

ITEM B

168 Old Shoreham Road, Hove

BH2014/02412
Full planning

19 NOVEMBER 2014

BH2014/02412 168 Old Shoreham Road, Hove



**Brighton & Hove
City Council**



Scale : 1:1,250

<u>No:</u>	BH2014/02412	<u>Ward:</u>	HOVE PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	168 Old Shoreham Road Hove		
<u>Proposal:</u>	Part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with associated external alterations to create 1no one bedroom flat (Part Retrospective).		
<u>Officer:</u>	Andrew Huntley Tel 292321	<u>Valid Date:</u>	24 July 2014
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	18 September 2014
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	David Chetwin Architects, 2 Titian Road, Hove BN3 5QS		
<u>Applicant:</u>	Dr Harjinder Heer, 144 Waldegrave Road, Brighton BN1 6GG		

1 RECOMMENDATION

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

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on the southern side of Old Shoreham Road. The area is mixed use in nature and is on a busy main road. The building on the application site is in a mixture of uses with a small beauty salon on the ground and first floor at the front and B1 space at the rear at ground floor level only. There are flats at first floor and second floor level. The use of the first floor front room is part of the ground floor salon.

3 RELEVANT HISTORY

BH2014/01988 - Conversion of existing office (B1) to form 1no one bedroom flat (C3) at first floor level with associated formation of Juliet balcony to rear elevation (Retrospective). Approved 23.09.2014.

BH2014/01093 - Part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with associated external alterations to create 1no one bedroom flat. Approved 11/06/2014.

BH2014/00664 - Replacement of existing UPVC windows with UPVC windows and french doors with Juliette balcony (Retrospective). Withdrawn 09/06/2014.

BH2014/00651 - Certificate of lawfulness for proposed change of use from office (B1) to 1no one bedroom flat (C3) at first floor level. Withdrawn 09/06/2014.

BH2013/03282 - Part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with

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associated external alterations to create 1no. two bedroom flat. Refused 18/12/2013.

BH2013/02373 - Erection of rear dormer to replace existing. Refused 26/09/2013. Appeal dismissed 10/04/2014.

4 THE APPLICATION

- 4.1 Planning permission is sought for the part change of use of ground floor from offices (B1) to residential (C3) with the erection of a single storey rear extension with associated external alterations to create 1 one bedroom flat.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Sixteen (16)** letters of representation have been received from **Dominoes Pizza 93 Old Shoreham Road, Altitude Hairdressing 170 Old Shoreham Road, Gentlemans Barbershop 95 Old Shoreham Road, Doctor Tech 166 Old Shoreham Road, Kurls 174 Old Shoreham Road, 170a Old Shoreham Road, 95a Old Shoreham Road, 166a Old Shoreham Road, 99a Old Shoreham Road, 91 Old Shoreham Road, Flat 5 172 Old Shoreham Road, Flat 3 Old Shoreham Road, 11 Frith Road, 13 Frith Road (x2) and 21 Frith Road objecting** to the application for the following reasons:

- Contrary to policy QD14.
- Poorly designed and sited and would have a terracing effect.
- Overbearing and loss of outlook.
- The rear extension will lead to overlooking and loss of privacy and be used as a terrace.
- The roof would be visible from 166 and 170 Old Shoreham Road.
- Block morning sun to the garden of 170A and will not be able to use the garden some morning as it will reduce heat and light to this area. 116 Old Shoreham Road will be similarly affected in the afternoons.
- Loss of light to the rear staff room could result in the tenants leaving at the end of their tenancy.
- The extension can not use materials sympathetic to the building as it is 140 years old and can not be matched by modern materials.
- Tilt and turn windows were refused for 170A Old Shoreham Road.
- Would like to see the documentation from the agents trying to let the offices to prove that they are genuine and not fraudulent in order to dupe the Council.
- Proposal will increase parking pressure in the area and increase traffic noise.
- Community has clearly stated they do not want this.

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- Provision of cycle racks and recycling boxes not a reason to destroy the buildings character.
- Application solely about money.
- Would like to register these objections to all future applications.
- Vans parking in the loading bay cause congestion in the area.

5.2 **One (1)** letter of representation has been received from **15 Frith Road** commenting on the application. The comments state that while they have no objections to the plans, it is unclear from the drawings whether an area of painted render or fence would be added to the back wall of the property in view of the loss of privacy this development would create.

5.3 **One (1)** letter of representation has been received from **166 Old Shoreham Road** raising no objection to the proposal.

5.4 **One (1)** letter of representation objecting to the application from **Councillors Bennett and Brown** has been received. Copy attached.

5.5 **County Archaeology:** Although this application site is situated within an Archaeological Notification Area, it is not believed that any significant archaeological remains are likely to be affected by these proposals. For this reason, there are no further recommendations to make in this instance.

5.6 **Environment Agency:** No comment.

Internal

5.7 **Environmental Health:**

11/09/2014

Whilst a chalk pit, has been identified in the desk top study, there are references to it being 60m to the East which is not the case. Having studied the mapping and drawn some delineation of the old chalk pit there are concerns that this does cross into the application site. The 1875 mapping shows the old chalk pit crossing into the site. By 1898, the green trace shows the old chalk pit area as being retracted.

5.8 Whilst it is noted that the site is built on by the 1910 mapping and this is a long period for any ground gases to have disappeared, we are dealing with the unknown as it was not known what was filled. Environmental sensibilities at that time are extremely different to those today and even with items considered as inert in the 1980s with advances in technology and research, these might not necessarily be considered inert by today's standards.

5.9 I consider as above, that LEAP may wish to reconsider the information.

24.09.2014

5.10 Further to my email comments dated 11th September 2014, with embedded images relating to the Leap desk top Survey, I can confirm that I have spoken with the report author and my concerns over the wrong brick field site being examined were not warranted. Given the age of the site, the professional

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consultants do not feel that there is a risk warranting further investigation at this time. Specifically, they state as follows:

- 5.11 "Given when these features were backfilled, it is considered that there is a negligible risk of ground gas impacting the site." The report concludes that the risks posed by the site are low.
- 5.12 It is considered appropriate to apply a discovery strategy to deal with any unexpected findings during the construction stages.
- 5.13 The retail unit on the ground floor remains and the proposed residential space is set back from the road. Therefore, there are no concerns in regard to the future residential unit to airborne pollution and have no planning objections on the grounds of air quality.
- 5.14 **Planning Policy:** Planning policy comments not required. The application should be determined in accordance with the adopted and emerging development plan.
- 5.15 **Transport:** Recommended approval as the Highway Authority has no objections, subject to the applicant providing further details of cycle parking which can be secured via condition.
- 5.16 Following interrogation of the TRICS database the proposals are not considered to increase trip generation above existing levels. The permitted use of an office of 78m² is considered to have more total person trips than that of the proposed single residential unit.
- 5.17 Therefore in light of there not being an increase in trip generation as a result of these proposals the Highway Authority would not look for a S106 contribution in this instance.
- 5.18 The applicant is not proposing any on-site car parking spaces. SPG04 states that the maximum car parking standard for a residential development outside a CPZ is 1 car parking per unit and 1 space per 2 units for visitors. Therefore the proposed level of car parking is in line with these standards and is deemed acceptable. The likely overspill car parking which will park on-street is not considered to warrant a refusal of planning permission.
- 5.19 SPG04 states that a minimum of 1 cycle parking space per residential unit plus 1 space per 3 dwellings for visitors. 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.
- 5.20 For this development of 1 residential unit the minimum cycle parking standards is 1 space. The applicant has set aside space within the communal hallway and the rear garden for cycle parking. However, they have not provided details of the nature of the stand. Therefore further details should be secured via condition.

6 MATERIAL CONSIDERATIONS

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

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU10	Noise nuisance
SU11	Polluted land and buildings
SU13	Minimisation and re-use of construction industry waste
QD1	Design – quality of development and design statements
QD14	Extensions and alterations
QD27	Protection of Amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development

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- HO9 Residential conversions and the retention of smaller dwellings
- HO13 Accessible housing and lifetime homes
- EM5 Release of redundant office floorspace and conversions to other uses
- EM6 Small industrial, business units and warehouse units

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- 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

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of the change of use, the design of the rear addition, its impact on the character and appearance of the area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, as well as sustainability, transport and waste minimisation issues.

Background:

- 8.2 This application is the third application in relation to the change of use and extension at this property. The first application, BH2013/03282, was refused for the following reasons:

- a) *The development would result in the loss of a small office unit (Use Class B1) contrary to policies EM5 and EM6 of the Brighton & Hove Local Plan which seeks to retain small industrial, business and warehouse premises (Use Classes B1, B2 and B8) for employment purposes.*
- b) *The rear extension by reason of its size, height and bulk would appear overly dominant and would fail to respect the character and proportions of the existing building, adjoining properties and the wider surrounding area. In addition, the extension is of a poor 'wrap around' design and would be poorly related to the existing dwelling, eroding the original plan form of the property. The proposal is thereby contrary to policy QD14 of the Brighton & Hove Local Plan and the provisions of Supplementary Planning Document 12, Design Guide for Extensions and Alterations.*
- c) *The proposed extension would rise 3.35m above ground level and extend the full width of the plot of land. As a result, due to its length, height and siting, the proposed extension would have an overbearing impact on 170 Old Shoreham Road, and would represent an un-neighbourly form of development. In addition, the extension would cause a loss of sunlight/daylight to the rear garden areas of 170 and 166 Old Shoreham Road (morning and afternoon respectively) due to the resultant overshadowing caused by the*

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height and depth of the extension. Therefore, it would cause a loss of amenity, contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan and the provisions of Supplementary Planning Document 12, Design Guide for Extensions and Alterations.

d) The proposed residential unit is judged to provide an inappropriate and poor standard of accommodation as the proposed bedrooms would be substantially enclosed, would likely receive inadequate natural light and have a poor outlook. Therefore, the proposal fails to provide an acceptable residential environment for future occupiers and is contrary to policy QD27 of the Brighton & Hove Local Plan.

8.3 The second application BH2014/01093 was approved on the 11th June 2014 subject to conditions. The proposal within this application is the same as this approval. The reason this application has been necessary, is that Condition 7 of approval BH2014/01093 required the submission of a land contamination investigation report be submitted prior to any works commencing. However, works commenced on site and footings laid down without this condition being satisfied and discharged. It was considered that permission BH2014/01093 had been lost as Condition 7 could not be satisfied. Works on site have ceased pending the outcome of this application.

8.4 While permission BH2014/01093 has been lost, that fact that the permission was granted planning permission is a material consideration with significant weight.

8.5 The main considerations in the determination of this application relate to the principle of the change of use, the design of the rear addition, its impact on the character and appearance of the area, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, as well as sustainability, transport and waste minimisation issues.

8.6 At present, there is no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 is adopted, with an agreed housing target, appeal Inspectors are likely to use the city's full objectively assessed need (OAN) for housing to 2030 (20,000 units) as the basis for the five year supply position. The Local Planning Authority is unable to demonstrate a five year supply against such a high requirement. As such, applications for new housing development need to be considered against paragraphs 14 and 49 of the NPPF. These paragraphs set out a general presumption in favour of sustainable development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As such the principle of residential development is acceptable in this location.

Principle:

8.7 Policy EM5 states that planning permission will not be granted for the change of use of offices premises or office sites to other purposes, unless they are genuinely redundant because the site is unsuitable for redevelopment or the premises are unsuitable and cannot be readily converted to provide different

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types of office accommodation or where a change of use is the only practicable way of preserving a building of architectural or historic interest.

- 8.9 Redundancy will be determined by considering the following factors:
- a. the length of time the premises have been vacant; together with
 - b. the marketing strategy adopted, in particular whether the building has been marketed at a price that reflects local market prices; and whether measures have been adopted to make the building attractive to different types of business user;
 - c. the prevailing vacancy rate for the size and type of office in Brighton & Hove;
 - d. the complexity of the floor layout, the floor to ceiling height, the number of storeys in relation to total floorspace and the prominence of the main entrance;
 - e. links to public transport; and
 - f. the quality of the building.
- 8.10 If following consideration of the above criteria, the offices and / or the sites are regarded as genuinely redundant, preference will be given to:
- alternative employment generating uses; followed by
 - affordable housing.
- 8.11 Policy EM6 states that small industrial and business premises will be retained for employment purposes unless:
- a. specially built or converted starter business units are available elsewhere in the neighbourhood at a comparable rental;
 - b. the premises have been assessed and are genuinely redundant i.e. they are vacant and have been marketed locally at price that reflects their condition and commercial value and for a period of time that reflects the likely demand for the size of premises;
 - c. continued use of the premises for business purposes would cause undue disturbance to residential neighbours; or
 - d. access to the premises does not meet an acceptable safety standard and cannot reasonably be improved.
 - e. a change of use is the only practicable way of preserving a building of architectural or historic interest.
- 8.12 Marketing information has been submitted which shows that there has been no serious interest since July 2012. The marketing states that upon the commencement of the marketing campaign in July 2012, interest was limited mainly due to this not being a recognised office location and severe shortage of parking and amenities in the vicinity. The report states that they did have 5 or 6 viewings in the period of marketing which continued until a freehold sale was achieved by an alternative agent in July 2013 without success.
- 8.13 Additional marketing information dated 5th March 2014 has been submitted confirming that marketing of the ground floor of the building has taken place since August 2013. At that point, there had been no enquiries for the unit. A further letter from Ellis and Partners has been received dated 9th June 2014 stating that no interest has been shown in the premises. In addition, they state

that there have been very few hits on their website for the premises and that they have no current enquiries that are likely to be satisfied by the space.

- 8.14 With this in mind, it is considered that the application has shown that the office space is genuinely redundant and the proposed change of use is considered to be in accordance with policy EM5 and EM6 of the Brighton and Hove Local Plan in this regard. Policy EM5 states a preference for affordable housing. However, taking into account the recent planning permission granted to convert the office into a 'market' flat, the small nature of the site and the unlikelihood that a registered provider would be interested as it is only one unit, it is considered that a refusal on the basis that the unit was not for affordable housing is not warranted in this instance.

Design and Character:

- 8.15 Local Plan policy QD14 requires extensions to be well designed, sited and detailed in relation to the existing building and the wider surrounding area. This is expanded upon by Supplementary Planning Document 12, Design Guide for Extensions and Alterations, which states that rear extensions, if excessively large and poorly designed, can be harmful to the appearance of the building, can reduce useable garden space for existing and future residents, and can be overbearing for neighbours, reducing their daylight and/or outlook. In addition, rear extensions should not normally extend beyond the main side walls of the building and should normally be no deeper than half the depth of the main body of the original building (measured internally).
- 8.16 The proposed rear extensions have flat roofs with parapets. This has a depth of 3m from the rear of the original building and a height of 2.8m. The depth of the main body of the existing building measures 8.7m and therefore the 3m deep extension is considerably less than half the depth of the main body of the house.
- 8.17 This proposal has been reduced in depth by a metre and has lost the wrap around element from the first application submitted. The height has also been reduced by 0.5m from the first application submitted. It is considered that, the extensions depth, height and width are now acceptable in design terms and would not appear as a dominant or bulky addition and that the original plan form of the property would still be readable. While the proposed rear extension would be visible from Leighton Road, it would not be as visually prominent or disruptive to the uniformity and rhythm of the terrace.
- 8.18 One of the representations received related to the terracing effect the proposed rear extension would have. However, the rear extension does not create terracing effect as this only occurs when side extensions excessively infill the rhythm of spaces between buildings. While the proposal also includes a side extension, this is located behind an existing addition and would not have an impact on the street scene. This side addition extends to the rear up to the line of the existing outrigger. This modest addition is considered to be acceptable in design terms and in keeping with the existing building.

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- 8.19 The application form and plans show the new additions would have a painted render finish. The use of render is in keeping with the host building and a suitably worded condition could be attached to secure that this is implemented.
- 8.20 Overall, the proposed extensions are of an acceptable design and would not be harmful to the character and appearance of the existing building and wider area. Therefore, the proposals are in accordance with policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12.

Amenity:

- 8.21 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.
- 8.22 It is considered that a residential use is unlikely have any greater impact than a business use operating at the premises. It is not considered that a residential use in itself would result in undue noise or disturbance to neighbouring properties.
- 8.23 The proposed extension would rise 2.8m above ground level. With this reduced height and depth from the earlier application, it is considered that the proposed extension would not have an overbearing impact on 170 Old Shoreham Road, or represent an un-neighbourly form of development.
- 8.24 The extension would have some impact on sunlight/daylight to the rear garden areas of 170 and 166 Old Shoreham Road (morning and afternoon respectively) due to the resultant overshadowing caused by the extension. However, this impact is considered to be minimal and would not in this instance warrant the refusal of planning permission.
- 8.25 The proposed extension and change of use would not have a detrimental impact on privacy as the only openings are on the rear, looking down the remainder of the garden. As such, the proposal is considered to be in accordance with policy QD27.
- 8.26 Retrospective planning permission has recently been granted for the retention of the Juliet balcony at first floor level. This is not part of this application and therefore, cannot be considered within this application. However, concerns have been raised that the flat roof of the proposed extension would be used as a terrace as occupants could climb over the installed railings. It is considered that the use of this flat roof as a terrace would have a detrimental impact on the levels of privacy and increase the perception of overlooking to neighbouring properties.
- 8.27 Within application BH2014/01093, a condition was attached stating that the flat roof could only be used for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. The use of such a condition is an established approach taken by the Local

Planning Authority to maintain control and the use of the flat roofs where overlooking and loss of privacy could occur. It is considered that an appropriately worded condition would satisfactorily ensure that the roof of the extension was not used for amenity purposes. In addition, as the roof would not belong to the occupants of the first floor flat, it is considered less likely that such a situation would occur.

- 8.28 Overall, the proposal would not have a detrimental impact on the amenity of neighbours and is in accordance with policies QD14 and QD27 of the Brighton and Hove Local Plan.

Land Contamination:

- 8.29 The proposed development has not been prioritised under Part IIA of the Environmental Protection Act 1990. However, it is situated on the edge of a historic chalk pit. Therefore, it was possible that there is some fill under, or near to this premises. For this reason, Environmental Health had requested a full phased land contamination condition, which was subsequently attached to planning permission BH201/01093.

- 8.30 A desktop study has been submitted with this application and discussions between the report authors and Environmental Health have taken place. Following these discussions, Environmental Health raises no objections to the proposal but do recommend that a contaminated land discovery condition be attached to any permission.

- 8.31 It is considered that a contaminated land discovery condition is reasonable and necessary due to the application site being situated on the edge of a historic chalk pit and could be secured by a suitably worded condition. Overall, the proposal is in accordance with policy SU11 of the Brighton and Hove Local Plan.

Standard of Accommodation:

- 8.32 The residential accommodation now proposed has only a single bedroom rather than the two from the first application. This proposal is judged to provide an acceptable standard of accommodation. While the proposed kitchen has a relatively poor outlook onto the flank wall of 166 Old Shoreham Road, this is not considered to warrant the refusal of planning permission. The proposal is therefore in accordance with policy QD27 of the Brighton & Hove Local Plan.

Sustainable Transport:

- 8.33 Brighton and Hove Local Plan policy TR1 requires all new development to provide for the travel demand it creates, whilst policy TR14 requires that new development must provide covered cycle parking facilities for residents.

- 8.34 The Transport Team do not have any objections to the proposal and therefore, no objections are raised in regard to transport and parking matters. The Highway Authority has requested further details of the cycle parking and it is considered that this could be secured by an appropriately worded condition.

Sustainability:

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- 8.35 Policy SU2 of the Brighton and Hove Local Plan requires new development to demonstrate a high level of efficiency in the use of water, energy and materials. Detail of proposed sustainability credentials of the scheme must be set out in a Sustainability Check list submitted with the application. In accordance with the SPD, any application for development on Brownfield sites to residential uses should include a Home Energy Report and reduce water consumption and minimise surface water run-off. The applicant has provided sufficient information to comply with Policy SU2 and SPD 08 for the refurbishment of existing building.

9 CONCLUSION

- 9.1 The proposed change of use from commercial to residential is considered acceptable in this instance and in accordance with local plan policy. The designs of the proposed extensions are of an acceptable design and would not harm the character and appearance of the area or the amenity of neighbours.

10 EQUALITIES

- 10.1 None identified.

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
Site Location	468(PL)2b		18.07.2014
Existing & Proposed Floor Plan & Elevations	468(PL)3j		23.10.2014

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

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

- 3) The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.

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

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- 4) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme.
Reason: To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- 5) The development hereby approved shall not be occupied until the refuse and recycling storage facilities indicated on the approved plans have been fully implemented and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan.
- 6) The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the Brighton & Hove Local Plan.

11.2 Informatives:

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

From: Vanessa Brown
Sent: 23 August 2014 07:53
To: Andrew Huntley;
Subject: 168 Old Shoreham Road

Dear Mr Huntley

Ref. BN2014\ 02412. 168 Old Shoreham Road

As Ward Councillors we wish to object to the above planning application. This extension would cause serious light and privacy issues to the adjoining property. It is being built right up to the boundary.

By providing a large flat roofed area on the extension adjacent to patio doors on the first floor, which were installed totally without the relevant consents, this could easily be used as a terrace which would cause really severe overlooking of the bedroom next door.

By applying policy QD 14 to two floors but not the ground floor is an inconsistent application of the policy.

The work on the previous application was begun without fulfilling any of the 8 conditions that had been imposed, 4 of which were pre-commencement conditions.

We strongly object to this application and would request that this application go before the planning committee if it should be recommended for approval.

Yours sincerely

Vanessa Brown.

Jayne Bennett