector concluded that the standard of accommodation provided would be acceptable.

8.18 Whilst the Council's policy in respect of amenity of future occupiers, policy QD27, remains unchanged, at national level Government has published

nationally described space standards for new build residential units. The Council does not have a policy which specifically references these standards and in such cases Government advice is that they should not be enforced. The standards do however serve as a point of reference for the minimum space standards Government consider to be acceptable at this time. The proposed flats are in all cases around 10m² smaller than Government's minimum standards and the accommodation would be relatively cramped. However, having regard to the Inspectors view set out in the Appeal Decision, and the fact that each unit would benefit from some private outdoor amenity space, overall it is considered that it would not be reasonable to refuse planning permission on the grounds that the standard of accommodation.

8.19 In regard to access standards, Government have advised that the Council can no longer secure Lifetime Homes Standards; the current standard in this regard is Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and given that there is lift access within the blocks it is recommended that compliance with this standard be secured by planning condition to address the objectives of Policy HO13.

8.20 Transport:

Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Policy TR14 confirms that all proposals for new development and change of use should provide facilities for cyclists in accordance with the parking guidance.

8.21 The proposed application would see an increase of four additional dwellings meaning that an uplift in trip generation could be expected. Nevertheless given the nature of the units (maximum two bedrooms) it is not considered that this would be significant. The site is also well located for the use of sustainable modes of travel. Given these considerations, a contribution towards sustainable transport infrastructure is not necessary in this case.

8.22 The applicant has proposed that cycle parking would be provided by the store to be shared between other blocks within the Kingsmere development and approved under the approval of details application reference BH2014/03581. It is recommended that the implementation of adequate cycle storage be secured by planning condition.

8.23 No car parking is proposed, including for disabled users. The site is well located for access to sustainable modes of transport, the applicant has however noted in previous applications that car parking is constrained at the site and it is likely that the proposed units could exacerbate this. However, parking restrictions on London Road will limit the opportunity for overspill parking within the immediate vicinity of the site and as such it is not considered that the absence of on-site car parking provision will have an adverse impact on the surrounding highway.

8.24 Sustainability:

In regard to Sustainability, Government have advised that the Council can no longer require that development meets a Code for Sustainable Homes

Standard. Government have introduced transitional optional standards for energy and water usage and it is recommended that these standards be secured by condition to address the requirements of Policy SU2.

8.25 Landscaping and ecology:

Whilst it appears that some plants are proposed to the roof terrace areas, no development is proposed at ground level and overall it is considered that it would not be reasonable to secure a scheme of landscaping or ecological improvements.

9 CONCLUSION

9.1 The proposal would make an effective and efficient use of the site without compromising the quality of the local environment. Subject to the compliance with the attached conditions no significant harm to neighbouring amenity would result and the scheme is acceptable with regard to sustainability measures and traffic issues.

10 EQUALITIES

10.1 It is recommended that compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) be secured by planning condition.

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 Location Plan			14/08/2015
Block Plan			24/07/2015
Existing Typical Floor Plan	A1211/03		24
Existing Elevations	A1211/04		
Existing Elevations	A1211/05		
Existing Roof Plan	A1211/08		
Proposed Floor Plan and Elevation	A1211/06		
Proposed Elevations	A1211/07		
Proposed Floor Plan Detail	A1211/11		
Proposed Floor Plan Detail	A1211/12		

Proposed Roof Plan	A1211/09		
Proposed Cycle Store Location			
Proposed Cycle Store Plan and Elevations	A1211/10		
Proposed Cycle Store Specification			

11.2 **Pre-Commencement Conditions:**

- 3) No development shall take place until samples of the 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 (balustrade and railing);
 - 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 & QD14 of the Brighton & Hove Local Plan.

11.3 **Pre-Occupation Conditions:**

- 4) None of the residential units hereby approved shall be occupied until each residential unit built has achieved an energy efficiency standard of a minimum of 19% CO2 improvement over Building Regulations requirements Part L 2013 (TER Baseline).

Reason: To ensure that the development is sustainable and makes efficient use of energy to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

- 5) None of the residential units hereby approved shall be occupied until each residential unit built has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy SU2 of the Brighton & Hove Local Plan and policy CP8 of the Brighton & Hove Submission City Plan Part One (Proposed Further Modifications September 2015).

- 6) The dwelling(s) hereby permitted shall be completed in compliance with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) prior to first occupation and shall be retained as such thereafter. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

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

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

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

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

11.4 Informatives:

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

2. This decision to grant Planning Permission has been taken:
 - (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and
 - (ii) for the following reasons:-

The proposal would make an effective and efficient use of the site without compromising the quality of the local environment. No significant harm to neighbouring amenity would result, and subject to compliance with the attached conditions the scheme is acceptable having regard to transport and sustainability considerations.

ITEM F

107 Boundary Road, Hove BN3 7GB

**BH2015/02562
Full Planning**

18 November 2015

BH2015/02562 107 Boundary Rd, Hove



<u>No:</u>	BH2015/02562	Ward:	HANGLETON & KNOLL
<u>App Type:</u>	Full Planning		
<u>Address:</u>	107 Boundary Road Hove		
<u>Proposal:</u>	Demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated parking.		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	27/07/2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21 September 2015
<u>Listed Building Grade:</u>	N/A		
Agent:	John Coleman Architects, Rivermead Berwick St James Salisbury Wiltshire SP3 4TS		
Applicant:	Castlemist Finances Ltd, 20 Tongdean Avenue Hove BN3 6TL		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site relates to a two-storey detached dwellinghouse located on the east side of Boundary Road. The site is approximately 20m to the south of the busy junction with Old Shoreham Road and is to the north of Portslade railway station. The property incorporates a detached pitched roof garage and car port on the south side of the house adjacent to a Beech tree. The house has a pitched roof with gable ends to the front with a large pitched roof dormer and rooflight on the side (south facing) rooflight. The external façade of the house is red brick on the ground floor with a cream green rendered first floor. The property is part of a row of similar gable ended, dual pitched roofed dwellings on the eastern side of Boundary Road.

3 RELEVANT HISTORY

- 3.1 **BH2015/00234** - Creation of car parking area to rear. Refused 18 June 2015 for the following reason;

- The proposed car parking would be in close proximity to 12 Gladys Road and 106 Boundary Road. The movements and activities generated by 7 car parking spaces would result in a significant and harmful noise impact on these adjacent properties, resulting in a loss of amenity for occupants of these properties. The proposal is therefore contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.*

BH2015/00233 - Demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated car parking. Refused 11 June 2015 for the following reasons;

1. *The proposed development by virtue of its scale, bulk and design would result in an incongruous development that would appear overly dominant within the context of the immediate Boundary Road street scene and would detract significantly from the character and appearance of the site and the wider surrounding area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.*
2. *The proposed car park and vehicular access would be in close proximity to 12 Gladys Road and 106 Boundary Road. Given the substantial car movements and activities generated by 7 car parking spaces the proposal would result in a significant noise impact on these adjacent properties, resulting in a loss of amenity. The proposal is therefore contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.*

BH2012/00203 - Application to extend the time limit for implementation of previous approval BH2008/03442 for the demolition of existing house and construction of 2no storey building with pitched roof and lightwell to form 7no flats. Approved 11 May 2012.

BH2008/03449: Land to rear 107 Boundary Road. Construction of new partially sunken 3 bedroom single storey dwelling with flat roof and rooflights. Refused 16 February 2009. Dismissed on appeal (ref: Q1445/A/09/2101460/NWF).

BH2008/03442: 107 Boundary Road. Demolition of existing house and construction of 2-storey building with pitched roof and lightwell to form 7 flats. Refused 16 February 2009. Allowed on appeal (ref: Q1445/A/09/2101398).

4 THE APPLICATION

- 4.1 Planning permission is sought for the demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated parking.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: Four (4) letters of representation have been received from **105, 108 Boundary Road, 12, 14 Gladys Road** objecting to the application for the following reasons:

- Out of character with the existing houses within the street scene,
- Excessive in scale,
- Overlooking / loss of privacy,
- Overdevelopment of the site,

- Noise and disturbance from rear balconies and external amenity space,
- Noise, light and exhaust pollution from vehicular movements accessing rear car park,
- Lack of external amenity area,
- Little consideration for neighbours or local environment,
- Would exacerbate already high volumes of road traffic close to a busy junction, resulting in increased danger to users of the highway, specifically pedestrians.

5.2 **Cllr Dawn Barnett** supports the application (representation attached).

5.3 **Internal:**

Arboricultural Section: Should this application be granted consent, a line of leylandii hedging alongside the driveway to the rear of the site may be lost.

5.4 Whilst they provide fine screening between the properties, they are of little arboricultural value and the Arboricultural Section would not object to their loss.

5.5 It is noted that the plans (drg no 754/sk1) indicate that they will be replaced by beech hedging or similar. If hedging is proposed to screen between this property and the neighbouring property, further information regarding planting / species etc will be required.

5.6 Of more concern to the Arboricultural Section is the fine Beech tree in front of the property. The proposed driveway and access to the development site will be within the Root Protection Area of this tree.

5.7 The Arboricultural Section would ask that this tree is protected during the course of the development as far as is practicable, along with details of the laying of any new driveway within the Root Protection Area of this tree.

5.8 Overall the Arboricultural Section has no objection to the proposals in this application subject to suitable conditions being attached to any planning consent granted.

5.9 Conditions are recommended requiring the submission of these details prior to commencement of works.

5.10 **Sustainable Transport:**

5.11 Pedestrian Access

Pedestrian access is retained from Boundary Road to the front of the property. This is deemed acceptable by the Highway Authority.

5.12 Cycle Parking

SPG04 states that a minimum of 1 cycle parking space is required for every dwelling plus 1 space per 3 dwellings for visitors. For this development of 7 residential units the minimum cycle parking standard is 10 cycle parking spaces in total (1 per residential unit and 1 visitor space per 3 units).

- 5.13 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. The Highway Authority's preference is for the use of Sheffield type stands spaced in line with the guidance contained within the Manual for Streets section 8.2.22.
- 5.14 The applicant has set aside a cycle store to the rear of the property. This is acceptable in principle but further details as to the nature of the stands need to be secured via condition.
- 5.15 Disabled Parking
SPG04 states that the minimum standard for disabled parking for a residential land use is 1 disabled space per 10 residential units. The applicant has decided to provide 1 disabled car parking space for any disabled residents or visitors. The disabled bay is not designed in accordance with the best practice guidance Traffic Advisory Leaflet 5/95 Parking for Disabled People. This requires a 1.2m clear zone to either side of the bay; currently only 0.6m clear zone is provided. Further details and an amended design should be secured via condition.
- 5.16 Vehicular Access
The applicant is proposing to retain the existing vehicular access on Boundary Road. The applicant is proposing an access lane of 3.7m in width. This would only really allow 1 lane working. A carriageway of 4.1m allows two vehicles to pass safely.
- 5.17 In order to ensure vehicles do not have to reverse back onto the highway and potentially block Boundary Road the Highway Authority would look for appropriate signage to ensure vehicles entering the site have priority over vehicles leaving the site. Further details as to this signage should be secured via condition.
- 5.18 Car Parking
SPG04 states that the maximum car parking standard for a residential unit outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The applicant is proposing 7 car parking spaces 1 of which is a disabled user car parking space. Therefore the proposed level of car parking is in line with the maximum standards and is deemed acceptable.
- 5.19 Trip Generation/Highway Impact
The precedent for a development of this nature and scale has already been set through planning permissions BH2008/03442 and its renewal BH2012/00203. Therefore the Highway Authority has no objections to the proposals in relation to trip generation and the potential for increased trips.
- 5.20 S106 Developer Contribution
The original permission BH2008/03442 included a signed Unilateral Undertaking for a £3750 contribution towards sustainable transport measures. As this development is the same nature and scale as the previous application

the Highway Authority would look for the previous obligation to be included in this permission. These improvements will go towards footway improvements in the local area.

5.21 As the S106 contribution of £3750 has already been paid to the council associated with planning permission BH2012/00203 in order to secure a contribution associated with this permission a deed of variation is required to the existing S106 associated with BH2012/00203 to ensure it is also associated with any permission granted through this permission.

5.22 Environmental Health: No objection.

Additional comments in response to submitted acoustic report.

Application BH2015/02562 seeks the demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated parking. It is understood also that previous applications on the site have been refused by the local planning authority on the basis of concerns over noise and more specifically, noise and disturbance from the car park area. Environmental Health has not raised concerns over the site.

5.23 The EH Team has reviewed the 7th Wave Acoustics report dated 8th September 2015. The report has used unattended noise monitoring equipment to evaluate the soundscape over an 8 day period and identified the typical noise levels for both a daytime and night time period. The data has been run through a noise model, CadNA to determine the anticipated/predicted levels and level changes of cars arriving and departing. For the purposes of the survey, the arrival and departure are considered as one event. Four events have been modelled for the daytime and four for the evening and the report concludes that with the worst case assumptions, the car park noise is significantly below the existing noise climate.

5.24 The EH Team is satisfied that the report has used appropriate standards, levels and measurement criteria and is robust.

6 MATERIAL CONSIDERATIONS

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

6.2 The development plan is:

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

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- SU15 Infrastructure
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD5 Design – street frontages
- QD15 Landscape design
- QD16 Trees and hedgerows
- QD27 Protection of amenity
- QD28 Planning obligations
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO6 Provision of outdoor recreation space in housing schemes
- HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Document:

- SPD03: Construction and Demolition Waste

Brighton & Hove City Plan Part One (submission document)

- SS1 Presumption in Favour of Sustainable Development

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application are the principle of the development, the impact on the character and appearance of the area, amenity issues, highway issues and sustainability issues.

8.2 Background

At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing provision target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.

8.3 The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. The merits of the proposal are considered below.

8.4 Planning History

A development consisting of the demolition of the existing property and the erection of a new residential building incorporating 7 flats was previously refused by the Local Planning Authority in 2009 on grounds of inappropriate design, poor standard of accommodation, over-development of the site, lack of outdoor amenity space for future occupiers and failure to accord with Lifetimes Homes. This application was allowed on appeal and a subsequent identical extension of time application was approved in 2012 (BH2012/00203).

8.5 Subsequent to these applications a scheme of a different design for 7 flats with parking to the rear was refused on grounds of inappropriate scale, bulk and design and also on noise and disturbance relating to use the proposed rear car park (BH2015/00233).

8.6 There have been no significant changes to the site or its surroundings since 2015, or any new local or national planning policy that would conflict with the planning policy at the time of the previous decisions and as such these decisions are significant material considerations in the determination of the current application.

8.7 Design and Impact on character and appearance of the area

Local Plan policies QD1, QD2, QD3 and QD5 set out the design criteria for applications of this nature. These policies require proposals to make an efficient and effective use of the site, contributing positively to the visual quality of the environment, addressing key principles for the neighbourhood in terms of height, scale, bulk and design whilst providing an interesting and attractive street frontage.

8.8 The proposed scheme has the same overall height, footprint and depth as the previously refused scheme in application BH2015/00233. The differences are outlined below;

- Reduction in height of the two outer gable ends by 0.45m for a depth of 2.4m at the front of the property,
- Doors with Juliet balconies, rather than windows to front elevation,
- Protruding balconies proposed to the rear at third floor level,
- Removal of inset side balcony within south facing roofslope,
- Alterations to siting and extent of fenestration and solar panels to the side roofslopes,
- Additional screening to the rear boundary of the site,
- Alterations to car park siting.

8.9 The proposed scheme would appear very similar appearance to the previously refused scheme. The reduction in height of the two outer gable ends would result in a minimal reduction in bulk on the street frontage. The alterations to the fenestration to the front elevation would result in more visual clutter. Notwithstanding this, the overall design, mass and bulk would be largely unchanged from the previously refused scheme and as such would still have a significantly detrimental impact upon the street scene.

8.10 The proposed design has a very different appearance to the approved scheme allowed at appeal in 2009 and approved again in 2012. Whilst the overall height and footprint would remain the same the eaves height would be significantly higher than adjoining properties which, in conjunction with the large expanse of flat roof, results in an excessively bulky and visually harmful building. The building would significantly disrupt the rhythm of the development within the street scene and would detract from the appearance and character of the site and the wider surrounding area.

8.11 While the appeal scheme was significantly wider than neighbouring properties, the overall roof form and eaves height ensured that it respected its context to some degree. The proposed scheme, with its higher eaves level, accentuates the width of the building. Furthermore, by raising the basement level, in comparison to the approved scheme, the building would have a three storey appearance with additional accommodation in the roof; rather than the two storey appearance, with accommodation in the roof, of the appeal scheme.

8.12 In allowing the previously approved scheme the Inspector opined that the building would be of a similar shape to the neighbouring properties, with pitched roofs and would not be significantly higher than its neighbours. This is clearly not the case with the current proposal, which has the appearance of a multi-storey residential block, rather than a gable fronted dwelling house. The Inspector also stated that, "the use of projecting gable elements would effectively reduce the bulk and mass of the building". The current scheme has an almost flush front elevation, with a full height stairwell. Whilst the two front outer gable elements have been reduced slightly in height (in

comparison to the previously refused scheme) there is no set back to the roof accommodation, and this adds additional bulk and massing to the front elevation adjacent to the street (when compared to the approved scheme), exacerbating the overly dominant appearance of the proposal.

8.13 The landscaping works to the rear to create the private and communal gardens and the hardstanding for the proposed parking areas would not be visible from the public domain and are not considered to be significantly detrimental to the appearance or character of the building or the wider surrounding area.

8.14 For the reasons set out above it is clear that the applicant has failed to overcome the previous reason for refusal. The proposal would still result in an incongruous, excessively bulky and overly dominant building within the context of the immediate Boundary Road street scene and as such would be contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

8.15 Amenity of future occupiers

Policy QD27 will not permit development which would cause a material nuisance or loss of amenity to the proposed, existing and/or adjacent users, residents or occupiers where it would be liable to be detrimental to human health.

8.16 Whilst the Council's policy in respect of amenity of future occupiers, policy QD27, remains unchanged, at national level Government has published nationally described space standards for new build residential units. The Council does not have a policy which specifically references these standards and in such cases Government advice is that they should not be enforced. The standards do however serve as a point of reference for the minimum space standards Government consider to be acceptable at this time. Other than the third floor flat the proposed flats are in all cases below the Government's minimum standards for floor area with some of the double bedrooms also below the minimum size threshold for bedrooms and the accommodation would be relatively cramped. However, having regard to previously approved scheme, and the fact that each unit would benefit from some private outdoor amenity space and acceptable levels of light and outlook, overall it is considered that an adequate standard of accommodation would be provided for.

8.17 The rear communal garden would provide satisfactory external amenity space for a development of this scale. In addition the basement units have private gardens to the rear and the other five flats have external balconies and as such the proposal would accord with policy H05.

8.18 In regard to access standards, Government have advised that the Council can no longer secure Lifetime Homes Standards; the current standard in this regard is Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) and given that there is lift access within the blocks it is recommended that compliance with this standard be secured by planning

condition to address the objectives of Policy HO13 if the application were otherwise acceptable.

8.19 There is sufficient space to the rear for refuse/recycling storage and if the proposal were otherwise acceptable then details of this could be sought via a planning condition.

8.20 Amenity for adjoining occupiers

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

8.21 It is noted that whilst the overall height and footprint of the dwellinghouse would be the same as the previously allowed scheme, the higher eaves levels would result in a bulkier and more dominant structure when viewed from neighbouring properties. Notwithstanding this, there is considered to be sufficient separation between the adjoining properties, No.106 and No.108 Boundary Road to ensure that the increased bulk would not result in a significantly overbearing impact on these properties. The proposed scheme would not result in any significantly increased overshadowing, loss of light or outlook from adjoining properties over and above the allowed scheme and the proposal is considered to be acceptable in this regard.

8.22 The amount of proposed balconies is similar to the approved scheme and there is not considered to be a significantly detrimental impact to adjoining properties by way of overlooking / loss of privacy or unacceptable levels of noise disturbance.

8.23 The proposed car parking area would be directly adjacent to the north elevation of 12 Gladys Road. This elevation includes two windows. One serves a hallway and one serves a bedroom. The north facing elevation is directly onto the boundary with the garden of 107 and would directly overlook the proposed car parking area.

8.24 During the process of the previous appeal for a sunken dwelling in the rear garden (BH2008/03449), the Inspector made the following comments:

‘There is one serious objection to the development that I do not think can be overcome by condition. The courtyard garden would be immediately overlooked from a tall window on the flank wall of 12 Gladys Road that lights the main landing and staircase of that house and from which there would be a very clear view straight down into the garden. To my mind that would significantly affect the privacy of the occupiers of the new dwelling and their reasonable enjoyment of the garden. The neighbours at 12 Gladys Road could also suffer from an unacceptable level of noise in the first floor bedrooms from activities in the garden, particularly in the bedroom that has a window in the same elevation as the staircase window.’

- 8.25 The Inspector dismissed this appeal on the grounds of overlooking and noise disturbance from the garden of a proposed dwelling.
- 8.26 The most recently refused scheme proposed 7 car parking spaces to the rear of the site in the same position as the proposed sunken dwelling. The impact was considered to be comparable and as such the proposal was refused on the grounds that noise and disturbance from the use of the car park would be detrimental to adjoining properties.
- 8.27 The current scheme includes a similar car parking scheme as the previously refused application, the differences being slight revisions to the siting, moving the car park spaces away from the rear boundary and introducing additional screening in the form of shrubs adjacent to the rear boundary.
- 8.28 In addition to the above, the applicant has submitted an acoustic report which assesses the potential noise impact of the proposed car park on the adjoining properties, 12 and 14 Gladys Road and 106 Boundary Road.
- 8.29 The report outlines that there would be a minimal increase in daytime noise to 12 Gladys Road. There would be no discernable impact to 14 Gladys Road or 106 Boundary Road during the day or any of these properties during the night. Overall the report concludes that the proposed car park would not result in any significant harm to neighbouring properties as to regards to noise disturbance.
- 8.30 The proposed shrubbery to the rear would also provide further additional (though limited) mitigation to any noise disturbance. Whilst the screening would be close to the adjacent first floor window at 12 Gladys Road, this window serves a hallway and any loss of light or outlook is not considered to result in any significant loss of residential amenity.
- 8.31 The Environmental Health Team has assessed the report and state that appropriate standards, levels and measurement criteria have been used and thus consider it to be robust.
- 8.32 It is considered that the applicant has adequately demonstrated that the use of the proposed car park would not result in any significantly detrimental impact to adjoining properties by way of harmful noise and disturbance.
- 8.33 If the application were otherwise acceptable then details of the boundary screening and its implementation would be secured by condition.
- 8.34 **Highway issues**
Policy TR1 confirms that development proposals should provide for the demand for travel they create and maximise the use of public transport, walking and cycling. Policy TR2 relates to public transport accessibility and parking and confirms that permission will only be granted where the development proposal has been assessed to determine the level of accessibility to public transport.

- 8.35 The applicant is proposing to retain the existing vehicular access on Boundary Road. The vehicular access would not be wide enough to allow two cars to pass easily and as such if the application were otherwise acceptable the scheme would be conditioned to provide adequate signage to ensure vehicles entering the site have priority over cars leaving to prevent reversing onto Boundary Road.
- 8.36 SPG04 states that the maximum car parking standard for a residential unit outside of a CPZ is 1 space per dwelling plus 1 car space per 2 dwellings for visitors. The applicant is proposing 7 car parking spaces 1 of which is a disabled user car parking space. Therefore the proposed level of car parking is in line with the maximum standards and is deemed acceptable.
- 8.37 SPG04 states that the minimum standard for disabled parking for a residential land use is 1 disabled space per 10 residential units. The submission provides 1 disabled car parking space which is not designed in accordance with the best practice guidance Traffic Advisory Leaflet 5/95 Parking for Disabled People. If the application were otherwise acceptable a condition could require revisions to ensure the bay accorded with this guidance.
- 8.38 Whilst the proposal would result in greater trip generation than the existing use, this has already been considered and deemed acceptable in previous planning permissions for the site and the proposal accords in this regard.
- 8.39 The previous permission BH2012/00203 included a signed Unilateral Undertaking for a £3750 contribution towards sustainable transport measures. As this development is a similar nature and extent as the previous application the Highway Authority would look for the previous obligation to be included in this permission. These improvements will go towards footway improvements in the local area and a deed of variation should be secured. If the application were otherwise acceptable a deed of variation to the previous Unilateral Undertaking would be sought to link the contribution to the new planning permission.
- 8.40 In order to be in line with Policy TR14 of the Brighton & Hove Local Plan 2005 cycle parking must be secure, convenient, well lit, well signed and wherever practical, sheltered. Cycle storage is proposed to the rear. The siting is considered appropriate and further details could be secured by condition if the proposal was otherwise acceptable.
- 8.41 **Sustainability issues**
Policy SU2 seeks to ensure that development proposals are efficient in the use of energy, water and materials.
- 8.42 It is noted that in relation to sustainability Government have advised that the Council can no longer require that development meets a Code for Sustainable Homes Standard. Government have introduced transitional optional standards for energy and water usage and if the scheme were

otherwise acceptable it is recommended that these standards be secured by condition to address the requirements of Policy SU2.

8.43 Arboriculture

The proposed development is in close proximity to a fine Beech tree in front of the property. The proposed driveway and access to the development site would be within the Root Protection Area of this tree and if the application were otherwise acceptable a condition would be attached protecting the roots of this tree during the construction phase.

9 CONCLUSION

9.1 The proposed development by virtue of its scale, bulk and design would result in an incongruous development that would appear overly dominant within the context of the immediate Boundary Road street scene and would detract significantly from the character and appearance of the site and the wider surrounding area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

10 EQUALITIES

None identified.

11 REASON FOR REFUSAL / INFORMATIVES

11.1 Reasons for Refusal:

1. The proposed development by virtue of its scale, bulk and design would result in an incongruous development that would appear overly dominant within the context of the immediate Boundary Road street scene and would detract significantly from the character and appearance of the site and the wider surrounding area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

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

Plan Type	Reference	Version	Date Received
Site location plan	-	-	13 July 2015
Existing block plan	783 Block Plan	-	27 July 2015
Proposed block plan	783 Block Plan	-	27 July 2015
Car parking and site	783-1	-	27 July 2015

Proposed ground floor plan	783-2	-	27 July 2015
Proposed first floor plan	783-3	-	27 July 2015
Proposed second floor plan	783-4	-	27 July 2015
Proposed third floor plan	783-5	-	27 July 2015
Proposed west elevation	783-6	-	27 July 2015
Proposed north elevation	783-7		27 July 2015
Proposed east elevation	783-8	-	27 July 2015
Proposed south elevation	783-9	-	27 July 2015
Proposed sections	783-10	-	27 July 2015
Plans as existing	783-11	-	27 July 2015
Elevations as existing	783-12	-	27 July 2015
Site plan as existing	783-13	-	27 July 2015
Paving details	-	-	13 July 2015

Jeanette Walsh
Planning and Building Control Applications Manager
Brighton & Hove City Council
King's House
Grand Avenue
Hove.
BN3 2LS

17th August 2015

BH2015/02562 – 107 Boundary Road, Hove

Dear Jeanette

I am writing in my capacity as Ward Councillor for Hangleton & Knoll to express my strong support for the above planning application at 107 Boundary Road - Demolition of existing house and erection of four storey building to form 7 no two bedroom flats (C3) with associated parking.

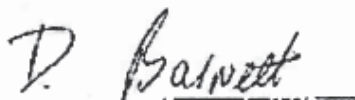
As we all know, there is a desperate need for new residential accommodation in Brighton & Hove and the creation of 7 new two bedroom flats would make a small but significant contribution towards meeting that need.

I believe that the reasons for the refusal by officers of the previous application - BH2015/00233 - have been adequately addressed in the current application and, having seen the plans myself, I feel that they are attractive and not at all out of keeping with the Boundary Road street scene.

I also note from the application form that the pre-application advice given by your department is that the principle of development, including parking, on this site is acceptable.

Finally, I would ask that if the officer recommendation is for refusal of the current application, that it is put before the Planning Committee for a final decision.

Yours sincerely



Cllr. Dawn Barnett

ITEM G

**The Wardley Hotel, 10 Somerhill Avenue,
Hove BN3 1RJ**

**BH2014/03826
Full Planning**

18 November 2015

BH2014/03826 The Wardley Hotel, 10 Somerhill Ave, Hove BN3 1RJ



<u>No:</u>	BH2014/03826	<u>Ward:</u>	GOLDSMID
<u>App Type:</u>	Full Planning		
<u>Address:</u>	The Wardley Hotel 10 Somerhill Avenue Hove		
<u>Proposal:</u>	Internal alterations to facilitate increased number of bed spaces from 40 to 51 rooms. (Part Retrospective)		
<u>Officer:</u>	Guy Everest Tel 293334	<u>Valid Date:</u>	13/11/2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08 January 2015
<u>Listed Building Grade:</u> N/A			
<u>Agent:</u>	Dowsett Mayhew Planning Partnership, Pelham House 25 Pelham Square Brighton BN1 4ET		
<u>Applicant:</u>	Mr Najafi, c/o Dowsett Mayhew Planning Partnership Pelham House 25 Pelham Square Brighton BN1 4ET		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site comprises a detached three / four storey building (over lower ground floor) on a corner plot at the junction between Somerhill Road and Somerhill Avenue, opposite St. Ann's Well Gardens. The building is currently in a hotel use and undergoing extensive external repairs / maintenance. The surrounding area is predominantly residential of varying form and density.

3 RELEVANT HISTORY

BH2010/04017 – Non Material Amendment to BH2007/04685 for the correction of ground, first, second and third floor plans to accord with approved elevations (south west corner). Correction of third floor layout to accord with approved elevation (missing dormer window to store on south side). Substitution of matching window for external door to rear (north elevation) at ground floor level. Retention of door to east elevation and ramping of existing stepped path to provide disabled access. Replacement of ground floor external door with matching window to west elevation. Approved 21 January 2011.

BH2007/04685: Rear extension to northern elevation over four floors (basement, ground, first and second), together with additional accommodation at roof level, to

allow increased provision of 15 bedrooms (total of 40). New dining room accommodation and lift shaft. Approved 02/05/2008.

BH1998/02447/FP: Extensions, alterations and change of use from hotel to 11 no. residential units. Approved 07/07/1999.

M/10348/63: Conversion of 3 flats into private hotel (13 bedrooms). Approved 05/03/1964.

M/10327/63: Change of use to guest house. Approved 05/03/1964.

4 THE APPLICATION

- 4.1 Planning permission is sought for internal alterations to facilitate the creation of an additional 11 bedrooms within the hotel (5 at ground floor level, 2 at first floor level, 1 at second floor level and 3 at third floor level). The bedrooms would be created in place of a ground floor dining room approved under BH2007/04685 and as a result of internal reconfigurations at other levels of the building. The application does not include any external alterations. The application has been submitted because of the intensification of use of the property.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Twenty-three (23)** letters of representation have been received from **Flats 3, 10, 12, 15, 16, 20, 22, 24, 36, 37, 39, 40, 41, 43, 46, 62 Southdown House (4-8 Somerhill Avenue); 115 Holland Road; 1 and 3 South View, Somerville Avenue; 3 Somerhill Road; 5 Beresford Court, Somerhill Road; and No Address (x2) objecting** to the application for the following reasons:-

- Used as Council temporary housing for the homeless and are too small for families;
- The proposal would affect the balance of the social mix of residents in the neighbourhood;
- It is an overdevelopment of the site to increase the number of rooms by more than 25%;
- The site is not in the hotel core area and there is no need for additional hotel accommodation in this area;
- Poorer located lower quality accommodation should be allowed to leave the market;
- The building is an eyesore and should be demolished;
- The existing hotel use results in anti-social behaviour with regular police and ambulance attendance;
- Impact on amenity through noise disturbance, overshadowing and loss of light;
- Impact on parking and obstructions to adjoining pavements and crossovers;
- No management presence outside office hours.

A petition containing **14 signatures** has been received stating:-

“We the undersigned request that the Council rejects the above planning application for the following reasons:-

- 1. It would create an over development of a restricted site which if approved would increase the current number of rooms by over 25% (from 40 to 51). The result will create overcrowding with a minimum of 51 occupiers living together in small rooms. There will be no communal dining room and no amenity space.*
- 2. In recent years many of the residents in the hotel have been the most vulnerable people in society which has created some anti-social behaviour. The local Police and Ambulance services have been in attendance at the property on a number of occasions.*

The predominant mix of properties in the area consists of some family homes but mainly purpose built flats. The proposed increase in the number of rooms in one building and therefore the number of occupiers will adversely affect the current normal everyday living quality of neighbours in close proximity to the hotel and create an unwanted rise in anti-social behaviour.

It will be inappropriate to accommodate a minimum of 51 people in one building (many of them vulnerable) so close to Somerhill Junior School and Davigdor Infants School both within 150 yards of the hotel and Hove Junior School within 350 yards. There is a home for disadvantaged children immediately opposite the hotel. The entrance to St. Ann’s Well Gardens is within 50 yards of the hotel and is used by children and adults of all ages. Many people use it just for peaceful enjoyment of the surroundings.”

5.2 Sussex Police: No objection, make the following comments:-

- The property has been totally refurbished over the last year. All of the rooms have been updated and furnished to a high quality, all having their own bathrooms and kitchenettes.
- Since expansion there has not been an increase in calls to police, believed due to an increase in security and staffing levels.
- Previously the premises only had a day time manager working 9am – 5pm Monday to Friday. This has now been supplemented by an evening shift manager until midnight, with cover now including weekends. There is an on-call system operating between midnight and 9am.
- A new CCTV system covering the whole property has been installed.
- Calls to police tend to be associated with domestic incidents and anti-social behaviour. However, problematic residents are not tolerated and are evicted.

In view of this it seems the premises management maintain good contact with their local PCSO and have taken steps to update and improve their staffing levels and security. As this application is mostly retrospective and the increase in numbers has been gradual over a number of months, there are no concerns that approval will impact on the provision of policing in this area.

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

5.4 **Southern Gas Networks:** No objection.

5.5 **Southern Water:** No objection.

Internal:

5.6 **Environmental Health:** No objection. The application is to make internal alterations including changing room sizes and removing the dining area to accommodate more bedrooms. The hotel has been used as a homeless hostel for many years and is currently licensed under a Mandatory HMO Licensing scheme for premises consisting of three or more storeys occupied by 5 or more persons (not related) who share one or more of the basic amenities. The Licence expires this year (2015) and will not need to be renewed as the hotel will consist of studio type rooms. There will be no sharing of any facilities following the recent renovation and extension works. Each room has basic but useable kitchen facilities.

5.7 **Head of Temporary Accommodation and Allocations:** The property is used as short-term emergency accommodation but does not take people off the Housing Register as the register is for permanent social housing (council housing).

5.8 **Sustainable Transport:** No objection. The proposal is not considered to significantly increase trip generation to the site above existing levels. However, in order to mitigate potential increased trips and to promote sustainable travel a Travel Plan is sought through condition.

5.9 SPGBH4 requires a minimum of 1 cycle space per 10 staff. While no details of cycle parking have been provided there is sufficient space within the curtilage of the site and further details are required by condition.

5.10 **Planning Policy:** No objection. Hotel uses are a town centre use as set out in the NPPF, and the Submission City Plan has, in line with the recommendations of the Hotel Futures Study (2007) reduced the hotel core zone to cover those parts of the city centre where visitor accommodation is best concentrated due to the proximity of the cultural and retail core of the city including conference facilities and major public transport links. Policy CP6 of the Submission City Plan can be afforded more weight than Local Plan policy on this subject.

5.11 For the expansion of an existing hotel, CP6.4 and paragraph 4.68 apply, and these are supportive and not restricted only to hotels in the Hotel Core Zone. However, there is a caveat regarding the size of the proposed expansion/comprehensive nature of the redevelopment, which might mean that the proposal would not be considered to be an extension to an existing hotel.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be

made in accordance with the plan unless material considerations indicate otherwise.”

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD14	Extensions and alterations
QD27	Protection of Amenity
SR14	New hotel and guest accommodation

Supplementary Planning Guidance:

SPGBH4	Parking Standards
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Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations

8 CONSIDERATIONS & ASSESSMENT

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

8.2 Background

The application site has a long standing planning permission for hotel use and it is apparent that this has been the lawful use for an extended period of time. There are no conditions attached to existing planning permissions on the site restricting the nature of the hotel use.

8.3 It is understood that some of the hotel rooms are used by the Council's Head of Temporary Accommodation and Allocations as emergency short-term accommodation while more permanent solutions are found. Although some rooms are used in this manner, when the need arises, there is no permanent arrangement for such occupation. The rooms are offered (and charged for) on a nightly basis and there is no contract / tenancy in place for either long-term or permanent accommodation. The hotel provides en-suite rooms with basic tea / coffee facilities; the rooms are not self-contained and do not provide kitchen facilities for hotel guests.

8.4 A hotel, within Use Class C1, can be defined as a proprietorial establishment offering short stay accommodation for a fee to those requiring it in the course of holidaymaking or travelling. It is apparent that the existing building / use exhibits these characteristics and can be considered as a hotel. While services, such as the provision of drinks and meals, are not currently provided their absence does not exclude the establishment from a hotel definition. The Wardley Hotel incorporates a staffed reception area and in this respect the use is not dissimilar to the business model of a 'Travelodge'.

8.5 Additional hotel accommodation

The application site is within the Hotel Core Area as defined by Local Plan policy SR14. This policy permits new hotel accommodation provided, amongst other criteria, it would not result in a reduction in residential units and would not result in the loss of industrial / business floorspace. The proposal would result in the change of use of ancillary hotel accommodation which would not be contrary to this aspect of SR14.

8.6 Policy CP6 of the submission City Plan states that extensions to existing hotels will be supported where this is required to upgrade existing accommodation to meet changing consumer demands. The proposal would provide additional and upgraded hotel accommodation on the site which is considered to meet the aims of policy CP6.

8.7 In principle the expansion of the hotel to provide additional bedrooms can be supported by existing and emerging planning policy. The amenity and transport impacts of the proposal are considered in subsequent sections of the report.

8.8 Sustainable Transport

Local Plan policy TR1 requires development to meet the demand for travel it creates; with policy TR7 seeking to ensure that development does not increase the danger to users of adjacent pavements, cycle routes and roads.

8.9 The proposal would result in an additional 11 bedrooms within the hotel, creating a total of 51 bedrooms. The Council's Transport Team has advised that the additional vehicular impact can be accommodated in the existing highway network and no improvements have been identified as necessary to make the development acceptable. In terms of demand for on-street parking the site is within a controlled parking zone and it is considered the existing availability of pay and display bays would effectively manage demand. It is though noted that there is spare capacity within visitor pay and display parking bays throughout the day. A Travel Plan is sought through condition in order to encourage and promote the use of sustainable modes of transport.

8.10 The Council's adopted standards for cycle parking, outlined in SPGBH4, require 1 secure cycle space per 10 staff. There is sufficient space within the curtilage of the site to provide cycle parking facilities and further details are required through condition.

8.11 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.

8.12 An increase in hotel rooms, from 40 to 51, would intensify the use of the site and more people would come and go from the site. However, there are a relatively large number of flats adjacent to the application site and the increased intensity of the use of the land is not considered to be out of character with the locality.

8.13 The proposals do not include any enlargement of the building or alterations to the external elevations and the reconfigured layout would utilise existing window openings. It is not considered that the proposal would therefore result in significant levels of overlooking for occupants of adjoining properties.

8.14 A number of representations have been received raising concerns in relation to noise and disturbance emanating from the site. Sussex Police have though commented on the application and have advised that the applicant has maintained good contact with their local PCSO and has undertaken steps to update and improve staffing levels and security. The Police have advised that the retrospective element of the proposal has not resulted in an increased

recording of anti-social behaviour, with this believed to be a result of improved premises management.

8.15 It is considered that the additional hotel accommodation would not as a matter of course lead to significant harm to neighbouring amenity, as a result of increased noise and disturbance. While it is acknowledged that there have been historical problems associated with the hotel on the basis of the Sussex Police representation these have been largely resolved. While there is always potential for disturbance to occur it is considered that future complaints would be most effectively addressed through separate, non-planning, legislation. It is therefore considered that refusal of the application on the basis of noise and disturbance could not be justified.

8.16 In view of this, the proposal is not considered likely to be detrimental to residential amenity. There are no conditions attached to the existing planning permissions on the site for a hotel and none are therefore considered necessary or reasonable in connection with the 11 additional bedrooms proposed by this application. It should be noted that planning permission would be required for any hostel-type use of the building, with hostels being a *sui generis* use and therefore constituting a material change of use from a hotel.

9 CONCLUSION

9.1 The proposal would provide additional guest accommodation to an existing hotel without resulting in significant harm to neighbouring amenity or highway safety.

10 EQUALITIES

10.1 As part of the recent refurbishment works a ramped access to the hotel has been created off Somerhill Road and a lift, to all levels of the building, has been installed.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

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

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

Plan Type	Reference	Version	Date Received
Location Plan	189/P/01		12 Nov 2014
Block Plan	189/P/01		12 Nov 2014
Proposed Lower Ground Floor Layout	189/P/02	A	12 Nov 2014
Proposed Ground Floor Layout	189/P/03	A	12 Nov 2014
Proposed First Floor Layout	189/P/04	A	12 Nov 2014
Proposed Second Floor Layout	189/P/05	A	12 Nov 2014

Proposed Third Floor Layout	189/P/06	A	12 Nov 2014
Lower Ground Floor Layout (<i>pre-existing</i>)	189/P/02		12 Nov 2014
Ground Floor Plan (<i>pre-existing</i>)	189/P/03		12 Nov 2014
First Floor Plan (<i>pre-existing</i>)	189/P/04		12 Nov 2014
Second Floor Plan (<i>pre-existing</i>)	189/P/05		12 Nov 2014
Third Floor Plan (<i>pre-existing</i>)	189/P/06		12 Nov 2014
South Elevation	189/P/07		12 Nov 2014
East Elevation	189/P/08		12 Nov 2014
West Elevation	189/P/09		12 Nov 2014
North Elevation	189/P/10		12 Nov 2014

- 2) Within 3 months of the date of this decision details of secure cycle parking facilities for staff of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use within 1 month of such approval being given and shall thereafter be retained for use at all times.

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

- 3) Within three months of the date of first occupation, a Travel Plan for the development shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be fully implemented in accordance with the approved details.

Reason: To ensure the promotion of safe, active and sustainable forms of travel and comply with policies TR1 and TR4 of the Brighton & Hove Local Plan.

11.2 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 proposal would provide additional guest accommodation to an existing hotel without resulting in significant harm to neighbouring amenity or highway safety.

PLANNING COMMITTEE	Agenda Item 108 Brighton & Hove City Council
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Information on upcoming Pre-application Presentations and Requests

Date	Address	Ward	Proposal
tbc	Former Tesco Garage 133 Kingsway & The Alibi Public House - 22 Victoria Terrace	Brunswick & Adelaide	Mixed use – Retail & Residential
17 th November 2015	University of Sussex	Hollingdean and Stanmer	Reserved matters application for approximately 2000 new student accommodation bedrooms.

Previous presentations

Date	Address	Ward	Proposal
27 th October 2015	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.
4 th 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 rd June 2015	Land directly adjacent to American Express Community Stadium, Village Way, Falmer	Moulsecoomb & Bevendean	Erection of a 150 bedroom hotel.
23 rd June 2015	Former St. Aubyns School, High Street, Rottingdean	Rottingdean Coastal	Residential development of the site to provide 48 dwellings through refurbishment and conversion of Field House to provide 6no. apartments; refurbishment of 4no. existing curtilage listed cottages; demolition of remaining former school buildings and former headmaster's house; erection of 38 new dwellings and 62 bed care home; retention of sports pavilion

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.

			and war memorial; provision and transfer of open space for public use; formation of accesses to Newlands Road and alterations to existing access off Steyning Road; provision of associated car parking and landscaping; alterations to flint wall.
2 nd June 2015	Land bound by Blackman Street Cheapside and Station Street, Brighton	St Peter's and North Laine	Proposed part nine, part seven storey building to provide office and student accommodation for Bellerby's College.
2 nd June 2015	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing Sports and Science building fronting Sutherland Road and erection of new three storey Sports and Science building comprising swimming pool, Sports Hall, teaching rooms and rooftop running track and gardens.
10 th March 2015	106 Lewes Road, Brighton	St Peter's and North Laine	Eight storey block of student accommodation.
18 th November 2014	15 North Street & Pugets Cottage, Brighton	Regency	Demolition of 15 North Street to be replaced with a new feature entrance building.
7 th October 2014	Brighton College, Eastern Road, Brighton	Queens Park	Demolition of existing swimming pool and old music school buildings and erection of a 5no storey new academic building with connections to the Great Hall and Skidelsky building, including removal of existing elm tree and other associated works.
1 st April 2014	Land at Meadow Vale, Ovingdean	Rottingdean Coastal	Construction of 112 new dwellings with vehicular access provided from a new junction on Ovingdean Road, on-site open space and a landscaping buffer along the Falmer Road boundary.
11 th March 2014	Hove Park Depot, The Droveaway, Hove	Hove Park	Demolition of existing buildings and construction of a new two storey primary school building with brise soleil solar shading, solar panels and windcatchers with associated external hard and soft landscaping
18 th February 2014	City College, Wilson Avenue, Brighton	East Brighton	Additional accommodation
29 th October 2013	Hippodrome, Middle Street, Brighton	Regency	Refurbishment and Extension
17 th Sept	One Digital,	Hollingdean	Student accommodation

2013	Hollingdean Road, Brighton	and Stanmer	development
27 th Aug 2013	The BOAT, Dyke Road Park, Brighton	Hove Park	Outdoor theatre
16 th July 13	Circus Street, Brighton	Queen's Park	Pre-application proposed re- development

PLANS LIST 18 November 2015**BRIGHTON & HOVE CITY COUNCIL LIST OF APPLICATIONS DETERMINED BY
THE HEAD OF PLANNING & PUBLIC PROTECTION FOR EXECUTIVE
DIRECTOR ENVIRONMENT, DEVELOPMENT & HOUSING UNDER DELEGATED
POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION****PATCHAM****BH2014/03875****22 Carden Avenue Brighton**

Demolition of existing day care centre (D1) and erection of two storey care home (C2).

Applicant: CMG Ltd

Officer: Adrian Smith 290478

Approved after Section 106 signed on 08/10/15

BH2015/01294**33 Ladies Mile Road Brighton**

Installation of front and rear rooflights and rear dormer to create 1no second floor flat (C3). Erection of 1no two storey dwelling (C3) to West side of existing building.

Applicant: Mr G Ahmed

Officer: Christopher Wright 292097

Refused on 19/10/15 DELEGATED

BH2015/02041**Unit 1 Brighton Retail Park Carden Avenue Brighton**

Display of non-illuminated fascia, totem and window plaque signs.

Applicant: Marks and Spencer PLC

Officer: Mark Thomas 292336

Approved on 14/10/15 DELEGATED

BH2015/02052**6 Ladies Mile Close Brighton**

Installation of operable side dormer windows.

Applicant: Mrs Debs Rooney

Officer: Emily Stanbridge 292359

Approved on 19/10/15 DELEGATED

BH2015/02091**31 Dale Crescent Brighton**

Certificate of lawfulness for proposed loft conversion incorporating rear dormer and front roof lights.

Applicant: Mr & Mrs Polanski

Officer: Luke Austin 294495
Approved on 23/10/15 DELEGATED

BH2015/02226

Patcham Service Station London Road Brighton

Application for variation of condition 7 of BH2014/03788 (Removal of existing underground fuel pipework and dispensers, including vent stack and offset fills. Installation of new underground fuel tanks, pipework, fuel dispensers, vent stack and offset fills and new concrete and hard forecourt paving) to state that within 3 months of completion of works a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Applicant: Esso Petroleum Co. Ltd

Officer: Jonathan Pulett 292525

Approved on 16/10/15 DELEGATED

BH2015/02465

88 Rotherfield Crescent Brighton

Erection of first floor side extension.

Applicant: Ms Smith

Officer: Luke Austin 294495

Approved on 12/10/15 DELEGATED

BH2015/02515

20 Highview Avenue South Brighton

Erection of single storey rear outbuilding.

Applicant: Mr Paul Glover

Officer: Mark Thomas 292336

Approved on 09/10/15 DELEGATED

BH2015/02914

45 Sanyhills Avenue Brighton

Erection of single storey rear extension.

Applicant: Mrs S Peters

Officer: Rebecca Fry 293773

Approved on 13/10/15 DELEGATED

BH2015/02975

73 Ladies Mile Road Brighton

Certificate of Lawfulness for proposed demolition of existing storage building and erection of new storage building to the rear.

Applicant: Mr Stephen Di Maio

Officer: Charlotte Bush 292193

Approved on 23/10/15 DELEGATED

BH2015/03072

11 Plainfields Avenue Brighton

Erection of single storey rear extension to replace existing conservatory.

Applicant: Mrs Rachael North
Officer: Laura Hamlyn 292205
Approved on 28/10/15 DELEGATED

BH2015/03136

58 Rotherfield Crescent Brighton

Certificate of lawfulness for proposed erection of a single storey side extension.

Applicant: Mr & Mrs Wise
Officer: Ryan OSullivan 290480
Approved on 26/10/15 DELEGATED

BH2015/03242

48 Mayfield 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 4.5m, for which the maximum height would be 3.2m, and for which the height of the eaves would be 2.9m.

Applicant: Mr Timothy Bunting
Officer: Allison Palmer 290493
Prior Approval is required and is refused on 09/10/15 DELEGATED

BH2015/03247

75 Graham Avenue Brighton

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

Applicant: Mr Shahin Ali
Officer: Allison Palmer 290493
Refused on 26/10/15 DELEGATED

BH2015/03251

1 Crowhurst Road Brighton

Application for Approval of Details Reserved by Conditions 5, 6 and 8 of application BH2015/01449

Applicant: ASDA Stores Ltd
Officer: Liz Arnold 291709
Approved on 12/10/15 DELEGATED

BH2015/03283

187 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 5m, for which the maximum height would be 3.25m, and for which the height of the eaves would be 2.96m.

Applicant: Carl Mills
Officer: Emily Stanbridge 292359
Prior approval not required on 21/10/15 DELEGATED

BH2015/03326

16 Braybon 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 4.6m, for which the maximum height would be 3.75m, and for which the height of the eaves would be 2.4m.

Applicant: Gary Hunt
Officer: Charlotte Bush 292193
Prior approval not required on 23/10/15 DELEGATED

BH2015/03356

75 Graham Avenue Brighton

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

Applicant: Mr Shahin Ali
Officer: Allison Palmer 290493
Approved on 26/10/15 DELEGATED

PRESTON PARK

BH2015/01052

Territorial Army Centre 198 Dyke Road Brighton

Removal of 2no existing flagpole antennas and associated ladders, removal of 1no existing cabinet, installation of 4no new antennas and 2no new 600mm dish antennas within 2no new replica chimney frames, installation of 4no new equipment cabinets and other associated works.

Applicant: CTIL & Telefonica UK Ltd
Officer: Helen Hobbs 293335
Approved on 19/10/15 DELEGATED

BH2015/01095

First Floor Flat 61 Preston Road Brighton

Replacement of existing timber windows with UPVc windows.

Applicant: Miss Drury
Officer: Rebecca Fry 293773
Approved on 26/10/15 DELEGATED

BH2015/01502

Port Hall 170 Dyke Road Brighton

Internal and external alterations including alterations to layout, alterations to rear conservatory, installation of new rooflights to replace existing to side elevation and alterations to fenestration.

Applicant: Ms Katy Havelock
Officer: Wayne Nee 292132
Approved on 27/10/15 DELEGATED

BH2015/01503

Port Hall 170 Dyke Road Brighton

External alterations including alterations to rear conservatory, installation of new rooflights to replace existing to side elevation and alterations to fenestration.

Applicant: Ms Katy Havelock
Officer: Wayne Nee 292132
Approved on 27/10/15 DELEGATED

BH2015/01556
Flat 3 11 Preston Park Avenue Brighton
Erection of a single storey rear extension.

Applicant: Waterworks Consulting Ltd
Officer: Joanne Doyle 292198
Approved on 20/10/15 DELEGATED

BH2015/01557
12 Preston Park Avenue Brighton
Erection of a single storey rear extension.

Applicant: Ms Helen Fazakerley
Officer: Joanne Doyle 292198
Approved on 20/10/15 DELEGATED

BH2015/01611
52 (and part dividing wall of 54) Ashford Road Brighton
Erection of a single storey rear extension to replace existing with associated raised terrace.

Applicant: Mrs Lai Lai Wu
Officer: Chris Swain 292178
Refused on 26/10/15 DELEGATED

BH2015/02333
157-159 Preston Road Brighton
Application for Approval of Details Reserved by Condition 9 of application BH2012/01844.

Applicant: Tasker Catchpole
Officer: Clare Simpson 292321
Approved on 12/10/15 DELEGATED

BH2015/02464
28A Brigden Street Brighton
Change of use from builders storage unit, yard and office (B8/B1) to 1no three bedroom residential unit (C3) including first floor extension, creation of rear dormer, installation of 2no rooflights and other associated works.

Applicant: T P Developments
Officer: Christopher Wright 292097
Approved on 21/10/15 DELEGATED

BH2015/02757
177 Ditchling Road Brighton
Application for approval of details reserved by condition 13 of application BH2013/01180.

Applicant: Mr Malcolm Kemp
Officer: Sue Dubberley 293817
Approved on 27/10/15 DELEGATED

BH2015/02992

115 Preston Drove Brighton

Erection of a single storey rear extension and roof alterations incorporating front rooflights and rear dormers.

Applicant: Mrs Jan Burgess
Officer: Justine Latemore 292138

Refused on 09/10/15 DELEGATED

BH2015/03020

Garden Flat 6 Florence Road Brighton

Erection of single storey rear extension and associated alterations.

Applicant: Ms Martina Pickin
Officer: Justine Latemore 292138

Approved on 13/10/15 DELEGATED

BH2015/03208

194 Balfour Road Brighton

Conversion of garage into habitable space with associated roof alterations and revised fenestration.

Applicant: Clare Evans
Officer: Rebecca Fry 293773

Approved on 20/10/15 DELEGATED

BH2015/03214

16 Ditchling Rise Brighton

Certificate of lawfulness for proposed loft conversion incorporating rear dormer.

Applicant: Mr James Norman
Officer: Justine Latemore 292138

Approved on 22/10/15 DELEGATED

BH2015/03241

151 Waldegrave Road Brighton

Non Material Amendment to BH2014/03497 to add a supporting steel post at back of house by reducing the number of doors to 3 to allow space for post and have an angular glass panel to other side of it.

Applicant: Mrs Satarupa Mason
Officer: Adrian Smith 290478

Approved on 19/10/15 DELEGATED

REGENCY

BH2015/00655

79 Western Road Brighton

Replacement of existing timber windows and aluminium door with timber sash windows and aluminium door with replacement and additional ATMs to front elevation and removal of front entrance steps. Installation of railings and replacement fire escape ladder to rear elevation.

Applicant: HSBC CRE

Officer: Christopher Wright 292097

Approved on 23/10/15 DELEGATED

BH2015/00882

137 & Bedford Towers Kings Road Brighton

Installation of white render to all elevations to 137 Kings Road and Bedford Towers. Alterations to 137

Kings Road including refurbishment of existing entrance canopy, installation of glazed balustrading to front

entrance, alterations to fenestration and associated works.

Applicant: Kew Green Hotels Ltd

Officer: Wayne Nee 292132

Approved on 21/10/15 DELEGATED

BH2015/01149

Bartholomew Square Brighton

Enlargement of existing restaurant at ground floor level and creation of a high level restaurant pavilion incorporating construction of circulation/access core from existing restaurant to new high level restaurant. High level restaurant pavilion to span from circulation/access core to roof level of Bartholomew House and other associated works.

Applicant: Moshimo

Officer: Jason Hawkes 292153

Refused on 20/10/15 DELEGATED

BH2015/01506

3 Montpelier Street Brighton

Replacement of existing timber framed single glazed windows with timber framed double glazed windows and draft proofing to rear window. Front pane to front bay windows replaced with cylinder glass.

Applicant: Anne Cornish

Officer: Clare Simpson 292321

Approved on 26/10/15 DELEGATED

BH2015/01976

5 Temple Street Brighton

Erection of single storey rear extension, alterations to layout and rear rooflight.

Applicant: Paul & Sacha Hebden

Officer: Clare Flowers 290443

Approved on 15/10/15 DELEGATED

BH2015/01977

5 Temple Street Brighton

Erection of single storey rear extension, alterations to layout and rear rooflight.

Applicant: Paul & Sacha Hebden
Officer: Clare Flowers 290443
Approved on 15/10/15 DELEGATED

BH2015/02164

108 Upper North Street Brighton

Increase in roof height to rear elevation and alterations to fenestration.

Applicant: Mr Richard Warren
Officer: Sue Dubberley 293817
Approved on 20/10/15 DELEGATED

BH2015/02476

7C Bedford Towers Kings Road Brighton

Removal of existing glazed screening and replacement with new glazed screening to fully enclose balcony. (Part retrospective)

Applicant: Mr Mark Allan
Officer: Ryan OSullivan 290480
Approved on 09/10/15 DELEGATED

BH2015/02595

Grand Hotel 97 Kings Road Brighton

Installation of external condenser units with external plant screening, replacement windows.

Applicant: The Grand Hotel
Officer: Sonia Gillam 292265
Approved on 20/10/15 DELEGATED

BH2015/02596

Grand Hotel 97 Kings Road Brighton

Installation of internal air conditioning units, servicing, associated bulkheads and external condenser units with external plant screening.

Applicant: The Grand Hotel
Officer: Sonia Gillam 292265
Approved on 20/10/15 DELEGATED

BH2015/02681

80-82 North Street Brighton

Display of 4no internally illuminated fascia signs (Retrospective)

Applicant: Metro Bank PLC
Officer: Mark Thomas 292336

Approved on 26/10/15 DELEGATED

BH2015/02725

Lace House 39-40 Old Steine Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2015/01101

Applicant: Miss Viktorija Saveca
Officer: Christopher Wright 292097
Approved on 12/10/15 DELEGATED

BH2015/02870

16 Astra House 133 - 134 Kings Road Brighton

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

Applicant: Mr Gilbert Elsas
Officer: Laura Hamlyn 292205
Refused on 19/10/15 DELEGATED

BH2015/03005

40 Duke Street Brighton

Application for variation of condition 2 of application BH2014/04333 (Erection of three storey extension to replace existing single storey extension with new flat roof to existing corridor extension. Installation of new shop front and external alterations) to permit material alterations to approved scheme.

Applicant: Fabrica Gallery
Officer: Liz Arnold 291709
Approved on 20/10/15 DELEGATED

BH2015/03017

11 Cranbourne Street Brighton

Installation of timber door to north elevation.

Applicant: The Laine Pub Company
Officer: Laura Hamlyn 292205
Approved on 15/10/15 DELEGATED

BH2015/03040

Royal York Buildings 41-42 Old Steine Brighton

Application for approval of details reserved by condition 4 of application BH2014/03051.

Applicant: Development Securities Investments
Officer: Liz Arnold 291709
Refused on 12/10/15 DELEGATED

BH2015/03046

55 Dyke Road Brighton

Prior approval for the installation of PV solar panel equipment to roof of building.

Applicant: Bright Green Homes LLP

Officer: Ryan OSullivan 290480

Prior Approval is required and is refused on 09/10/15 DELEGATED

BH2015/03160

Basement Flat 9 Norfolk Terrace Brighton

Internal alterations to layout of flat.

Applicant: Safeguide Ltd

Officer: Tim Jefferies 293152

Approved on 20/10/15 DELEGATED

BH2015/03169

Flat 2 30 Montpelier Street Brighton

Replacement of existing crittal bay window with double glazed timber sliding sash windows.

Applicant: Mr & Mrs David & Gretchen Smith

Officer: Rebecca Fry 293773

Approved on 23/10/15 DELEGATED

BH2015/03186

12C Bedford Towers Kings Road Brighton

Enclosure of balcony with double glazed UPVC windows. (Part Retrospective)

Applicant: Ms Karen Clinton

Officer: Rebecca Fry 293773

Approved on 27/10/15 DELEGATED

BH2015/03206

21-23 and 37-40 Brighton Square Brighton

Application for Approval of Details Reserved by Conditions 16, 17, 18, 19 and 20 of application BH2014/01118.

Applicant: Centurion Group

Officer: Jason Hawkes 292153

Approved on 23/10/15 DELEGATED

BH2015/03329

8 Powis Villas Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2014/01352.

Applicant: Mr John Bevan

Officer: Christopher Wright 292097

Approved on 23/10/15 DELEGATED

BH2015/03385

First Floor Flat 18 Market Street Brighton

Application for Approval of Details Reserved by Condition 6 of application BH2014/03699

Applicant: Lyons Investments Ltd

Officer: Liz Arnold 291709

Approved on 12/10/15 DELEGATED

BH2015/03464

12 Meeting House Lane Brighton

Application for approval of details reserved by condition 7 of application BH2015/01866.

Applicant: Destan Ltd

Officer: Jason Hawkes 292153

Approved on 22/10/15 DELEGATED

ST. PETER'S & NORTH LAINE

BH2015/01667

55 Gardner Street Brighton

Installation of new shopfront incorporating new entrance door.

Applicant: Gardner Retail Limited

Officer: Wayne Nee 292132

Approved on 13/10/15 DELEGATED

BH2015/01983

Land to Rear of 67-81 Princes Road Brighton

Variation of condition 2 of application BH2013/03782 (Construction of 6no two and three storey, 2no bedroom terraced houses with pitched roofs and solar panels.

Provision of private and communal

gardens, waste and refuse facilities and cycle store. Erection of a street level lift gate house) to permit change to appearance of gatehouse and alterations to materials of approved development.

Applicant: Carelet Ltd

Officer: Adrian Smith 290478

Approved on 19/10/15 DELEGATED

BH2015/02020

7 Marlborough Place Brighton

Removal of fire escape and water storage tank, installation of roof lantern to rear and replacement of existing front door at basement level.

Applicant: Andy Sturgeon

Officer: Mark Thomas 292336

Approved on 28/10/15 DELEGATED

BH2015/02262

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

Application for Approval of Details Reserved by Conditions 6, 20, 22, 23 and 24 of application BH2012/00782.

Applicant: The Light Brighton LLP

Officer: Sue Dubberley 293817

Approved on 20/10/15 DELEGATED

BH2015/02274

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

Application for approval of details reserved by conditions 16 and 18 of application BH2012/00782.

Applicant: The Light Brighton LLP

Officer: Sue Dubberley 293817

Approved on 20/10/15 DELEGATED

BH2015/02281

3 Kew Street Brighton

Conversion works to integral garage incorporating replacement of garage doors with bow window to front elevation.

Applicant: Mr & Mrs Stiles

Officer: Mark Thomas 292336

Approved on 14/10/15 DELEGATED

BH2015/02290

6 Guildford Road Brighton

Partial demolition of existing house (C3) and erection of two storey building containing 2no studio flats (C3) with associated alterations.

Applicant: Mr P Bowler

Officer: Liz Arnold 291709

Refused on 20/10/15 DELEGATED

BH2015/02370

Brighton Station Queens Road Brighton

Erection of hot food take away kiosk (A5) on station concourse.

Applicant: Curry Leaf Express Limited

Officer: Wayne Nee 292132

Approved on 28/10/15 DELEGATED

BH2015/02457

97 Gloucester Road Brighton

Certificate of Lawfulness for existing single storey rear extension with roof terrace over.

Applicant: Ms Eileen Flynn

Officer: Kate Brocklebank 292454
Split Decision on 12/10/15 DELEGATED

BH2015/02581

18 St Martins Street Brighton

Certificate of lawfulness for existing use of property as 3no self-contained flats (C3).

Applicant: Mrs H D Abel
Officer: Allison Palmer 290493
Approved on 13/10/15 DELEGATED

BH2015/02613

45 Stanley Road Brighton

Certificate of lawfulness for existing single storey rear extension.

Applicant: Ms Rebecca Nadin
Officer: Liz Arnold 291709
Approved on 12/10/15 DELEGATED

BH2015/02720

Towerpoint 44 North Road Brighton

Application for variation of condition 5 of BH2001/02437/FP (Change of use of existing undercroft car park to physiotherapy and sports injury clinic, gymnasium, pool, cafe and shop with ancillary facilities) to enable the opening hours to be 24 hours a day, Mondays to Sundays including Bank Holidays.

Applicant: Pure Gym Ltd
Officer: Sue Dubberley 293817
Approved on 08/10/15 DELEGATED

BH2015/03049

72 Richmond Road Brighton

Replacement of existing aluminium windows with timber sash windows to front elevation.

Applicant: Mr Flemmich Webb
Officer: Laura Hamlyn 292205
Refused on 14/10/15 DELEGATED

BH2015/03059

47 Richmond Road Brighton

Installation of rooflights to front and rear roof slopes.

Applicant: Mrs Araminta Aitchison
Officer: Justine Latemore 292138
Approved on 14/10/15 DELEGATED

BH2015/03116

12 Cheltenham Place Brighton

Replacement of existing timber single glazed windows with double glazed windows to front elevation.

Applicant: Ms Sarah Johnston
Officer: Justine Latemore 292138
Approved on 19/10/15 DELEGATED

BH2015/03188

15 Bond Street Brighton

Insertion of timber door and fixed window to south elevation.

Applicant: Mr Jeremy Buckingham

Officer: Rebecca Fry 293773

Approved on 27/10/15 DELEGATED

BH2015/03263

89-90 London Road Brighton

Application for Approval of Details Reserved by Condition 5 of application BH2015/00412.

Applicant: Edbury Estates

Officer: Guy Everest 293334

Approved on 26/10/15 DELEGATED

WITHDEAN

BH2015/00544

Media House 26 North Road Brighton

Alterations to main building to facilitate the conversion from office/general industrial (B1/B2) to form 3no. residential dwellings (C3). Extension to secondary building (The Coach House) to provide additional office space (B1), revised fenestration and associated works.

Applicant: Stonechris Properties Ltd

Officer: Helen Hobbs 293335

Approved on 12/10/15

BH2015/01053

24 North Road Preston Brighton

Conversion of ground and first floor flats to form 2no maisonettes incorporating ground floor extension, front and rear Juliet balconies on first floor and associated alterations.

Applicant: Stone Chris Properties

Officer: Helen Hobbs 293335

Approved on 19/10/15 DELEGATED

BH2015/01620

49 Tivoli Crescent Brighton

Certificate of lawfulness for proposed dormer and rooflight to rear roofslope and alterations to rear fenestration.

Applicant: Mr Wil Mackintosh

Officer: Jonathan Puplett 292525

Refused on 26/10/15 DELEGATED

BH2015/01843

2 Barn Rise Brighton

Application for Approval of Details Reserved by Condition 9, 11 and 12 of application BH2013/03524.

Applicant: Mr Sunil Mehra
Officer: Christopher Wright 292097
Approved on 12/10/15 DELEGATED

BH2015/01864

20 Downside Brighton

Erection of 1no three bedroom detached dwelling (C3).

Applicant: Mr M Deller
Officer: Clare Flowers 290443
Refused on 14/10/15 DELEGATED

BH2015/01975

35 Loder Road Brighton

Erection of single storey side/rear infill extension and creation of rear patio area.

Applicant: Ms Fran Saunders
Officer: Mark Thomas 292336
Approved on 14/10/15 DELEGATED

BH2015/01979

18 Clermont Road Brighton

Partial reconstruction of existing side extension including installation of a new roof incorporating a rooflight and new timber doors, replacement of timber doors to garage and associated works.

Applicant: Ms Lesley Hughes
Officer: Wayne Nee 292132
Approved on 14/10/15 DELEGATED

BH2015/02149

39 Green Ridge Brighton

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

Applicant: Kieran Dawson
Officer: Emily Stanbridge 292359
Approved on 28/10/15 DELEGATED

BH2015/02366

2 Preston Village Mews Middle Road Brighton

Creation of hardstanding and crossover.

Applicant: Mr Ray Amis
Officer: Luke Austin 294495
Approved on 15/10/15 DELEGATED

BH2015/02414

51 Valley Drive Brighton

Removal of existing garage and erection of two storey side extension, erection of single storey rear extension and creation of dormers to rear and sides.

Applicant: Mr Robert Lloyd

Officer: Luke Austin 294495
Approved on 19/10/15 DELEGATED

BH2015/02421

Flat 68 Kingsmere London Road Brighton

Replacement of existing metal single glazed windows with UPVC double glazed windows.

Applicant: Miss Jacqueline Walder
Officer: Emily Stanbridge 292359
Approved on 23/10/15 DELEGATED

BH2015/02451

52 Windmill Drive Brighton

Application for Approval of Details Reserved by Conditions 4, 5 and 6 of application BH2013/02246.

Applicant: Mr P Mullen
Officer: Clare Simpson 292321
Refused on 23/10/15 DELEGATED

BH2015/02528

5 Withdean Close Brighton

Creation of raised terrace to rear.

Applicant: Mr Stephen Wells
Officer: Laura Hamlyn 292205
Refused on 27/10/15 DELEGATED

BH2015/02557

37 Tivoli Road Brighton

Erection of first floor rear extension with roof extension over incorporating hip to gable roof extension, side window, rooflights and associated works.

Applicant: Mr & Mrs Jason & Sarbjit Singh
Officer: Emily Stanbridge 292359
Approved on 12/10/15 DELEGATED

BH2015/02627

6 Hollingbury Copse Brighton

Remodelling of existing bungalow including raising of ridge height, creation of additional floor, erection of front and rear extensions, creation of rear balcony, glass balustrading and veranda.

Applicant: Mr G Del Federico
Officer: Emily Stanbridge 292359
Approved on 19/10/15 DELEGATED

BH2015/03041

87 Tongdean Lane Brighton

Erection of single storey rear and front extensions, alterations and extensions to roof to create pitched roof and creation of hardstanding to front.

Applicant: Mr David Gilbert
Officer: Rebecca Fry 293773

Approved on 13/10/15 DELEGATED

BH2015/03097

26 & 26a Reigate Road Brighton

Application for Approval of Details Reserved by Conditions 9, 10, 11, 12, 13 and 14 of application BH2014/03799.

Applicant: Investsave Ltd

Officer: Liz Arnold 291709

Split Decision on 13/10/15 DELEGATED

BH2015/03141

61B Bates Road Brighton

Replacement of existing timber windows and doors with UPVC.

Applicant: Mr Muskett

Officer: Laura Hamlyn 292205

Approved on 27/10/15 DELEGATED

BH2015/03177

117 Compton Road Brighton

Certificate of Lawfulness for a proposed loft conversion incorporating rooflights to the front and dormer to the rear.

Applicant: Mr D Freeman

Officer: Laura Hamlyn 292205

Approved on 19/10/15 DELEGATED

BH2015/03179

15 Matlock Road Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4.1m, for which the maximum height would be 2.95m, and for which the height of the eaves would be 2.95m.

Applicant: Steve & Louisa Revill

Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 16/10/15 DELEGATED

EAST BRIGHTON

BH2015/01565

15 Reading Road Brighton

Certificate of lawfulness for proposed creation of vehicle crossover and hard standing with associated alterations to front boundary.

Applicant: Mr Stuart Philips

Officer: Christopher Wright 292097

Approved on 12/10/15 DELEGATED

BH2015/01585

15 Reading Road Brighton

Certificate of lawfulness for existing loft conversion incorporating hip to gable roof

extension, rear dormer with Juliette balcony and front rooflight.

Applicant: Mr Stuart Philips
Officer: Christopher Wright 292097
Approved on 12/10/15 DELEGATED

BH2015/01630

4 Marlow Road Brighton

Certificate of lawfulness for proposed erection of single storey rear extension and loft conversion incorporating rooflights to front and dormer to rear.

Applicant: Mrs Nuruw Begum
Officer: Ryan OSullivan 290480
Split Decision on 22/10/15 DELEGATED

BH2015/02111

2 Marlow Road Brighton

Conversion of six bedroom small house in multiple occupation (C4) into 1no one bedroom and 1no two bedroom flats (C3).

Applicant: Mr K Wong
Officer: Chris Swain 292178
Refused on 19/10/15 DELEGATED

BH2015/02225

8 Sussex Mews Brighton

Creation of rear roof terrace with access from existing dormer and installation of rear rooflight.

Applicant: Barry Martin
Officer: Luke Austin 294495
Approved on 19/10/15 DELEGATED

BH2015/02651

29 Peel Road Brighton

Increased roof height and installation of rooflight to detached outhouse.
(Part-retrospective)

Applicant: Mr Fabian Miskin
Officer: Justine Latemore 292138
Approved on 09/10/15 DELEGATED

BH2015/02961

5 St Marys Square Brighton

Installation of glazed panels to garage doors.

Applicant: Mrs Sylvia Bradshaw
Officer: Laura Hamlyn 292205
Approved on 23/10/15 DELEGATED

BH2015/03088

22-23 St Georges Road Brighton

Display of externally illuminated fascia and projecting signs and non-illuminated fascia and information signs.

Applicant: Mr David Bowles

Officer: Justine Latemore 292138

Approved on 27/10/15 DELEGATED

BH2015/03129

Madeira Terraces Madeira Drive Brighton

Installation of steel mesh fencing with vehicular and pedestrian gates to enclose Madeira Terrace, 3m high along Madeira Drive and 2.4m high to steps from Marine Parade.

Applicant: Brighton & Hove City Council

Officer: Joanne Doyle 292198

Approved on 26/10/15 DELEGATED

BH2015/03130

Madeira Terraces Madeira Drive Brighton

Installation of steel mesh fencing with vehicular and pedestrian gates to enclose Madeira Terrace, 3m high along Madeira Drive and 2.4m high to steps from Marine Parade.

Applicant: Brighton & Hove City Council

Officer: Joanne Doyle 292198

Approved on 26/10/15 DELEGATED

BH2015/03133

Penthouse Flat 2 - 3 Chichester Terrace Brighton

Internal alterations to layout of flat.

Applicant: Mr & Mrs Kim Palmer

Officer: Tim Jefferies 293152

Approved on 20/10/15 DELEGATED

BH2015/03321

6 Marlow Road Brighton

Certificate of lawfulness for proposed demolition of existing conservatory and erection of single storey rear extension. Loft conversion incorporating hip to gable roof extension, 3no front rooflights and rear dormer.

Applicant: Mr Emran Ahmed

Officer: Emily Stanbridge 292359

Refused on 19/10/15 DELEGATED

HANOVER & ELM GROVE

BH2014/02368

The Phoenix Wellesley House 10-14 Waterloo Place Brighton

Display of externally illuminated screen mesh scaffolding shroud for temporary period of one month.

Applicant: Mr David Litchfield
Officer: Adrian Smith 290478
Approved on 15/10/15 DELEGATED

BH2015/01579

119 Lewes Road Brighton

Installation of temporary timber hoarding.

Applicant: McLaren (119 Lewes Road) Ltd
Officer: Mick Anson 292354
Approved on 16/10/15 DELEGATED

BH2015/01877

171 Elm Grove Brighton

Change of use from a five bedroom small house in multiple occupation (C4) to a 8 bedroom large house in multiple occupation (Sui Generis) (Retrospective).

Applicant: Mr Oliver Dorman
Officer: Chris Swain 292178
Refused on 23/10/15 DELEGATED

BH2015/02082

146 Hartington Road Brighton

Erection of two storey side extension.

Applicant: Mr Richard White
Officer: Wayne Nee 292132
Refused on 19/10/15 DELEGATED

BH2015/02444

2 Hanover Crescent Brighton

Application for Approval of Details Reserved by Condition 3 of application BH2014/04044.

Applicant: Mr P Ryan
Officer: Christopher Wright 292097
Refused on 12/10/15 DELEGATED

BH2015/02604

165A Lewes Road Brighton

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

Applicant: Mr David Thomas
Officer: Luke Austin 294495
Approved on 15/10/15 DELEGATED

BH2015/02746

2 Hanover Street Brighton

Demolition of existing lean-to rear extension and erection of single storey rear extension.

Applicant: Mr Matthew Packford

Officer: Luke Austin 294495
Approved on 16/10/15 DELEGATED

BH2015/02762

26 Picton Street Brighton

Certificate of Lawfulness for existing increase in ridge height.

Applicant: Mrs Anna Carmichael
Officer: Allison Palmer 290493
Approved on 08/10/15 DELEGATED

BH2015/02873

210 Elm Grove Brighton

Certificate of lawfulness for proposed loft conversion incorporating insertion of 5no rooflights and creation of rear dormer.

Applicant: Mr Jonathon Beacher
Officer: Ryan OSullivan 290480
Approved on 23/10/15 DELEGATED

BH2015/02891

113 Bonchurch Road Brighton

Certificate of lawfulness for proposed roof extension to rear.

Applicant: Mr Seb Boyd
Officer: Ryan OSullivan 290480
Approved on 12/10/15 DELEGATED

BH2015/02988

26A St Martins Place Brighton

Application for variation of condition 6 of application BH2012/02631 allowed on appeal (Erection of four storey building to replace existing garage comprising of office accommodation on ground floor, 2no one bedroom flats and 3no two bedroom flats on upper floors incorporating terraces, bicycle parking and associated works) to state that prior to first occupation of the development, details of sustainability measures to reduce the energy and water consumption of the development shall have been submitted to and approved in writing by the Local Planning Authority. Removal of condition 11 that states that none of the non-residential development shall be occupied until a BREEAM Design Stage Certificate and a Building Research Establishment issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of 50% in energy and water sections of relevant BREEAM assessment within overall 'Very Good' has been submitted to and approved in writing by the Local Planning Authority.

Applicant: Pam Ken Ltd
Officer: Sue Dubberley 293817
Approved on 26/10/15 DELEGATED

HOLLINGDEAN & STANMER

BH2015/00661

9 Hollingbury Place Brighton

Certificate of lawfulness for existing use as a single residential dwelling (C3).

Applicant: Gregsons

Officer: Chris Swain 292178
Approved on 16/10/15 DELEGATED

BH2015/01146

Hollingdean Depot Upper Hollingdean Road Brighton

Redevelopment of workshop including demolition of existing concrete podium slab, columns and two overhead bridges and erection of new steel framed structure incorporating a new roof with roof lights and creation of new east facade. Demolition of existing office accommodation and creation of new hard standing for parking and creation of a galvanized steel walkway bridge.

Applicant: Brighton & Hove City Council

Officer: Chris Swain 292178

Approved on 26/10/15 DELEGATED

BH2015/01469

92 Davey Drive Brighton

Change of use from residential property (C3) to a 4no bedroom house in multiple occupation (C4).

Applicant: Mr Maurice Kifford

Officer: Helen Hobbs 293335

Approved on 15/10/15 DELEGATED

BH2015/01629

140 Ditchling Road Brighton

Roof alterations incorporating rear dormer and front rooflights.

Applicant: James Taylor

Officer: Joanne Doyle 292198

Refused on 26/10/15 DELEGATED

BH2015/01793

88 Rushlake Road Brighton

Change of use from single dwelling house (C3) to six bedroom small house in multiple occupation (C4).

Applicant: Mr John Piercy

Officer: Chris Swain 292178

Approved on 14/10/15 DELEGATED

BH2015/02345

Varley Park Coldean Lane Coldean

Non Material Amendment to BH2010/00235 to add a condition listing the approved drawings of the existing 2010 permission.

Applicant: University of Brighton

Officer: Chris Swain 292178

Approved on 19/10/15 DELEGATED

BH2015/02363

115 Brentwood Road Brighton

Roof alterations incorporating partial raising of ridge height and installation of front rooflights.

Applicant: Mr Leslie Milton
Officer: Allison Palmer 290493
Approved on 15/10/15 DELEGATED

BH2015/02429

25 Hollingdean Road Brighton

Erection of single storey rear extension

Applicant: Mr Jeremy Crooks
Officer: Allison Palmer 290493
Refused on 14/10/15 DELEGATED

BH2015/02848

Downs Infant School Ditchling Road Brighton

Erection of canopy over courtyard next to South elevation.

Applicant: Downs Infant School
Officer: Sonia Gillam 292265
Approved on 13/10/15 DELEGATED

BH2015/02954

50 Hollingbury Road Brighton

Roof alterations incorporating 2no dormers to rear and 2no rooflights to front elevation.

Applicant: Mrs Sarah Smith
Officer: Chris Swain 292178
Approved on 15/10/15 DELEGATED

BH2015/02973

29 Middleton Rise Brighton

Erection of part single storey and part two storey rear extension.

Applicant: Mr Paul Martin
Officer: Justine Latemore 292138
Refused on 16/10/15 DELEGATED

BH2015/03042

10 Barrow Close Brighton

Erection of first floor side extension.

Applicant: Mr Harper
Officer: Justine Latemore 292138

Approved on 23/10/15 DELEGATED

MOULSECOOMB & BEVENDEAN

BH2015/01402

71 Hillside Brighton

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

Applicant: Ms Ruth Grier

Officer: Chris Swain 292178

Approved on 19/10/15 DELEGATED

BH2015/02008

49 Goodwood Way Brighton

Formation of raised hardstanding. (Retrospective)

Applicant: Mr Neill Osborne

Officer: Emily Stanbridge 292359

Refused on 21/10/15 DELEGATED

BH2015/02362

1 Kimberley Road Brighton

Erection of a single storey rear extension, roof alterations incorporating dormer to rear elevation and associated alterations.

Applicant: Mr Jonathan Street

Officer: Emily Stanbridge 292359

Refused on 16/10/15 DELEGATED

BH2015/02442

9 The Crescent Brighton

Change of use from five bedroom small house in multiple occupation (C4) to eight bedroom large house in multiple occupation (Sui Generis). (Retrospective)

Applicant: Mr Oliver Dorman

Officer: Clare Simpson 292321

Refused on 23/10/15 DELEGATED

BH2015/02683

52 Barcombe Road Brighton

Change of use from dwellinghouse (C3) to nine bedroom large house in multiple occupation (Sui Generis) (Retrospective).

Applicant: Mr Oliver Dorman

Officer: Liz Arnold 291709

Refused on 14/10/15 DELEGATED

BH2015/02910

9 Belle Vue Cottages Brighton

Erection of single storey side extension.

Applicant: Mr Toby Visram

Officer: Emily Stanbridge 292359
Refused on 20/10/15 DELEGATED

BH2015/03204

Flat 29 The Deco Building Coombe Road Brighton

Replacement of existing crittal window with aluminium window.

Applicant: Dr Rusha Dawood

Officer: Justine Latemore 292138

Approved on 28/10/15 DELEGATED

QUEEN'S PARK

BH2015/00826

Flat 1 89 Marine Parade Brighton

Internal alterations to layout and refurbishment of flat including replacement of conservatory roof.

Applicant: Mr Liam Murray

Officer: Luke Austin 294495

Approved on 19/10/15 DELEGATED

BH2015/01691

3 St James's Street Brighton

Subdivision of commercial unit and alterations to shop front to create new entrance to residential unit above with alterations to signage.

Applicant: Mrs Mumtaz Ahmad

Officer: Chris Swain 292178

Approved on 08/10/15 DELEGATED

BH2015/01692

3 St James's Street Brighton

Subdivision of commercial unit and alterations to shop front to create new entrance to residential unit above with alterations to signage.

Applicant: Mrs Mumtaz Ahmad

Officer: Chris Swain 292178

Approved on 08/10/15 DELEGATED

BH2015/01808

136 Freshfield Road Brighton

Change of use from public house (A4) to 1no three bedroom dwelling and erection of 2no three bedroom dwellings (C3).

Applicant: Godfrey Investments

Officer: Chris Swain 292178

Refused on 26/10/15 DELEGATED

BH2015/02223

4 Freshfield Place Brighton

Roof alterations including roof extension to rear and installation of rooflight to front elevation.

Applicant: Mr & Mrs Tincombe
Officer: Emily Stanbridge 292359
Approved on 19/10/15 DELEGATED

BH2015/02341

38 St James's Street Brighton

Change of use of ground floor and basement from tanning studio (Sui Generis) to retail (A1).

Applicant: D & M Meats
Officer: Sue Dubberley 293817
Approved on 13/10/15 DELEGATED

BH2015/02349

12 St James's Street Brighton

Installation of new shop front.

Applicant: Mr Tim Barclay
Officer: Wayne Nee 292132
Approved on 20/10/15 DELEGATED

BH2015/02404

Brighton College Eastern Road Brighton

Demolition of existing Sports Hall, Chowen building and Blackshaw building and Pavilion to facilitate erection of a new 4 storey (including lower ground) Sports and Sciences building together with associated works. Removal of a section of the boundary wall facing Sutherland Road to create new car park entrance with car lift to underground parking area.

Applicant: Brighton College
Officer: Adrian Smith 290478
Approved on 26/10/15 DELEGATED

BH2015/03129

Madeira Terraces Madeira Drive Brighton

Installation of steel mesh fencing with vehicular and pedestrian gates to enclose Madeira Terrace, 3m high along Madeira Drive and 2.4m high to steps from Marine Parade.

Applicant: Brighton & Hove City Council
Officer: Joanne Doyle 292198
Approved on 26/10/15 DELEGATED

BH2015/03130

Madeira Terraces Madeira Drive Brighton

Installation of steel mesh fencing with vehicular and pedestrian gates to enclose Madeira Terrace, 3m

high along Madeira Drive and 2.4m high to steps from Marine Parade.

Applicant: Brighton & Hove City Council
Officer: Joanne Doyle 292198

Approved on 26/10/15 DELEGATED

BH2015/03320

Brooke Mead Albion Street Brighton

Application for Approval of Details Reserved by Condition 12 of application BH2013/02152.

Applicant: Willmott Dixon Housing

Officer: Adrian Smith 290478

Approved on 26/10/15 DELEGATED

BH2015/03506

Former Municipal Market Circus Street Brighton

Application for Approval of Details Reserved by Condition 25 of application BH2013/03461

Applicant: Cathedral (Brighton) Ltd

Officer: Mick Anson 292354

Approved on 14/10/15 DELEGATED

ROTTINGDEAN COASTAL

BH2015/01311

Eastfield Steyning Road Rottingdean Brighton

Replacement of existing UPVC windows with UPVC sash windows and UPVC doors.

Applicant: Our Lady of Lourdes Church

Officer: Clare Flowers 290443

Approved on 26/10/15 DELEGATED

BH2015/02127

Rear of 15 Welesmere Road Rottingdean Brighton

Erection of detached four bedroom dwelling with associated landscaping and access.

Applicant: Pam Collings

Officer: Chris Swain 292178

Approved on 12/10/15

BH2015/02220

11 Cranleigh Avenue Rottingdean Brighton

Erection of first floor rear extension.

Applicant: Mr & Mrs Stone

Officer: Mark Thomas 292336

Approved on 16/10/15 DELEGATED

BH2015/02267

38 Stanmer Avenue Saltdean Brighton

Erection of single storey front extension and extension to existing front terrace.

Applicant: Mr Stephen Carpenter

Officer: Luke Austin 294495

Approved on 09/10/15 DELEGATED

BH2015/02312

52 Lustrells Vale Brighton

Proposed single storey side extension.

Applicant: New Generation Care

Officer: Jonathan Puplett 292525

Approved on 26/10/15 DELEGATED

BH2015/02329

Timbers The Green Rottingdean

Erection of gable end roof extension supported by oak posts to rear elevation.

Applicant: Mr S Pickering

Officer: Christopher Wright 292097

Refused on 15/10/15 DELEGATED

BH2015/02445

Longhill School Falmer Road Rottingdean Brighton

Installation of aluminium powder coated curtain walling to gym to replace existing.

Applicant: Brighton & Hove City Council

Officer: Justine Latemore 292138

Approved on 26/10/15 DELEGATED

BH2015/02447

62 Wivelsfield Road Brighton

Raising of roof height to form first floor with dormers, creation of raised patio to rear and porch to front.

Applicant: Mrs Leanne Donnellan

Officer: Adrian Smith 290478

Refused on 21/10/15 DELEGATED

BH2015/02470

Saltdean Primary School Chiltington Way Brighton

Application for Approval of Details reserved by conditions 12 and 13 of application BH2014/03933.

Applicant: Brighton & Hove City Council

Officer: Sonia Gillam 292265

Approved on 26/10/15 DELEGATED

BH2015/02582

16 Wanderdown Way Brighton

Erection of lower ground and ground floor rear extensions with new roof terrace, extended decking, alterations to fenestration and rooflight to front.

Applicant: Mr David West

Officer: Adrian Smith 290478

Approved on 20/10/15 DELEGATED

BH2015/02623

Sunset Ovingdean Road Brighton

Erection of two storey rear extension, single storey side extension, front porch

extension, extension of roof and associated works.

Applicant: Mrs Jhuma Sharma
Officer: Clare Flowers 290443
Refused on 19/10/15 DELEGATED

BH2015/02655

Flat 3 41 Sussex Square Brighton

Erection of single storey rear extension.

Applicant: Ms Phillipa Allam
Officer: Luke Austin 294495
Refused on 28/10/15 DELEGATED

BH2015/02656

Flat 3 41 Sussex Square Brighton

Internal alterations to layout of flat and erection of single storey rear extension.

Applicant: Ms Phillipa Allam
Officer: Luke Austin 294495
Refused on 28/10/15 DELEGATED

BH2015/02771

47 Greenbank Avenue Saltdean Brighton

Formation of side dormers to replace existing dormer.

Applicant: Mr & Mrs P Carver
Officer: Clare Flowers 290443
Refused on 20/10/15 DELEGATED

BH2015/02818

12 The Cliff Brighton

Demolition of existing three bedroom house and erection of five bedroom house.

Applicant: Mr Mike Wilson
Officer: Wayne Nee 292132
Approved on 26/10/15 DELEGATED

BH2015/02867

16 Saltdean Drive Saltdean Brighton

Certificate of lawfulness for proposed loft conversion incorporating hip to gable roof extension to rear with Juliet balcony, hip to gable roof extension to side, creation of rear dormer, insertion of rooflights and insertion of window to side. (Part Retrospective)

Applicant: Mr Jay Parmar
Officer: Allison Palmer 290493
Approved on 09/10/15 DELEGATED

BH2015/02940

6 Royles Close Rottingdean Brighton

Erection of single storey front and rear extensions with associated alterations. Remodelling and enlargement of roof incorporating dormer to front and extension to existing rear dormer.

Applicant: Mr K & Mrs J Prince

Officer: Emily Stanbridge 292359
Refused on 21/10/15 DELEGATED

BH2015/02967

60 Wanderdown Road Brighton

Extension to existing garage with associated landscaping.

Applicant: Mr David Harding
Officer: Justine Latemore 292138
Refused on 15/10/15 DELEGATED

BH2015/03045

136 Longhill Road Brighton

Conversion of detached garage to form annex with alterations including roof extension, side dormer and rooflights with associated external works.

Applicant: Mr Derek Herriot
Officer: Emily Stanbridge 292359
Approved on 26/10/15 DELEGATED

BH2015/03063

28 Marine Drive Rottingdean

Application for Approval of Details Reserved by Condition 15 of application BH2014/02598.

Applicant: Generator Group
Officer: Adrian Smith 290478
Approved on 12/10/15 DELEGATED

BH2015/03103

8 Loes Barn Close Saltdean Brighton

Erection of single storey extension to front/side and roof extension with front rooflight and rear dormer.

Applicant: Mr Paul Martin
Officer: Justine Latemore 292138
Approved on 28/10/15 DELEGATED

BH2015/03256

14 Rodmell Avenue Saltdean Brighton

Erection of single storey front extension.

Applicant: Mr & Mrs Challoner
Officer: Clare Flowers 290443
Approved on 28/10/15 DELEGATED

BH2015/03378

7 Ainsworth Avenue Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 5m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.5m.

Applicant: Stephen Ashing
Officer: Allison Palmer 290493
Prior Approval is required and is refused on 27/10/15 DELEGATED

BH2015/03551

10 Eley Drive Rottingdean Brighton

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 4m, for which the maximum height would be 3.115m, and for which the height of the eaves would be 2.25m.

Applicant: Mr A Van Wensveen
Officer: Allison Palmer 290493
Prior Approval is required and is refused on 28/10/15 DELEGATED

WOODINGDEAN

BH2015/02277

165 Cowley Drive Brighton

Erection of two storey side extension and associated alterations.

Applicant: Mr & Mrs Handley
Officer: Mark Thomas 292336
Refused on 14/10/15 DELEGATED

BH2015/02503

34 Warren Avenue Brighton

Demolition of existing bungalow and erection of 2no four bedroom dwelling houses with associated works.

Applicant: Westscott Developments
Officer: Liz Arnold 291709
Approved after Section 106 signed on 22/10/15 DELEGATED

BH2015/02556

Land North of 1 and 3 Rudyard Road Brighton

Application for Approval of Details Reserved by Conditions 9, 10, 11 and 15 of application BH2015/01333

Applicant: Mr Peter Leach
Officer: Clare Simpson 292321
Approved on 23/10/15 DELEGATED

BH2015/03086

71 The Ridgway Brighton

Certificate of Lawfulness for proposed rear and side dormers.

Applicant: Mr Chris Browning
Officer: Charlotte Bush 292193
Approved on 26/10/15 DELEGATED

BH2015/03174

1 The Ridgway Brighton

Partial demolition of existing doctors surgery (D1) and erection of 2no. residential dwellings (C3).

Applicant: Mr Chris Weatherstone

Officer: Clare Simpson 292321

Approved on 23/10/15 DELEGATED

BRUNSWICK AND ADELAIDE

BH2015/01247

38 Brunswick Street West Hove

Replacement of existing pitched roof covering with metal thermally insulated roof panels and installation of rooflights. Overlay the existing flat roof with roofing felt.

Applicant: Vaseema Hamilton

Officer: Wayne Nee 292132

Approved on 13/10/15 DELEGATED

BH2015/01508

2C Holland Road Hove

Erection of an extension over part of existing garage and installation of a pitched roof over existing flat roof incorporating rooflights.

Applicant: Mr Denis O'Reily

Officer: Luke Austin 294495

Approved on 19/10/15 DELEGATED

BH2015/01929

18B Salisbury Road Hove

Installation of window to side elevation.

Applicant: Mr & Mrs Symonds

Officer: Ryan OSullivan 290480

Approved on 21/10/15 DELEGATED

BH2015/02236

Flat 2 100 Lansdowne Place Hove

Erection of detached timber outhouse. (Retrospective)

Applicant: Helen Hooper

Officer: Laura Hamlyn 292205

Approved on 15/10/15 DELEGATED

BH2015/02282

55-57 Church Road Hove

Erection of single storey rear extension.

Applicant: Mr Cleto Capetta

Officer: Christopher Wright 292097

Approved on 27/10/15 DELEGATED

BH2015/02374

73 Holland Road Hove

Change of use from offices (B1) to language college (D1).

Applicant: Tompkins Educational Group
Officer: Sonia Gillam 292265
Refused on 19/10/15 DELEGATED

BH2015/02378

Palmeira Mansions 29 Church Road Hove

Change of use from offices (B1) to 1no two bedroom flat (C3) at lower ground floor level incorporating revised fenestration and other associated works.

Applicant: Anstone Properties Ltd
Officer: Sonia Gillam 292265
Approved on 26/10/15 DELEGATED

BH2015/02379

Palmeira Mansions 29 Church Road Hove

Alterations to facilitate change of use from offices (B1) to 1no two bedroom flat (C3) at lower ground floor incorporating revised fenestration and other associated works.

Applicant: Anstone Properties Ltd
Officer: Sonia Gillam 292265
Approved on 15/10/15 DELEGATED

BH2015/02475

6 Palmeira Avenue Hove

Installation of handrail to front steps.

Applicant: Ms Patricia Thompson
Officer: Luke Austin 294495
Approved on 14/10/15 DELEGATED

BH2015/02699

Ground Floor Flat 32 York Road Hove

Erection of single storey rear extension.

Applicant: Mr Philip Young
Officer: Laura Hamlyn 292205
Approved on 13/10/15 DELEGATED

BH2015/02721

Flat 25 Palmeira Mansions 21-23 Church Road Hove

Internal alterations to layout of flat.

Applicant: Mrs Birgul Kutan
Officer: Tim Jefferies 293152
Approved on 19/10/15 DELEGATED

BH2015/02827

First Floor Flat 109 Lansdowne Place Hove

External alterations to reinstate existing balcony to front at first floor level.

Applicant: Millmead Properties Ltd
Officer: Sonia Gillam 292265
Approved on 21/10/15 DELEGATED

BH2015/02934

Flat 2 4 Brunswick Square Hove

Internal alterations to layout of flat.

Applicant: Mr Mark Bursell

Officer: Tim Jefferies 293152

Approved on 14/10/15 DELEGATED

BH2015/02950

Flat 4 61 Brunswick Place Hove

Replacement of existing timber window with double glazed timber sash window.

Applicant: Mr G Rogers

Officer: Emily Stanbridge 292359

Approved on 26/10/15 DELEGATED

BH2015/02951

Flat 4 61 Brunswick Place Hove

Replacement of existing timber window with double glazed timber sash window.

Applicant: Mr G Rogers

Officer: Emily Stanbridge 292359

Approved on 26/10/15 DELEGATED

BH2015/03120

Top Flat 29 Brunswick Place Hove

Installation of 1no replacement double glazed timber sash window to rear.

Applicant: Mr Guy Monson

Officer: Laura Hamlyn 292205

Approved on 19/10/15 DELEGATED

BH2015/03121

Top Flat 29 Brunswick Place Hove

Installation of 1no replacement double glazed timber sash window to rear.

Applicant: Mr Guy Monson

Officer: Laura Hamlyn 292205

Approved on 19/10/15 DELEGATED

BH2015/03309

Ground Floor Shop 10 Church Road Hove

Erection of single storey rear extension.

Applicant: Unithai

Officer: Emily Stanbridge 292359

Approved on 28/10/15 DELEGATED

CENTRAL HOVE

BH2012/03272

181 Church Road Hove

Application for Approval of Details Reserved by Condition 6 of application

BH2011/00480 (Appeal ref APP\Q1445\A\11\2152215)

Applicant: Messrs K C & J C Patel

Officer: Jason Hawkes 292153

Refused on 19/10/15 DELEGATED

BH2015/01255

Flat 5 3 Kings Gardens Hove

Replacement of existing balcony doors with coated metal folding doors.

Applicant: Mr James Reader

Officer: Luke Austin 294495

Approved on 19/10/15 DELEGATED

BH2015/01256

Flat 5 3 Kings Gardens Hove

Replacement of existing balcony doors with coated metal folding doors. (Part retrospective).

Applicant: Mr James Reader

Officer: Luke Austin 294495

Approved on 19/10/15 DELEGATED

BH2015/01343

2 Courtenay Towers 6 Courtenay Terrace Hove

Replacement of rear balcony decking and cast iron grille and repair of balustrading, support columns and main beams.

Applicant: Eva Burek

Officer: Helen Hobbs 293335

Approved on 26/10/15 DELEGATED

BH2015/01344

2 Courtenay Towers 6 Courtenay Terrace Hove

Replacement of rear balcony decking and cast iron grille and repair of balustrading, support columns and main beams.

Applicant: Eva Burek

Officer: Helen Hobbs 293335

Approved on 26/10/15 DELEGATED

BH2015/01384

Flat 27 Bath Court Kings Esplanade Hove

Replacement of existing aluminium windows with UPVC units.

Applicant: Mrs Freda Raynor

Officer: Joanne Doyle 292198

Approved on 20/10/15 DELEGATED

BH2015/01695

Hove Manor Hove Street Hove

Refurbishment of 3no communal entrances to flats.

Applicant: Hove Manor RTM Company Ltd C/O Graves Son & Pilcher

Officer: Helen Hobbs 293335

Approved on 21/10/15 DELEGATED

BH2015/01934

Flat 1 23 Hova Villas Hove

Replacement of existing windows and door with timber window to front elevation and UPVC window and door to rear elevation.

Applicant: Ms Heather Robinson

Officer: Mark Thomas 292336

Approved on 14/10/15 DELEGATED

BH2015/02029

4 Albany Villas Hove

Application for Approval of Details Reserved by Conditions 2i, 2ii, 2ix, 2x of application BH2012/04057.

Applicant: Dr D Masters

Officer: Clare Simpson 292321

Approved on 15/10/15 DELEGATED

BH2015/02044

4 Albany Villas Hove

Replacement of timber bay window, double doors, metal balcony, railings and steps to rear garden and installation of rooflight. (Retrospective).

Applicant: Dr D Masters

Officer: Liz Arnold 291709

Approved on 12/10/15 DELEGATED

BH2015/02045

4 Albany Villas Hove

Replacement of timber bay window, double doors, metal balcony, railings and steps to rear garden and installation of rooflight.

Applicant: Dr D Masters

Officer: Liz Arnold 291709

Approved on 12/10/15 DELEGATED

BH2015/02051

16 Connaught Terrace Hove

Certificate of lawfulness for proposed loft conversion with rear dormer, installation of ground floor doors to rear and rooflights to ground and first floor flat roofs.

Applicant: Mr M Ashpool

Officer: Ryan OSullivan 290480

Approved on 26/10/15 DELEGATED

BH2015/02185

Flat 1 62 Clarendon Villas Hove

Replacement of existing timber and UPVC windows and doors.

Applicant: Mr W Thorogood

Officer: Joanne Doyle 292198
Approved on 14/10/15 DELEGATED

BH2015/02202

17 Wilbury Road Hove

Removal of external rear fire escape and replacement with balconies with balustrade to first, second, third and fourth floors.

Applicant: Bourne Property Developments Ltd

Officer: Luke Austin 294495

Approved on 21/10/15 DELEGATED

BH2015/02266

The Coach House Eaton Road Hove

Creation of bay window with timber decking to east elevation, alteration to fenestration and other associated works.

Applicant: Mr B McGuire

Officer: Helen Hobbs 293335

Refused on 16/10/15 DELEGATED

BH2015/02453

7 Vallance Court Hove Street Hove

Formation of additional floor incorporating roof terrace with balustrade and associated alterations.

Applicant: Ms M Kerr

Officer: Sonia Gillam 292265

Approved on 14/10/15 DELEGATED

BH2015/02497

Flat 45 4 Grand Avenue Hove

Replacement of existing double glazed aluminium balcony doors and sidelights with double glazed metal framed units.

Applicant: Carol Smith

Officer: Ryan OSullivan 290480

Approved on 21/10/15 DELEGATED

BH2015/02498

Flat 45 4 Grand Avenue Hove

Replacement of existing double glazed aluminium balcony doors and sidelights with double glazed metal framed units.

Applicant: Carol Smith

Officer: Ryan OSullivan 290480

Approved on 21/10/15 DELEGATED

BH2015/02612

89 Church Road Hove

Erection of two storey rear extension at basement and ground floor level.

Applicant: DNK Hair Co

Officer: Joanne Doyle 292198

Approved on 12/10/15 DELEGATED

GOLDSMID

BH2015/01465

41 Cromwell Road Hove

Removal of existing rear/side fire escape and rebuild and repair of existing rear addition to lower ground and ground floor. (Part Retrospective)

Applicant: Pepper Fox

Officer: Helen Hobbs 293335

Approved on 28/10/15 DELEGATED

BH2015/01542

4 - 6 Montefiore Road Hove

Application for variation of condition 2 of application BH2013/03331 (Change of use and redevelopment of existing mortuary (Sui Generis) and 2 no flats, comprising of conversion, enlargement and alterations of existing building to create an additional 9 residential units. Incorporating 10 flats and 1 studio within former mortuary building, off street parking, covered cycle storage, waste and recycling storage and associated works) to permit material alterations to the approved drawings. Variation of condition 15 to allow the partial reinstatement of the redundant parts of the existing crossover.

Applicant: Mr Richard Hunnisett

Officer: Helen Hobbs 293335

Approved on 26/10/15 DELEGATED

BH2015/01788

1 Goldstone Street Hove

Part demolition of single storey part of existing retail unit (A1) and erection of 1 no two storey, two bedroom house (C3).

Applicant: Mr S A Alajmi

Officer: Chris Swain 292178

Refused on 26/10/15 DELEGATED

BH2015/02016

43 Highdown Road Hove

Roof alterations including creation of pitched roof from roof pediment, creation of door portico and revised fenestration.

Applicant: Ardentis Ltd

Officer: Clare Flowers 290443

Approved on 09/10/15 DELEGATED

BH2015/02327

10 Cromwell Road Hove

Replacement of existing tiling to main entrance with black and white tiling and reinstatement of bullnose treads to steps.

Applicant: Thornton Properties Limited

Officer: Mark Thomas 292336

Approved on 14/10/15 DELEGATED

BH2015/02328

10 Cromwell Road Hove

Replacement of existing tiling to main entrance with black and white tiling and reinstatement of bullnose treads to steps.

Applicant: Thornton Properties Limited

Officer: Mark Thomas 292336

Approved on 14/10/15 DELEGATED

BH2015/02756

66 Palmeira Avenue Hove

Creation of vehicle crossover and hardstanding with associated alterations to front boundary.

Applicant: Jayashree Srivivasah

Officer: Charlotte Bush 292193

Refused on 20/10/15 DELEGATED

BH2015/02918

39 Osmond Road Hove

Erection of two storey rear extension, single storey side extension, new chimney stack, side boundary wall and associated works.

Applicant: Mr & Mrs Heywood

Officer: Charlotte Bush 292193

Refused on 16/10/15 DELEGATED

BH2015/03051

Sussex County Cricket Club Eaton Road Hove

Variation of condition 2 of application BH2014/03701 (Erection of single storey buildings and conversion of existing kiosk to create 6no office units (B1) in North-East corner of ground.) to permit amendments to the approved drawings to allow units 2 and 3 to be linked by a common entrance lobby with associated floor level change to unit 3.

Applicant: Sussex County Cricket Ground

Officer: Kate Brocklebank 292454

Approved on 14/10/15 DELEGATED

BH2015/03145

Flat 10 65 The Drive Hove

Internal alterations to layout of flat.

Applicant: Miss Taube

Officer: Tim Jefferies 293152

Approved on 16/10/15 DELEGATED

BH2015/03296

54 Livingstone Road Hove

Application for Approval of Details Reserved by Conditions 1, 2 and 3 of application BH2015/00700.

Applicant: SMS
Officer: Liz Arnold 291709
Split Decision on 14/10/15 DELEGATED

HANGLETON & KNOLL

BH2015/00045

41 Northease Drive Hove

Change of use from child minding premises (D1) to mixed use child care and residential property (D1/C3).

Applicant: Kiddiwinks Day Care
Officer: Helen Hobbs 293335
Approved on 26/10/15 DELEGATED

BH2015/01984

Land to Rear of Harmsworth Crescent Hardwick Road Hove

Application for Approval of Details Reserved by Conditions 7(i)a, 8, 9, 13 and 16 of application BH2014/02489.

Applicant: Brighton & Hove City Council
Officer: Jason Hawkes 292153
Approved on 16/10/15 DELEGATED

BH2015/02851

38 Hangleton Way Hove

Erection of a single storey rear and side extension.

Applicant: Mr M Patel
Officer: Joanne Doyle 292198
Refused on 09/10/15 DELEGATED

BH2015/02970

182 Nevill Avenue Hove

Hip to gable roof extension with creation of rear dormer.

Applicant: Mrs Claudia Romano
Officer: Laura Hamlyn 292205
Refused on 08/10/15 DELEGATED

BH2015/03197

The Bungalow 11 Hangleton Lane Hove

Application for Variation of Condition 1 of application BH2015/01561 (Demolition of existing dwelling and erection of 1 no single storey five bedroom dwelling. (Part retrospective)) to permit addition of porch to North elevation.

Applicant: Mr J Philips
Officer: Adrian Smith 290478
Approved on 26/10/15 DELEGATED

BH2015/03268

11 Maytree Walk 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 3.0m, and for which the height of the eaves would be 2.95m.

Applicant: Abdul Rahim

Officer: Ryan OSullivan 290480

Prior approval not required on 16/10/15 DELEGATED

BH2015/03418

Land to Rear of Harmsworth Crescent Hardwick Road Hove

Application for approval of details reserved by condition 14 of application BH2014/02489.

Applicant: Brighton & Hove City Council

Officer: Jason Hawkes 292153

Approved on 19/10/15 DELEGATED

NORTH PORTSLADE

BH2015/02009

5 Langridge Drive Portslade

Erection of single storey rear extension and conversion of existing garage to form habitable accommodation incorporating enlargement of rear window.

Applicant: Mrs Sarah Elshafie

Officer: Mark Thomas 292336

Approved on 16/10/15 DELEGATED

BH2015/03149

7 Westway Close Portslade

Creation of front and rear dormers.

Applicant: Mr S Bailey

Officer: Laura Hamlyn 292205

Refused on 16/10/15 DELEGATED

BH2015/03416

Flint Close Portslade

Application for approval of details reserved by condition 9 of application BH2014/02490.

Applicant: Brighton & Hove City Council

Officer: Adrian Smith 290478

Approved on 26/10/15 DELEGATED

SOUTH PORTSLADE

BH2015/01073

Vale House Vale Road Portslade

Application for Approval of Details Reserved by Condition 5, 6, 7 and 8 of application BH2014/03332.

Applicant: Oracle Equities Ltd

Officer: Joanne Doyle 292198

Approved on 26/10/15 DELEGATED

BH2015/01935

Land to Rear of Easthill Drive Adjacent to 10 Foredown Road Portslade

Application for Approval of Details Reserved by Conditions 8i(a), 9, 11, 15 and 17 of application BH2014/02488.

Applicant: PMC Construction Ltd

Officer: Jason Hawkes 292153

Approved on 12/10/15 DELEGATED

BH2015/02279

22 Benfield Way Portslade

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

Applicant: Mr A Johnston

Officer: Mick Anson 292354

Approved on 26/10/15 DELEGATED

BH2015/02413

Portslade Hand Car Wash Camden Street Portslade

Application for continued use of premises as hand car wash and valet service for a period of 5 years.

Applicant: Mr Artan Bika

Officer: Clare Simpson 292321

Approved on 28/10/15 DELEGATED

BH2015/02630

55 Sharpthorne Crescent Portslade

Erection of a single storey rear extension.

Applicant: Mr Chris Paris

Officer: Mark Thomas 292336

Approved on 12/10/15 DELEGATED

BH2015/02745

37 Albion Street Portslade

Certificate of lawfulness for proposed loft conversion incorporating front rooflights and rear dormer extending over first floor rear extension.

Applicant: Mr S Creaghan

Officer: Laura Hamlyn 292205 **Approved on 12/10/15 DELEGATED**

BH2015/02772

178 Old Shoreham Road Portslade

Erection of single storey rear extension.

Applicant: Mr & Mrs M Flynn

Officer: Rebecca Fry 293773

Approved on 26/10/15 DELEGATED

BH2015/03018

14 Hillside Portslade

Demolition of rear conservatories and garage and erection of single storey rear and side extension with associated roof alterations. Alterations to front boundary wall,

creation of hardstanding and associated works.

Applicant: Ms Janine Atkinson
Officer: Laura Hamlyn 292205
Approved on 27/10/15 DELEGATED

BH2015/03175

75 Dean Gardens Portslade

Certificate of lawfulness for proposed single storey rear extension and loft conversion incorporating hip to gable roof extension and rear dormer with Juliette balcony.

Applicant: Mr S Tindell
Officer: Laura Hamlyn 292205
Refused on 28/10/15 DELEGATED

BH2015/03239

19 Mill Close Portslade

Erection of single storey side extension and conversion of existing garage into habitable living space.

Applicant: Phillip Housham
Officer: Rebecca Fry 293773
Approved on 22/10/15 DELEGATED

BH2015/03502

The Cottage Easthill Park Portslade

Application for approval of details reserved by condition 4 of application BH2015/01566.

Applicant: Harvey Smith
Officer: Liz Arnold 291709
Refused on 20/10/15 DELEGATED

HOVE PARK

BH2015/00305

117 Shirley Drive Hove

Erection of ground floor and basement level front extensions with revised fenestration and balustrading to front elevation, alterations to driveway and gated entrances and associated works.

Applicant: Mr Edward Hamilton
Officer: Helen Hobbs 293335
Refused on 16/10/15 DELEGATED

BH2015/01688

49 Tongdean Avenue Hove

Alterations to fenestration and existing garage and widening of existing drive to form 2no disabled parking

bays (Part Retrospective).

Applicant: Mrs A Page

Officer: Christopher Wright 292097

Approved on 14/10/15 DELEGATED

BH2015/01768

29 Gannet House Goldstone Crescent Hove

Replacement of existing single glazed aluminium windows with double glazed aluminium windows.

Applicant: Millydale Ltd

Officer: Clare Flowers 290443

Approved on 26/10/15 DELEGATED

BH2015/02048

12 Mallory Road Hove

Variation of condition 7 of application BH2014/03964 (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 the detached outhouse and increase the number of solar panels on the main house.

Applicant: Mr & Mrs Matthew Ansell

Officer: Clare Simpson 292321

Approved on 23/10/15 DELEGATED

BH2015/02400

274 Old Shoreham Road Hove

Display of 2no non-illuminated fascia signs.

Applicant: MDSGI PLC

Officer: Guy Everest 293334

Approved on 26/10/15 DELEGATED

BH2015/02483

30 Benett Drive Hove

Demolition of existing garage and erection of a single storey side extension with roof alterations incorporating extensions, rooflights, front dormers and a balcony to the rear elevation.

Applicant: Greg Lester

Officer: Emily Stanbridge 292359

Approved on 26/10/15 DELEGATED

BH2015/02513

215 Nevill Road Hove

Application for variation of condition 2 of application BH2014/01552 (Erection of detached dwelling to rear of existing property fronting Goldstone Way incorporating new vehicular crossover) to permit alterations to building materials.

Applicant: Bowles Building Co

Officer: Sonia Gillam 292265

Approved on 20/10/15 DELEGATED

BH2015/02744

2 Torrance Close Hove

Erection of a single storey rear extension with roof alterations incorporating hip to gable roof extensions, front roof lights, rear roof extension and roof terrace with associated alterations.

Applicant: Simon & Nicole Hackett

Officer: Adrian Smith 290478

Refused on 15/10/15 DELEGATED

BH2015/02985

46 Woodland Avenue Hove

Demolition of existing garage and erection of two storey extension to side with creation of Juliet balcony to rear.

Applicant: Mr Knight

Officer: Joanne Doyle 292198

Approved on 12/10/15 DELEGATED

BH2015/03007

79 Queen Victoria Avenue Hove

Erection of single storey side extension.

Applicant: Mrs Kin Kiu Lau

Officer: Laura Hamlyn 292205

Refused on 12/10/15 DELEGATED

BH2015/03044

102 Shirley Drive Hove

Removal of condition 15 of application BH2015/01183 (Variation of condition 2 of application BH2014/02775 (Demolition of existing garage and erection of 1 no three bedroom detached dwelling) to permit amendments to the approved drawings for creation of a basement level with patio light and well.) that states the residential unit shall not be occupied until a final/post construction certificate for Sustainable Homes rating of code level 4 has been submitted to the Local Planning Authority.

Applicant: Mr & Mrs Alan Moon

Officer: Jason Hawkes 292153

Approved on 15/10/15 DELEGATED

BH2015/03058

14 Goldstone Crescent Hove

Erection of single storey side extension.

Applicant: Mr & Mrs R Johnson

Officer: Allison Palmer 290493

Refused on 21/10/15 DELEGATED

BH2015/03212

24 Elrington Road Hove

Demolition of garage and erection of two storey front extension and porch.

Applicant: Mr Giles Wheeler
Officer: Laura Hamlyn 292205
Approved on 20/10/15 DELEGATED

BH2015/03216

195 Nevill Road Hove

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

of the original house by 4.1m, for which the maximum height would be 3.6m, and for which the height of the eaves would be 3.4m.

Applicant: Mr Steve Pickard
Officer: Charlotte Bush 292193

Prior Approval is required and is refused on 16/10/15 DELEGATED

WESTBOURNE

BH2015/01640

5 New Church Road Hove

Conversion of basement to habitable room with creation of rear lightwell and installation of timber framed French doors to basement.

Applicant: Mr John Ozymek
Officer: Clare Flowers 290443

Approved on 26/10/15 DELEGATED

BH2015/02090

41 Pembroke Crescent Hove

Roof alterations incorporating side rooflights and removal of rear chimney stack. Erection of a single storey rear extension to replace existing, replacement front porch and alterations to front boundary wall (Part-Retrospective)

Applicant: Mr David Godart-Brown
Officer: Liz Arnold 291709

Approved on 26/10/15 DELEGATED

BH2015/02110

51 Westbourne Villas Hove

Erection of a single storey rear extension. Erection of a single storey detached annex with garage fronting Westbourne Place.

Applicant: Mr John Fairall
Officer: Adrian Smith 290478

Approved on 20/10/15 DELEGATED

BH2015/02532

Beach Chalet 1A-10A Western Esplanade Hove

Installation of security roller bars to East and West elevations.

Applicant: Brighton & Hove City Council
Officer: Joanne Doyle 292198

Approved on 15/10/15 DELEGATED

BH2015/02547

14 - 16 Walsingham Road Hove

Roof alterations incorporating hip to gable roof extension at number 16 Walsingham Road, roof lights and rear gables.

Applicant: Fairdene Lodge
Officer: Emily Stanbridge 292359
Approved on 15/10/15 DELEGATED

BH2015/02571

148 Portland Road Hove

Partial demolition of existing offices (B1) and erection of 2no semi-detached dwellings. (C3)

Applicant: Portland Properties
Officer: Adrian Smith 290478
Refused on 12/10/15 DELEGATED

BH2015/02855

17 Pembroke Avenue Hove

Erection of single storey rear extension with associated landscaping and works to boundary wall.

Applicant: Mr & Mrs B Harrison
Officer: Laura Hamlyn 292205
Refused on 19/10/15 DELEGATED

BH2015/02877

Basement Flat 179 Kingsway Hove

Erection of timber summer house to rear garden.

Applicant: Mr Kenneth Browne
Officer: Laura Hamlyn 292205
Approved on 26/10/15 DELEGATED

BH2015/02937

Flat 1 4 Aymer Road Hove

Replacement of existing timber patio doors with aluminium bi-folding doors to rear elevation.

Applicant: Mrs Claire Josling
Officer: Laura Hamlyn 292205
Refused on 16/10/15 DELEGATED

BH2015/03001

Flat 3 76 Walsingham Road Hove

Installation of extractor fan and flue to side elevation of rear ground floor flat.

Applicant: Ms Joanna Elwell
Officer: Joanne Doyle 292198
Approved on 22/10/15 DELEGATED

1) BH01.01

BH2015/03163

Top Flat 54 Westbourne Street Hove

Replacement of existing single glazed timber framed windows with UPVC double

glazed windows. (Retrospective)

Applicant: Coastal Management Limited

Officer: Rebecca Fry 293773

Approved on 22/10/15 DELEGATED

WISH

BH2015/02408

12 St Keyna Avenue Hove

Certificate of lawfulness for proposed removal of existing conservatory and erection of single storey rear extension.

Applicant: Mr Bav Shergill

Officer: Ryan OSullivan 290480

Refused on 22/10/15 DELEGATED

BH2015/02415

12 Bolsover Road Hove

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

Applicant: Alison Benjamin

Officer: Ryan OSullivan 290480

Approved on 26/10/15 DELEGATED

BH2015/02496

38 Hogarth Road Hove

Roof alterations incorporating dormer to front elevation.

Applicant: Mr M Harman

Officer: Luke Austin 294495

Approved on 20/10/15 DELEGATED

BH2015/02644

72 Boundary Road Hove

Alterations to existing shop front and installation of additional door.

Applicant: Mr Nashaat Abdelmassih

Officer: Rebecca Fry 293773

Approved on 09/10/15 DELEGATED

BH2015/02743

245 Kingsway Hove

Creation of vehicle crossover and hard standing with associated alterations to front boundary including installation of gate.

Applicant: Oliver Carter

Officer: Joanne Doyle 292198

Approved on 26/10/15 DELEGATED

BH2015/02948

Flats 4 9 & 11 Brittany Court 178 New Church Road Hove

Replacement of existing steel glazed windows with galvanised steel double glazed

windows.

Applicant: Mr Parviz Behdad & Jeremy Lee

Officer: Laura Hamlyn 292205

Approved on 20/10/15 DELEGATED

BH2015/03261

23 Portland Avenue Hove

Prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, for which the maximum height would be 3.5m, and for which the height of the eaves would be 2.3m.

Applicant: Ian Kirby

Officer: Ryan OSullivan 290480

Prior Approval is required and is refused on 16/10/15 DELEGATED

BH2015/03414

20 Saxon Road Hove

Certificate of Lawfulness for proposed loft conversion incorporating hip to gable roof extension, front rooflights, rear dormer and alterations to fenestration.

Applicant: Mr Daniel Levy

Officer: Christopher Wright 292097

Approved on 12/10/15 DELEGATED

PLANS LIST 18 November 2015**BRIGHTON AND HOVE CITY COUNCIL****LIST OF APPLICATIONS DETERMINED BY THE HEAD OF CITY
INFRASTRUCTURE UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF
A PREVIOUS COMMITTEE DECISION.****PRESTON PARK****Application No: BH2015/03639**

Prestonville Court, Dyke Road, Brighton

4no Sycamore trees T1, T2, T3 & T4 - Cut back to boundary with
No's 5 & 6 Belmont Road.

Applicant: Mr Nyal Thompson

Approved on 16 Oct 2015

Application No: BH2015/03698

107 Beaconsfield Villas, Brighton

Fell 3no Golden Macracarpa and 1no Laurel (T4). Fell 2no Golden
Macrocarpa, 1no Griselinia (T5). Fell 1no Holly (T9) (The trees to
be felled either have no public visibility or are not sustainable
in the long term)

Applicant: Mr Richard Green

Approved on 23 Oct 2015

ST. PETER'S & NORTH LAINE**Application No: BH2015/03473**

9 Camden Terrace, Brighton

Fell one Lawson Cypress. (Although tree has public visibility, it
is not sustainable in this location. An unsuitable species)

Applicant: Mr Alex Smith

Approved on 23 Oct 2015

Application No: BH2015/03510

79 Princes Road, Brighton

Fell 2no Sycamore T2 + T3 (T2 has no public visibility, T3 is not
sustainable in the long term)

Applicant: J Hatch

Approved on 16 Oct 2015

Application No: BH2015/03604

Royal Pavilion Grounds, Pavilion Buildings, Brighton

1no Chestnut adjacent to New Road - reduce back from property by
1.5 metres.

Applicant: Mr G O'Flanagan

Approved on 16 Oct 2015

Application No: BH2015/03607

11A Richmond Road, Brighton

2no Sycamores (T1 & T2) - reduce by 2-3m leaving 5-6m.

Applicant: Mr J Hatch

Approved on 16 Oct 2015**Application No: BH2015/03685**

White Lodge, 60 Compton Avenue, Brighton

Horse Chestnut (T2), Lime (T3), & Sycamore (T4) - re-pollard to previous points.

Applicant: Ben McWalter

Approved on 23 Oct 2015**WITHDEAN****Application No: BH2015/03605**

8 Croft Road, Brighton

1no Elm - remove lower branches and thin crown by 30%.

Applicant: Ms L Baker

Approved on 16 Oct 2015**Application No: BH2015/03630**

4 Cedars Gardens, Brighton

3no Acer T1, T2 & T3 - Crown reduce by approx 25 - 30% (2-3m) to previous reduction points.

Applicant: Mr Adam King

Approved on 16 Oct 2015**EAST BRIGHTON****Application No: BH2015/03699**

Courtney King House, 169 Eastern Road, Brighton

1no Sycamore T1 - Fell stem closest to house. Cut back remaining branches to give a 2m clearance. 12no Elm G1- Trim growth back to boundary line to full height of trees.

Applicant: Mr George O'Flanagan

Approved on 23 Oct 2015**QUEEN'S PARK****Application No: BH2015/03512**

Land to the rear of 17 Barry Walk, Brighton

1no Wild Cherry T29 - Reduce by 30%. Clear limbs over footpath to provide minimum headroom of 2.3m.

Applicant: Mr Steve Smith

Approved on 16 Oct 2015

ROTTINGDEAN COASTAL**Application No: BH2015/03638**

7 Wanderdown Way, Ovingdean, Brighton

1no Sycamore T1 - Reduce to previous reduction points approx 4
-5ft off top.

Applicant: Mr N Thompson

Approved on 16 Oct 2015

CENTRAL HOVE**Application No: BH2015/03496**

Pembroke Hotel, 2 Third Avenue, Hove.

1no Elm - reduce lateral growth on the side of 2 Third Avenue by
1.5 - 2m. Blend into top.

Applicant: Mr John Papanichola

Approved on 23 Oct 2015

Application No: BH2015/03535

26 Vallance Gardens, Hove

Fell 2no poplar T1 & T2 (Trees have no public visibility thus do
not warrant a TPO)

Applicant: Mr S Duance

Approved on 16 Oct 2015

Application No: BH2015/03643

32 The Drive, Hove

1no Magnolia T1 - Reduce back from property to provide 0.75 to 1m
clearance. Lightly lift crown over footway. Lightly crown lift
over the driveway and footpath to the front door.

Applicant: Mr George O'Flanagan

Approved on 23 Oct 2015

GOLDSMID**Application No: BH2015/03530**

55 The Drive, Hove

1no Laurel T1 - Reduce by 4m from top height. 1no Portuguese
Laurel - Reduce top down by 1.5m and side back from path edge. 1no
Cherry T3 - 2x Laterals reduce by up to 4m. 1no Elm T4 - Reduce
low laterals by up to 3m on eastern side only.

Applicant: Mr N Thompson

Approved on 16 Oct 2015

WESTBOURNE**Application No: BH2015/03526**

8 Pembroke Gardens, Hove

Cherry (T1) - reduce in height and spread by up to 1m.

Cherry (T2) - thin re-growth by 20% and restore canopy after previous poor pruning.

Olive (T4) - reduce in height by 0.5m and shape.

Applicant: Mr Neil Chapman

Approved on 23 Oct 2015

Application No: BH2015/03682

8 Pembroke Gardens, Hove

Fell one Buddleia (T3), leaving low stump to rejuvenate.

Applicant: Mr Neil Chapman

Approved on 23 Oct 2015

NEW APPEALS RECEIVED**WARD**APPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**WISH**

BH2015/02133

10 Marine Avenue Hove

Creation of 2no dormers to front elevation.

APPEAL LODGED

12/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**WOODINGDEAN**

BH2015/01959

18 McWilliam Road Brighton

Hip to gable roof extensions, creation of rear dormer and insertions of front rooflights.

APPEAL LODGED

12/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**WOODINGDEAN**

BH2015/00951

56 Farm Hill Brighton

Conversion of existing dwelling to form 1no three bed and 1no four bed dwelling with associated roof alterations including extensions, raising of ridge height and dormers, creation of additional crossover and associated works.

APPEAL LODGED

23/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**HOLLINGDEAN & STANMER**

BH2015/01417

189 Hollingdean Terrace Brighton

Change of use from five bedroom dwelling house (C3) to six bedroom small house in multiple occupation (C4). (Retrospective).

APPEAL LODGED

23/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**GOLDSMID**

BH2015/01164

Land Rear of 75 Lyndhurst Road Hove

Demolition of existing garage and erection of
1no dwelling house (C3).

APPEAL LODGED

22/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**PATCHAM**

BH2015/01021

5 Buxted Rise Brighton

Erection of a single storey side and rear
extension to replace existing.

APPEAL LODGED

26/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**ROTTINGDEAN COASTAL**

BH2015/01719

80 Coombe Vale Brighton

Roof alterations incorporating revised ridge
height, extension of front dormer, side rooflights
and gable windows to front and rear.

APPEAL LODGED

23/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTIONAPPEAL STATUSAPPEAL RECEIVED DATEAPPLICATION DECISION LEVEL**HOVE PARK**

BH2015/01790

1 Barrowfield Drive Hove

Erection of painted, rendered block wall with
timber fencing to replace existing boundary
wall. (Retrospective)

APPEAL LODGE

28/10/2015

Delegated

WARDAPPEAL APP NUMBERADDRESSDEVELOPMENT DESCRIPTION**WESTBOURNE**

BH2015/00921

16 Westbourne Place Hove

Reconfiguration of property including demolition

of part of existing workshop to rear and replacement with new first floor garden living room incorporating increased roof height, revised and extended roof terrace with glazed balustrade, ground floor rear extension and associated works.

APPEAL STATUS

APPEAL LODGED

APPEAL RECEIVED DATE

28/10/2015

APPLICATION DECISION LEVEL

Delegated

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES**
18th November 2015**Brighton & Hove**
City Council

This is a note of the current position regarding Planning Inquiries and Hearings

Land South of Ovingdean Road, Brighton

Planning application no:	BH2014/02589
Description:	Outline planning application with appearance reserved for the construction of 85no one, two, three and four bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements.
Decision:	Planning Committee
Type of appeal:	Informal Hearing
Date:	6 th January 2016
Location:	Brighton Town Hall

APPEAL DECISIONS

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<p>Application BH2014/03311 – Appeal against refusal to grant planning permission for demolition of existing detached residential dwelling and erection of new residential building to create 6 No2 bedroom apartments, 1 No3 bedroom apartment and 2 No3 bedroom houses together with associated landscaping works and residents basement car park. APPEAL ALLOWED (delegated decision)</p>	
B – FLAT 1, 55 THE DRIVE, HOVE – GOLDSMID	235
<p>Application BH2014/04325 – Appeal against refusal to grant planning permission internal alterations to change the existing bathroom to a study and provide a new bathroom in the hallway. APPEAL ALLOWED (delegated decision)</p>	
C – LAND TO THE REAR OF 47-49 AT. AUBYNS HOVE – CENTRAL HOVE	239
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Appeal Decision

Site visit made on 6 October 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: 8 October 2015

Appeal Ref: APP/Q1445/W/15/3038326

1 Nizells Avenue, Hove, East Sussex BN3 1PL

- 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 Owen Property against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/03311, dated 2 October 2014, was refused by notice dated 19 February 2015.
 - The development proposed is described as 'demolition of existing detached residential dwelling and erection of new residential building to create 6 No2 bedroom apartments, 1 No3 bedroom apartment and 2 No3 bedroom houses together with associated landscaping works and residents basement car park.'
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing detached residential dwelling and erection of new residential building to create 6 No2 bedroom apartments, 1 No3 bedroom apartment and 2 No3 bedroom houses together with associated landscaping works and residents basement car park at 1 Nizells Avenue, Hove, East Sussex BN3 1PL in accordance with the terms of the application, Ref BH2014/03311, dated 2 October 2014, subject to the conditions set out in appendix A.

Main Issues

2. The main issues are:
 - whether relevant policies for the supply of housing in the district are currently up-to-date, having regard to the five-year supply of housing land, and;
 - The effect of the proposed development on the character and appearance of the street scene and area generally, and;
 - The effect of the proposed development on the living conditions of adjoining neighbours with specific regard to outlook, light and privacy.

Reasons

Supply of housing policies

3. It is common ground between the main parties that the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. In this respect, Paragraphs 14 and 49 of the National Planning Policy Framework (the

Framework) are relevant. Put simply, the relevant policies for the supply of housing should not be considered up to date if a five year supply cannot be demonstrated and that planning permission should be granted if; the proposal accords with the development plan, and the adverse impacts are significantly and demonstrably outweighed by the benefits.

4. The adopted development plan policies provided by the Council in support of their refusal are QD1: Design - quality of development and design statement, QD2: Design – key principles for neighbourhoods and QD27: Protection of amenity of the *Brighton and Hove Local Plan 2005* (BHLP). As read, these policies relate to the design of developments or living conditions, and not specifically the supply of housing. Moreover, they reflect the planning policies of the Framework, including always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17). In accordance with Paragraph 215 of the Framework, these policies can be accorded significant weight.
5. I do not have the full details as to the extent of undersupply or the period this has occurred over. Nonetheless, the Council considers that the proposal would provide much needed new homes, helping to address the housing shortfall in the city and that the proposed mix of units is considered acceptable. The contribution of nine dwellings to the housing supply of the local planning authority area is a benefit that should be afforded modest weight in favour of the proposal. Notwithstanding the above, to be acceptable the proposed development must accord with the adopted development plan policies and any adverse impacts should be outweighed by the benefits. I now consider these before coming to an overall conclusion.

Character and appearance

6. The appeal site is occupied by a single detached dwelling, being located on the corner of a junction between Nizells Avenue and Osmond Gardens/Road. The street scene on Nizells Avenue consists of a mixture of two, three and four storey buildings; although two storeys is the prevalent form on the northern side of the road. On the southern side of Nizells Avenue and directly opposite the appeal site is The Vineries, which is mostly a four storey building with attic level. Along Osmond Gardens/Road, the built form is generally two storey, with some limited examples of three storey buildings. The junction of Osmond Gardens/Road and Nizells Avenue is slightly raised above the ground level of the appeal site.
7. The appeal scheme seeks the erection of an essentially three storey building with basement car park and attic level. On the north side this would comprise two attached houses with flat roofs, which due to their height compared to the buildings facing Osmond Gardens/Road and their lower ground level in relation to the highway, would appear as subservient additions to the street scene. On the south elevation, it is clear that the building would be taller than York Court to the west. However, the main bulk of the building would be only slightly higher than the ridge of that building, with the attic level accommodation at 1 Nizells Avenue being set back a distance from the edge of the flat roof. Furthermore, it is clear when looking along Nizells Avenue, that there is a stepping down of the eaves and ridge heights from the appeal plot to the west.
8. In this respect, the appeal building would continue the steady increase in height from west to east along Nizells Avenue. Furthermore, the appeal site is

located on a corner plot, where a building with some visual prominence, in terms of its height, can provide a focal point within the street scene, acting as a visual punctuation mark; much like The Vineries does on the opposite corner. Within the appeal context, this is visible by the buildings on the corner of the Osmond Gardens/Road and Nizells Avenue junction, with a four storey building to the south on Nizells Avenue and three storey building on the corner of Osmond Gardens/Road and Windlesham Avenue. In such circumstances, the proposed height of the building is not considered unacceptable or uncharacteristic.

9. Concerns have also been raised in terms of the footprint and that its projection forward of the building line on Osmond Gardens/Road would be overwhelming and out of character. However, the existing building on the appeal site sits forward of the building line on Osmond Gardens/Road which is due to the angled nature of this road, as evidenced on the site block plan (drawing YO113-100). Whilst the proposed building would project further forward towards the highway, this would be achieved through a stepped elevation, and therefore would appear less dominant than as a flat frontage. Moreover, the stepping of the frontage would be a continuation of that at properties to the north on Osmond Gardens/Road. In this respect, the positioning of the proposed buildings footprint would reflect that found locally along this road. It would also be not dissimilar in its relationship facing onto Nizells Avenue as those buildings to the west along that road.
10. Lastly, the proposal seeks a relatively modern design, with the use of flat roof forms, and materials such as red multi stock facing brick work and light grey bricks, western cedar privacy screens and aluminium cladding. I saw that there in addition to examples of Arts and Crafts buildings locally, there are also much newer buildings, with a range of building styles present. The Framework advises at Paragraph 60 that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness. In this case, the appeal site is not listed nor in a conservation area which provides a degree of flexibility in the design approach. Furthermore, the proposal would reinforce local distinctiveness through the reflection of the height of nearby buildings and continuing their building lines.
11. I therefore conclude that the proposed development would not result in material harm to the character and appearance of the street scene and the area more generally. It would therefore accord with Policies QD1 and QD2 of the BHLP, and those of the Framework cited, which amongst other aims seek to ensure that all new development should be designed to emphasise and enhance the positive qualities of the local neighbourhood by taking account the local characteristics including height, scale, bulk and design of existing buildings.

Living conditions

12. In terms of living conditions, I was able to see during my site inspection that although there are windows in the flank wall of York Court to the west, these appear to either serve double aspect rooms or secondary living areas, such as bathrooms. It was also possible to see that there are existing windows and a

rooflight that look out from 1 Nizells Avenue onto these windows. In this respect, the issue is the greater extent that the proposed building would exacerbate this relationship. However, the flank wall windows proposed would be oriel windows set at an oblique angle, which would help mitigate any degree of overlooking. Added to this, the buildings are separated by an existing gap formed by the respective vehicle accesses which would be retained, which would further mitigate any perception of overlooking. Given such circumstances, I do not find that the proposal would result in a materially harmful loss of privacy for occupiers of York Court.

13. In terms of light and outlook, the Council's report identifies that there may be some overshadowing for the occupiers at York Court; but that this normal between neighbouring properties and typical of this area. Furthermore, the Council highlights that the windows at York Court are either secondary or serve non-habitable rooms. These points reinforce my own on-site observations in terms of privacy, and the fact that although some light and outlook may be lost, this would not be to a materially harmful extent for the occupiers of the nearby buildings given that the principal outlook is towards the north or south rather than the east.
14. I therefore conclude that the proposed development would not result in material harm to the living conditions of adjoining neighbours, with specific regard to outlook and privacy. Accordingly, the proposal would accord with Policy QD27 of the BHLP and those of the Framework, which amongst other aims seek to ensure that planning permission is not granted where it would cause material loss of amenity to adjacent users.

Other Matters

15. A number of matters have been raised by neighbours and nearby residents; I now consider these before coming to an overall conclusion. In terms of surface water run off, drainage and the potential strain on the local sewerage network, there is no evidence before me that conclusive demonstrates that there is a persistent problem in any of these areas, or that the proposal would exacerbate any localised issues. With regard to the principle of the redevelopment of the site, it is located within a residential area of the City, with nearby access to local services, public transport links and open space. There are no compelling reasons as to why the site could not be re-developed for housing or that it is unsuitable for such use.
16. Concerns have been raised in terms of the modern design approach and materials used, including the use of flat roofs. However, I have considered the overall design approach earlier in this decision and do not find that it is unacceptable in this case. I note that the sightlines for the access into and from the basement car park would be limited owing to the location of on-street parking bays and the entrance ramp. However, the local highways authority have no objection to the proposed scheme in terms of highway safety. Moreover, given the small number of parking bays, nine in total, that the basement car park would serve the level of traffic movements are likely to be relatively small. I therefore see no reason to take a contrary stance to that of the local highways authority in this respect.
17. In terms of trees, Section 197 of the Town and Country Planning Act 1990, as amended, requires that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees. In this case, the proposal

would infringe on the Root Protection Areas (RPAs) of T1 and T10. The Council's Arboriculture section raises no objection, and is satisfied that these should be protected during development. Subject to the use of an appropriately worded condition, I am satisfied that trees on the site could be either preserved, or new trees planted as part of a landscaping scheme for the site that can reasonably be secured through the use of a planning condition.

18. Taking into account all the other matters raised, I do not find, whether individually or in combination, that these would result in material harm that justifies the dismissal of the appeal scheme.

Conditions

19. A number of conditions have been suggested by the Council, in considering these and the comments by the appellant, I have had regard to the Planning Practice Guidance and Paragraph 206 of the Framework in terms of the use of planning conditions.
20. A condition requiring the development to be carried out in accordance with the submitted drawings is necessary for the avoidance of doubt. A condition removing permitted development rights is reasonable given the potential to cause detriment to the living conditions of neighbours, however this should refer to the 2015 GPDO which ostensibly replaced the 1995 version. However, a condition removing the ability to erect features such as any cables, wires or aerials for example on elevation facing a highway are not necessary given that such alterations are likely to have a limited impact on the aesthetics of the street scene. For similar reasons I find the suggested condition restricting external lighting to be onerous and would prevent future occupiers from installing external lights where considered necessary for safety or access.
21. Windows on the north elevation would serve landings and stairwells rather than living areas. A condition requiring them to be obscured glazed would therefore be onerous and not necessary. Furthermore, given the angles and distances involved in relation to the adjacent building to the west and that some of the windows provide the only ventilation and light for bedrooms, I do not consider a condition requiring the western flank windows to be obscured glazed and non-opening unless more than 1.7 metres high to be reasonable or necessary.
22. A condition requiring the provision and retention of refuse and recycling facilities is necessary in order to ensure adequate provision for future occupiers is provided. The submission of material samples, details of existing and proposed floor levels, and boundary treatments are reasonable in the interests of the character and appearance of the street scene. The use of porous materials for hard surfaces is necessary in order to reduce the risk of localised surface water flooding. The submission and implementation of a landscaping scheme are necessary and reasonable to protect the appearance of the area. For similar reasons, the erection of fences to protect root areas of existing trees to be retained is necessary. The submission of further details on the management of access to and from the basement parking area would be relevant to planning in order to reduce the need for vehicles turning into the site to wait on the public highway for outgoing vehicles.
23. The appeal site lies on part of a former gravel pit that has been infilled. As such, there is the potential for contaminated land. This needs to be identified prior to works on the site, and any strategies for remedial works agreed and

undertaken in order to reduce the risk to human health. A condition in this respect would therefore be both necessary and reasonable. The provision and retention of cycle and vehicle parking is necessary in order to promote sustainable transport and therefore a condition in this respect would be reasonable.

24. Policy H013: Accessible housing and lifetime homes of the BHLF requires that new dwellings should be built to a lifetime home standard, so that they can be adapted to meet the needs of people with disabilities without major structural alterations. The lifetime homes standard has now been replaced with the Building Regulations Optional Requirements from 1 October 2015. The stepped approach to units 3 and 4 (that is the houses) is considered unsatisfactory by the Council. However, there is space for an external platform lift installation to be provided, as shown on drawing Y0113-111. The equivalent 'standard' for a development of this size appears to be Requirement M4(2) (accessible and adaptable dwellings), which would therefore be a reasonable condition to impose in relation to development plan policy HO13 and the requirement to provide adaptable housing.
25. The Council have also directed me to requirements for development to meet the Code for Sustainable Homes (CfSH) Level 4. This standard has also been superseded and partially replaced by the Building Regulation Optional Requirement on water efficiency. However, Policy SU2: Efficiency of development in the use of energy, water and materials of the BHLF does not specifically refer to requiring a certain level of water usage or CfSH level. Nor does it justify a clear local need for a tighter standard in accordance with the guidance set out in the Planning Practice Guidance.¹ As such, a condition in this respect or in terms of the CfSH would not be reasonable in this instance.

Overall Conclusion

26. For the reasons given above, the proposed development is considered to accord with the aforesaid development plan policies in terms of design and neighbouring amenity. I have found that the policies relating to the supply of housing are currently out of date. Nonetheless, in accordance with Paragraph 14 of the Framework, the proposal accords with the development plan where relevant, and with the absence of materially harmful adverse impacts, any harm is outweighed by the benefits, which include an acceptable design and the modest provision of housing in an area where there is a current shortfall of deliverable housing sites.
27. Having taken all matters raised into account, I conclude that the appeal should be allowed.

Cullum J A Parker

INSPECTOR

¹ Paragraph: 013Reference ID: 56-013-20150327 through to Paragraph: 017Reference ID: 56-017-20150327

Appendix A - List of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: J49.09/O1 Rev A, Y0113-100, Y0113-105, Y0113-106, Y0113-110 Rev A, Y0113-111 Rev A, Y0113-112, Y0113-113, Y0113-114, Y0113-115, Y0113-120, Y0113-121 Rev A, Y0113-122, Y0113-130, Y0113-131 and Y0113-132.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no extension, enlargement, alteration or outbuilding under Schedule 2, Part 1, (Development within the curtilage of a dwellinghouse), Classes A to E, shall be erected or undertaken without planning permission obtained from the local planning authority.
- 4) The development hereby permitted shall not be occupied until the refuse and recycling storage facilities indicated on the submitted plans are provided and made available for use. Thereafter such facilities shall be retained for use at all times.
- 5) All hard surfacing shown on the submitted drawings shall either be made of porous materials or provision made to direct surface water run-off from hard surfaces to a permeable or porous area(s) or surface within the appeal site and retained thereafter.
- 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. 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 details of existing and proposed ground levels (referenced as Ordinance Datum) within the site and on land adjoining the site by means of spot heights and cross sections, proposed siting and finished floor levels of the building. Thereafter the development shall be implemented in accordance with the approved details.
- 8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Such samples shall include, where appropriate, samples of all brick, render and tiling, any cladding to be used, hard surfacing materials, proposed doors, windows and balcony treatments and all other materials to be used externally. Development shall be carried out in accordance with the approved details.
- 9) 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 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. Measures for

the protection of trees and their roots, including any fencing, shall be implemented in accordance with BS5837 (2012) (or any replacement guidance). The scheme of landscaping shall also include details of all hardstanding, boundary treatments and proposed planting.

- 10) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 11) Prior to the occupation of the building hereby approved, a scheme of management of the basement level parking area shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of how the ingress and egress of vehicles will be managed to ensure that they do not meet on the access ramp. The approved scheme shall be implemented prior to occupation of the building and thereafter retained at all times.
- 12) No development shall take place until there has been submitted to and approved in writing:
 - (a) a desk top study documenting all previous and existing land uses of the site and adjacent land in accordance with national guidance set out in Contaminated land research report Nos 2 and 3 and BS10175:2001 – Investigation of potentially contaminated sites – Code of practice (or any replacement guidance) and, unless agreed otherwise 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, unless agreed otherwise by the local planning authority;
 - (c) a detailed scheme for any 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. Furthermore, the development shall not be occupied until there has been submitted in writing verification by the competent person that any remediation scheme required and approved has been implemented in accordance with the approved details. Unless agreed otherwise by the local planning authority such verification shall include:
 - (i) as built drawings of the implemented scheme, and;
 - (ii) photographs of the remediation work in progress, and;
 - (iii) certificates demonstrating that imported and/or material left in situ is free from contamination.

Thereafter, the scheme shall be monitored and maintained in accordance with the approved scheme.

- 13) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing No Y0113-110 for bicycles to be parked. Thereafter such parking shall be retained.
- 14) No dwelling shall be occupied until the space has been laid out within the site in accordance with drawing No Y0113-110 for nine cars to be parked. Thereafter such parking shall be retained.
- 15) Before occupation, the dwellings shall comply with Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.



Appeal Decision

Site visit made on 23 September 2015

by **Philip Willmer BSc Dip Arch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 October 2015

Appeal Ref: APP/Q1445/Y/15/3049322

Flat 1, 55 The Drive, Hove, East Sussex, BN3 3PF.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Roy Holm against the decision of Brighton and Hove City Council.
 - The application Ref BH2014/04325, dated 4 December 2014, was refused by notice dated 9 March 2015.
 - The works proposed are described as internal alterations to change the existing bathroom to a study and provide a new bathroom in the hallway.
-

Decision

1. The appeal is allowed and listed building consent is granted for internal alterations to change the existing bathroom to a study and provide a new bathroom in the hallway at Flat 1, The Drive, Hove, East Sussex, BN3 3PF in accordance with the terms of the application Ref. BH2014/04325, dated 4 December 2014 and the plans submitted with it.

Procedural matters

2. The works the subject of this appeal had been undertaken and completed prior to my site visit.
 3. I understand from the Council that flat 1 may have been the subject of unauthorised alterations that did not form part of the application, now the subject of this appeal. Accordingly, my determination will be made only on the internal alterations that were subject to the appellant's application for retrospective listed building consent. These are namely to change the existing bathroom to a study and the provision of a new bathroom in the hallway, along with the changes to the existing en-suite and adjacent cupboard situated in the master bedroom.
 4. The appellant has provided extracts of various floor plans of the basement, including one dated 1881. The Council has submitted no evidence to suggest that this basement plan extract, or indeed the other extract plans submitted showing the layout as approved in 1932, 1958 and 1999, are not an accurate representation of how the rooms at basement level were originally configured and then subsequently altered. I shall therefore take account of these record drawings in my deliberations.
-

Main Issue

5. The appeal site is located in The Drive Conservation Area. I am required therefore to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There are no external alterations proposed in relation to this development. I am therefore satisfied that the proposed works would not impact on the character and appearance of the conservation area. Accordingly I consider the main issue in this case to be the effect of the works on the special architectural and historic interest of the property, listed grade II.

Reasons

6. The property the subject of this appeal comprises the lower ground floor flat within a three storey plus basement detached property, number 55 The Drive, which is listed grade II.
7. According to the list description the villa probably dates from 1890 to 1900. While it was initially designed as a substantial detached dwelling house, I understand from the evidence that it was subsequently occupied as a care home prior to its subdivision into flats. In my view, its special architectural and historic interest relates to the history of the building's development, design and detailing. I also consider, in this case, that the subsequent occupation and the necessary changes required to accommodate the needs and aspirations of those later occupants, illustrated on the available record drawings, are of significance in respect of this historic asset.
8. Where the plan layout of a property has been unaltered it can give a clear indication of the building's function and, in the case of a domestic building, the occupant's lifestyle and how it was designed to reflect their social standing and thereby how it met the needs of those occupants. Where a building has been altered to meet the changing demands of later occupiers and their society, those subsequent alterations themselves also serve as a record of those changes. Accordingly, as identified by the Council, a building's floor plan can be of great significance.
9. It is clear from the 1881 drawing provided that the basement accommodation would have originally extended across the full width of the villa. The area of the current flat then comprised, in addition to a small larder, wine cellar and store, a large kitchen and adjacent scullery. The current hall of flat 1 is only a small remaining part of a large basement level hall that ran parallel with the principal façade.
10. The approved alterations in 1932, to provide amongst other things a Housekeeper's flat, had a limited impact on the basement layout. Whereas, although still one basement area, the 1958 approved plan shows some quite dramatic alterations. In particular, these include the subdivision of both the scullery and kitchen into smaller cellular rooms and the enlargement of the 1932 bathroom (formerly the larder). Although not documented on the drawings, at some time between 1958 and 1999 the basement appears to have also been extended. Subsequent to the 1999 approval, this addition was incorporated into what is now flat 1, being the current kitchen.

11. The property was listed in 1992. In 1999 the property was converted to seven flats, with the basement floor divided into two separate units. Although the layout of flat 1 as approved is not as it appears today, the sense of the service floor to the original villa, designed to meet the needs of the first occupants, was further and significantly denuded by the 1999 alterations.
12. The Council raises no objection to the works to the en-suite bathroom and store, first formed in 1958, in what is now the master bedroom. From what I have seen and read I would not disagree with its findings on this element of the proposal.
13. The alterations approved in 1958 and 1999 had a profound impact on the original basement floor plan. The works to the basement layout resulted in the loss of both the sense and understanding of the plan of the original building at this level. Accordingly, in this context, I am not persuaded that the creation of the small bathroom, constructed of lightweight stud partitions, has had such a significant adverse impact on the historic plan form or character of the listed building as originally designed and built, as suggested by the Council.
14. In addition, in my judgement, due to the basement's current use, the approved alterations that facilitated that use and the scale and form of the new bathroom, I do not believe that the works, the subject of this appeal, have caused harm to the history of the building's adaption and occupation over time. They simply reflect the history of use and ownership, which I consider in itself to be an aspect of the special interest of the building. Further, as scaled drawings illustrating these alterations, along with the previous works, would be on the public record, the history of these small changes and any loss of historic fabric, which in this case due to the previous substantial alterations have, in my opinion, been deminimus, would be recorded. Furthermore, from my observations on site, in the event that in the future there were the opportunity to restore the villa or even the basement floor as originally designed, the proposed bathroom, like the en-suite bathroom and store in the master bedroom, could easily be removed with little harm to the building's historic structure or fabric.
15. I accept that the alterations, the subject of this appeal, do not better reveal the significance of the listed building in terms of its original historic arrangement, the plan form or the appreciable hierarchy of the spaces of what was originally conceived as a substantive palatial house. However, I conclude that in this case the proposals represent a modest alteration to the plan form of the building and to its fabric that, in this instance, is susceptible to a limited degree of sensitive change. I therefore consider that the alterations would be appropriate to their context and the special architectural and historic interest of the building would be preserved. I therefore find no objection in terms of the objectives of Policies HE1 and HE4 of the Brighton and Hove Local Plan 2005 (LP) and Supplementary Planning Guidance Note 11 – *Listed Building Interiors* (SPG) as they seek to preserve the building or any features of special architectural or historic interest which this listed building possesses.

Conditions

16. As the works have been undertaken and completed and the drawings illustrating the changes are now on the public record, I do not consider that the imposition of conditions is necessary in this case.

Conclusions

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should succeed.

Philip Willmer

INSPECTOR



Appeal Decision

Site visit made on 21 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: 27/10/2015

Appeal Ref: APP/Q1445/W/15/3014474

Land to the rear of 47-49 St Aubyns, Hove, East Sussex BN3 2TJ

- 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 Cheryl Duke against the decision of Brighton & Hove City Council.
 - The application Ref BH2014/02043, dated 19 June 2014, was refused by notice dated 16 October 2014.
 - The development proposed is the demolition of a double garage and the erection of 2 no two storey town houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised are:
 - The effect of the development on the character and appearance of the surrounding area and the Old Hove and Cliftonville Conservation Areas;
 - Whether the development would provide acceptable living conditions for future occupants with regard to garden space; and
 - The effect of the development on the living conditions of the occupiers of neighbouring properties, particularly in relation to outlook, light and garden space.

Reasons

Character and appearance

3. The site is located to the rear of 47-49 St Aubyns which backs on to Seafield Road and is within the Old Hove Conservation Area. The appeal proposal would replace 2 garages to the rear of No 49 St Aubyns and a parking space and part of the rear garden of No 47 St Aubyns, with 1 no two bedroom house and 1 no one bedroom house. The 2 storey dwellings would have a frontage on to Seafield Road and would be opposite a row of large Victorian terraced houses that are situated within the Cliftonville Conservation Area. The development would be within the setting of this Conservation Area.
4. On my site visit I clearly saw that the streets are predominantly residential with substantial 3 and 4 storey Victorian terraces and semi-detached villas, forming a prominent feature within both Conservation Areas. I note that many

- of these properties have additional accommodation in basements and in the roof spaces. Although some of these buildings have various dormers and alterations, particularly at roof level, they retain much of their original Victorian character.
5. I also saw that there is a distinct difference in character along Seafield Road, with the dividing line drawn at Seafield Cottage. North of this cottage along the western side of the street, the presence of gardens, large mature street trees, single storey garages set back from the highway and additional parking spaces to the front, results in a predominantly open and spacious character. The southern part of Seafield Road is dominated by taller buildings, with those to the west being further forward on their plots, creating a more enclosed character to the street.
 6. Although the garages do not contribute aesthetically to the architecture of the street, as existing single storey structures they do form part of the low level and unobtrusive spacious character that exists between the adjacent taller buildings. Whilst the seafront is within close proximity, this open area provides a welcome breathing space within a dense built up location. The proposal would, by contrast, introduce a 2 storey scale of development which, although smaller in height than adjacent buildings, would nevertheless reduce the feeling of spaciousness within this part of the street. The width of the road would also appear reduced and the houses would be more visually prominent within the streetscene, due to their projection forward of the adjacent garages. In addition, the houses would be built right up to their side and rear boundaries with only small front gardens, resulting in development that would appear cramped within the plots. I therefore consider that the houses would appear as intrusive and isolated additions that would appear at odds with the prevailing character of this part of the street.
 7. In support of the appeal, the appellant has drawn my attention to other modern developments in the area that they consider are similar, but as I do not have full details of these developments or the circumstances that led to them being acceptable, I cannot be sure that they represent a direct parallel to the appeal proposal. Nevertheless I saw on my site visit that modern residential development has been accepted by the Council, including terraced dwellings and town houses to the south of Seafield Cottage. I consider that the difference in character within Seafield Road is clearly defined and the existence of this and other infill residential development does not justify the proposal in this instance.
 8. The Council refers to other residential planning applications to the rear of St Aubyns which have been previously refused, including one for a dwelling to the rear of No 47 St Aubyns. This was also dismissed on appeal ref: APP/Q1445/A/07/2044109 (linked in a single decision letter with appeals APP/Q1445/A/07/2038107 and APP/Q1445/A/07/2038108). Whilst I determine this appeal on its own merits, I have considered the references made by the Council to the Inspector's reasons and decision, though the full decision is not before me.
 9. Importantly the National Planning Policy Framework (the Framework) recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm

or loss of significance through development within their setting. The Framework also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment.

10. Consequently, taking the above into account, I conclude that the development does not accord with the Framework in these respects, as it would form an intrusive and incongruous feature within the street scene, which would not be in keeping with the prevailing pattern of development, and would result in material harm to the character and appearance of both Conservation Areas.
11. Whilst harm to the significance of the Conservation Areas would be less than substantial, the benefits of the proposal put forward by the appellant to remove garages that make a negative contribution to the aesthetics of the street, efficiently and effectively re-use unwanted garden and garage space, to provide properties to Lifetime Homes standards and to be energy efficient are not sufficient to outweigh the harm.
12. I therefore conclude that the proposal would form a prominent incongruous form of development within the streetscene that would fail to preserve the character and appearance of the Old Hove Conservation Area and the Cliftonville Conservation Area. This would be contrary to the Brighton & Hove Local Plan 2005 (LP) Policies QD1, QD2 and QD5 which together seek development that is of a high standard of design including within street frontages and takes account of and reflects local characteristics; LP Policies QD3 and HO4 which both promote the efficient and effective use of land whilst incorporating an intensity of development appropriate to the locality; and LP Policy HE6 which seeks development that preserves or enhances the character or appearance of conservation areas.
13. Concerns have been raised that if allowed, this proposal would set a precedent for development along the rest of the street. Whilst each application and appeal must be treated on its individual merits, I can appreciate the concern that approval of this scheme could be used in support of the development of other land to the rear of properties along St Aubyns. I consider that this is not a generalised fear of precedent, but a realistic and specific concern about the loss of the distinct open character of this part of Seafield Road. Allowing this appeal would make it more difficult to resist further planning applications for this form of development and I consider that the cumulative effect would significantly exacerbate the harm which I have already identified. I therefore apply considerable weight to this matter.

Living conditions for future occupiers

14. The proposed one bedroom dwelling, referred to by the appellant as a starter home would only have a small area of front garden which would be clearly visible from the adjacent road. The two bedroom dwelling would also have a similarly small front garden. Due to their small size and lack of privacy I do not consider that these front gardens would provide useable space for everyday outdoor activities associated with gardens including clothes drying, children's play, gardening and sitting out.
15. I acknowledge that the two bedroom property would also include an internal courtyard which would be open to the elements. This would be private but due to its size and sense of enclosure I am not convinced that this would provide

sufficient usable garden space for everyday outdoor activities as set out above. I also note that the dwellings would be in close proximity to recreational areas along Hove seafront, but this does not outweigh my concerns on the size of the private gardens.

16. I therefore conclude that the development would not provide adequate garden space for the scale and character of the dwellings proposed, resulting in unacceptable living conditions for the future occupiers of the dwellings. This would be contrary to LP Policy HO5 which requires that new residential properties provide private useable garden space appropriate to the scale and character of the development. Although I recognise that many residents in surrounding properties will not have the benefit of a garden as they reside in flats created by the sub-division of larger, older dwellings, this would not reduce the need for the proposed 2 individual houses to provide sufficient garden space.

Living conditions for occupiers of neighbouring properties

17. The development would introduce a higher built form in close proximity to neighbouring properties, particularly No 47 and No 49 St Aubyns, whose lower floor occupants would directly look out on to the proposed rear elevations.
18. The two bedroom property would significantly reduce the size of the existing garden space for the occupants of No 47 St Aubyns to a depth of round 3.8m. I note that this would be used by the appellant and that they do not object to the size of the garden proposed. However in considering this appeal it is reasonable for me to also consider future occupants of No 47, not just the present occupiers. The occupants of No 47 would face directly on to a wall about 1.8m high. Although the height of the proposed dwelling would be stepped away from No 47, the proximity of the building would nevertheless increase the sense of enclosure for the existing occupants. This would result in a dominating and overbearing form of development that would have an adverse effect on how the occupants might use their rear habitable rooms. This together with the inadequate size of the proposed rear garden would also limit functionality of its use for everyday outdoor activities.
19. In comparison, the rear elevation of the dwelling behind No 49, would be sited at the same location as the rear wall of the existing garage. As such the existing intervening distance of around 8.2m between the rear of No 49 and the new house would be maintained. Although the occupants would look directly on to a single storey wall about 2.5m high with a lean-to-roof beyond rising to a 2 storey wall about 5.5m high, I do not consider that this would result in material harm to outlook for these occupants, especially as such distances are not unusual between rear facing properties within urban areas.
20. For these reasons I find the development would not lead to significant harm to the living conditions of occupiers of No 49. However that does not overcome the significant harm to outlook and garden space for the occupants of No 47. In addition, the information before me does not provide firm evidence that the development would not cause loss of light to occupiers of these or adjoining properties.
21. As the Framework seeks, amongst other things, to secure a good standard of amenity for all existing occupants of buildings, I consequently conclude that the appeal proposal would not be in accordance with this and would result in

- material harm to the living conditions of the occupants of neighbouring properties. It would therefore be contrary to LP Policy QD27 which includes seeking development that does not cause loss of amenity to existing occupiers.
22. Loss of privacy has been raised as a concern from occupants of neighbouring properties along St Aubyns and opposite the site along Seafield Road. However there would be no windows within the rear elevations of the proposed dwellings, only roof lights and the intervening distance between the development across the road to the properties on Seafield Road would be adequate to prevent overlooking and loss of privacy. I note that the Council does not object to the proposal in this respect and I have no reason to disagree.
23. The Council is also satisfied that the development would not cause harmful levels of noise and disturbance to existing residents and I have no reason to disagree. I also have no evidence that there would be glare from the proposed solar panels. However the lack of harm on these matters does not outweigh the harm I have identified on living conditions.

Other matters

24. The Framework aims to boost the supply of housing and there is no dispute that the Council does not have a 5 year land supply. Consequently relevant policies for the supply of housing are not considered to be up-to-date. The contribution that 2 dwellings would make to the supply of housing land therefore weighs heavily in support of this appeal.
25. The Framework supports housing development through the presumption in favour of sustainable development. I appreciate that the proposal would contribute towards meeting the need for housing in the area and is situated in a sustainable location close to existing services and facilities. I also recognise the economic benefits of the proposal, particularly in terms of the construction phase, though this would be temporary.
26. However having found that the development would have an adverse effect on the character and appearance of the locality, the proposal would not represent good design. The Framework confirms that this is a key aspect of sustainable development and in order for this to be acceptable proposals should improve the character and quality of the area. In addition I have found material harm to the living conditions of the occupiers of neighbouring properties as well as unacceptable living conditions for future occupiers. Therefore the proposal would not constitute a sustainable form of development and the presumption in favour of sustainable development does not apply.
27. I understand that no car parking spaces would be provided on-site as part of the development but this would be in line with the Council's maximum standards. I recognise that the development could add to on-street parking demand but as the Highway Authority does not object to the proposal and there is no firm evidence to the contrary, I have no reason to disagree.
28. I have considered other concerns raised including dust, noise and pollution during construction and increased waste. However the construction period would have a temporary impact and increased waste from future residents of the properties would not be significant. Concerns over the potential loss of property value and loss of views are not planning matters for my consideration.

Nor is the loss of a tree previously on the site, which is a matter for the Council to pursue. Consequently these matters do not affect my findings on the main issues. In reaching my conclusion I have also taken account of the letters of support for the proposal.

Conclusion

29. I find that significant weight should be attached to the harm the proposal would cause to the character and appearance of the street scene and to the living conditions of occupiers of neighbouring properties, particularly No 47. It would also result in unacceptable living conditions for the future occupiers of the dwellings in relation to garden size. I also apply considerable weight to the concerns that this proposal would set a precedent for similar development along the Seafield Road. Although I have found no demonstrable harm on some matters these do not outweigh my significant concerns on the main issues.
30. Although the provision of 2 houses weighs heavily in support of the appeal, it does not outweigh the significant harm I have identified. In addition I conclude that a presumption in favour of sustainable development does not apply. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Y. Wright

INSPECTOR



Appeal Decision

Site visit made on 21 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: 15 October 2015

Appeal Ref: APP/Q1445/W/15/3010728

72 and 72a The Droveaway, Hove, East Sussex BN3 6PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Sigma Homes Limited against Brighton & Hove City Council.
 - The application Ref BH2014/03843, is dated 14 November 2014.
 - The development proposed is demolition of 72 and 72a The Droveaway and erection of 1 No. 3 bed and 3 No. 5 bed properties with associated landscaping, parking, cycle and refuse storage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of 72 and 72a The Droveaway and erection of 1 No. 3 bed and 3 No. 5 bed properties with associated landscaping, parking, cycle and refuse storage at 72 and 72a The Droveaway, Hove, East Sussex BN3 6PR in accordance with the terms of the application, Ref BH2014/03843, dated 14 November 2014 and the plans submitted with it, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council states that had it been in a position to determine the application, it would have refused planning permission for reasons relating to the effect on the character and appearance of the surrounding area and the effect on the living conditions of occupiers of neighbouring properties, particularly in relation to outlook, privacy and noise.
3. I have used the site address as set out on the appeal form as the development also includes No 72a The Droveaway.
4. Reference is made by the appellant within their statement, to pre-application discussions regarding the development of this site. However as this was in relation to a different proposal which is not before me, I consider the appeal on the basis of that set out on the application.

Main Issues

5. The main issues raised by the proposal are:
 - The effect on the character and appearance of the surrounding area; and
 - The effect on the living conditions of the occupiers of neighbouring properties, particularly in relation to outlook, privacy and noise.

Reasons

Character and appearance

6. The site currently contains 2 dwellings. No 72a The Droveaway is a large 2 storey detached dwelling with integral garage and off road parking located at the front of the site. To the rear of this property is No 72 The Droveaway, located in a very large mature garden which is accessed via a narrow driveway that goes through an undercroft in the centre of No 72a. No 72 is a fairly modern substantial house consisting of part 1½ storeys and part 2 storeys due to various extensions and changes that have been added to the property over the years.
7. The front elevation of No 72 faces the rear gardens of dwellings along The Droveaway. It is also bounded to the east, south and west by the rear gardens of properties on Bishops Road, Hove Park Way and Hove Park Road. Properties on Bishops Road are raised slightly above the site, whilst those on Hove Park Way slope slightly down from the site.
8. The site is located in a residential area characterised by 2 storey detached and semi-detached properties of different types and styles, situated on plots of various sizes. The proposed dwelling on plot 1 would be of a similar design to houses within the streetscene, would maintain the street frontage along The Droveaway and provide an open access to the land to the rear. Although it would be significantly smaller than the existing and neighbouring properties, its size would not be untypical of the few smaller properties that do exist within the locality and would not adversely harm the streetscene. The area is capable of accommodating some variety in the size of houses.
9. The 3 proposed dwellings to the rear of the site on plots 2, 3 and 4 would be accessed from The Droveaway via a new shared driveway between plot 1 and No 70 The Droveaway. Plots 2 and 3 would generally be on the same footprint as the existing dwelling, with plot 4 adjacent to the east. All would be to the same orientation as the existing dwelling. Although the density of this part of the site would change with the addition of 2 new dwellings, the properties would sit in reasonably sized plots and would not be uncharacteristically close together when compared with the density and prevailing pattern of development within the local area. I also consider that the design and materials proposed would be acceptable as they reflect the varied styles and types of properties within the locality.
10. Although the proposed houses would be taller than No 72, the maximum ridge height would be around 64m which would be equivalent to that of No 70. The dwellings would therefore not be unduly prominent as they would reflect and be in keeping with the heights and scales of properties within the locality. In reaching this view I have taken account of the slightly sloping nature of the site. In addition and as observed on my site visit there are trees and mature planting along the boundaries of the site which would provide some degree of screening. Although several trees would be removed as part of the development a detailed landscaping scheme for further planting could be provided by condition to help ensure a satisfactory appearance.
11. The National Planning Policy Framework (the Framework) places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing

environment. Taking the above into account, I therefore conclude that the development would not have an adverse effect on the character and appearance of the surrounding area, would accord with the Framework in this respect and would not be contrary to the Brighton & Hove Local Plan 2005 (LP) Policies QD1, QD2, QD3 and QD5 which together seek development that is of a high standard of design, including street frontages, makes efficient and effective use of land and takes account of and reflects local characteristics.

12. It would also accord with LP Policies QD15 and QD16 which seek appropriate retention of existing landscaping and provision of new landscaping, including trees and hedgerows; LP Policy HO3 which seeks suitable dwelling types and sizes to reflect housing needs; and LP Policy HO4 which allows development of a higher density if it is of a high standard of design.

Living conditions

13. The position of the dwelling within plot 1 would be similar to the existing dwelling in relation to its siting adjacent to No 74 The Droveaway. As such I am satisfied that the development would not appear unduly intrusive and there would be no significant adverse affects to the living conditions of the occupiers of No 74.
14. I recognise that the development at plots 2, 3 and 4, would change the outlook for the occupiers of some neighbouring properties, due to the increased height compared to the house that already exists (No 70) and the closer proximity that the new dwellings would have to the shared garden boundaries. The dwelling at plot 4 would be within around 5m of the eastern boundary, whilst the dwelling at plot 2 would be within around 2.6m of the western boundary.
15. Although neighbours to the west of plot 2 and east of plot 4 would look out onto the side elevations of the properties, as there would only be 1 obscure glazed window in each elevation, I am satisfied that there would not be an increase in overlooking or material loss of privacy. Although the proposed dwellings would be clearly visible from neighbouring properties, the intervening distances between the houses would be sufficiently substantial that there would not be significant loss of light, overshadowing or the creation of an unacceptable sense of enclosure from within the houses or the gardens. In addition, on my site visit I saw that within the locality, some dwellings and rear gardens back on to the side elevations of neighbouring houses, reinforcing my view that this pattern of development is not uncommon in urban areas.
16. As there are substantial intervening distances between the rear of the properties along The Droveaway and the front of No 70, overlooking between these existing dwellings is not significant. As there would be similar intervening distances of around 40m between the new properties and existing houses to the north, I consider that the proposal would not materially increase overlooking or adversely affect privacy for the existing occupiers. I am also satisfied that the distance of around 60-70m between the main rear elevations of the dwellings on plots 2, 3 and 4 and properties along Hove Park Road to the south would also be sufficient so that the living conditions of neighbouring residents would not be materially affected.
17. The replacement access driveway would run along the western boundary of No 70 The Droveaway and the eastern boundary of the proposed new dwelling on plot 1. As the site proposes the addition of 2 further dwellings, the number of

vehicles using this driveway would increase. Whilst I acknowledge that this would result in some vehicle noise along the driveway, the appellant's noise assessment concludes that the frequency of vehicle movements and therefore the potential for noise and disturbance would not be significant. As backland development frequently exists within urban environments, such driveway arrangements are not uncommon. Based on the evidence before me I am therefore satisfied that the development would not cause unacceptable harm to the living conditions of the occupiers at No 70 in relation to noise and disturbance.

18. The Framework seeks, amongst other things, to secure a good standard of amenity for all existing and future occupants of buildings. I therefore conclude that taking all the above factors into account the proposed development would not result in material harm to the living conditions of the occupiers of neighbouring properties, and would provide acceptable living conditions for future occupiers. This would accord with the Framework and would not conflict with LP Policy QD27 which includes seeking development that does not cause loss of amenity to existing and proposed occupiers.

Other matters

19. I note that there is no objection in principle from the Council to residential development on this site as it is in a sustainable location close to local facilities and services and is within an urban area. Furthermore the proposal would provide additional housing in an area where there is not a 5 year land supply. Although the appellant has drawn my attention to another development site within the area, I have determined this appeal on its own individual merits.
20. Concerns have been raised about the effect the development would have on highway safety on The Droeway and existing local parking issues. However the development would only add 2 additional dwellings to the site, which would not create a significant amount of additional traffic. I also note that the Highway Authority does not object to the proposal and as there is no firm evidence to the contrary, I have no reason to disagree. Parking to the required standards would also be provided on site. I therefore find that the proposal would be in accordance with LP Policy TR7 which promotes highway safety.
21. I am also satisfied that the proposal would provide adequate sized gardens and appropriate cycle and motor vehicle parking. I also have no firm evidence before me that the proposal would adversely impact on wildlife or increase flooding and therefore the proposal would be in accordance with the development plan in these regards. I have considered other concerns raised about the clarity of details on the plans submitted and responsibility for maintaining fences, but these matters do not affect my findings on the main issues.

Conditions

22. I have considered the conditions suggested by the Council in light of the advice given in the Planning Practice Guidance (PPG). As such I do not impose all of them and amend others in the interests of precision and enforceability. I am satisfied that the conditions set out in my decision meet the tests within the PPG.

23. I attach a condition specifying the approved plans for the avoidance of doubt and in the interests of proper planning. Conditions requiring details on the materials to be used and landscaping are necessary in the interests of the character and appearance of the area. In relation to landscaping, this will ensure that appropriate planting is provided, trees and hedges to be retained are protected during construction and any subsequent planting failure is rectified.
24. A condition on slab levels is included to ensure the development takes account of existing site and neighbouring levels to safeguard living conditions for existing occupiers of neighbouring dwellings. I include conditions for the vehicle and pedestrian access and reinstatement of the footway on The Droveaway in the interests of both highway safety and the living conditions for future occupiers. Conditions are included to ensure that adequate vehicle and bicycle parking are provided before the house is occupied, to ensure adequate facilities are retained for future occupiers and for highway safety. A condition requiring refuse and recycling storage is necessary and reasonable to ensure satisfactory provision of facilities.
25. I have considered the suggested conditions requiring that the dwellings meet Lifetime Homes, water and energy efficiency standards. Following a Written Ministerial Statement dated 25 March 2015, the government has brought in optional national technical housing standards. This has amended the Planning Practice Guidance (PPG) (Ref: ID 56), so from 1 October 2015 existing local plan policies on access and internal space should be interpreted by reference to the new national technical standards. I have therefore attached a condition requiring compliance with the nearest appropriate technical standard. This will ensure that the dwellings are accessible and adaptable in accordance with the aims of LP Policy HO13.
26. Although LP Policy SU2 seeks amongst other things, to promote development that demonstrates a high standard of efficiency in the use of energy and water, specific reference to the former Code for Sustainable Homes or details on actual water use levels are not included. Although the Council refers to emerging Policy CP8 of the Brighton & Hove Submission City Plan Part One on this matter, I note that a modified version of this policy is currently out for consultation as part of the examination process. I am therefore only able to give this policy limited weight. As such and in light of the new optional technical standards and the changes to the PPG, the suggested conditions on water and energy efficiency are not justified and I have not imposed them.
27. I am not persuaded that it is necessary to remove all permitted development rights, as the Council suggests. The PPG indicates that such restrictions should be exceptional. However I have restricted windows in the western side elevation of plot 2 and the eastern side elevation of plot 4 to ensure that the privacy of neighbouring occupiers is not compromised.
28. I have considered the condition suggested by the Council regarding no removal of trees during a specified period of the year to ensure the protection of nesting birds during construction. However I find that this is not necessary as condition 5 restricts the removal of trees until an arboricultural method statement has been approved. Such measures could be included within this statement. I am also not persuaded that a separate condition requiring porous

material for all hard surfaces is necessary as this can be sought under condition 4. I therefore do not include these two conditions in my decision.

Conclusion

29. For the reasons given above I conclude that the appeal should be allowed.

Y. Wright

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1205/13/P/30/A, 1205/13/P/31/A, 1205/13/P/32/A, 1205/13/P/33/A, 1205/13/P/34/A, 1205/13/P/35/A, 1205/13/P/40, 1205/13/P/41 and 1205/13/P/42.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include all hard surfacing; boundary treatments; proposed planting including numbers and species of plants and details of size and planting method of any trees. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 6) No development shall take place until the following information has been submitted to and approved in writing by the local planning authority:

- a) a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; and
- b) full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

- 7) No development shall take place until a scheme setting out details for the vehicle and pedestrian access has been submitted to and approved in writing by the local planning authority. No part of this development shall be occupied until the access has been constructed in accordance with the approved details.
- 8) No dwelling shall be occupied until details of the reinstatement of the redundant vehicle crossover on The Drove way to a footway have been submitted to and approved in writing by the Local Planning Authority, and have been carried out in accordance with the approved specification.
- 9) No dwelling shall be occupied until details of secure bicycle parking have been submitted to and approved in writing by the local planning authority, and carried out in accordance with the approved details. The facilities shall thereafter be kept available for the parking of bicycles.
- 10) The vehicle parking areas shown on the approved plans shall not be used other than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.
- 11) No dwelling shall be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with the approved details. The refuse and recycling storage shall be retained as such thereafter.
- 12) Before occupation the dwellings shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition). Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.
- 13) Before the first occupation of the dwellings hereby permitted the side windows to the houses on plots 2 and 4 immediately adjacent to the east and west boundaries, shall be fitted with obscured glass and fixed shut to a height of 1.7 m above the finished floor level of the rooms they serve, and shall be permanently retained in that condition.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, other than those expressly authorised by this permission, shall be constructed on the western side elevation of the dwelling on plot 2 and the eastern side elevation of the dwelling on plot 4.

